

**DA COMPLIANCE REPORTS**

**PLANNING COMMITTEE MEETING  
TUESDAY 11 AUGUST, 2015**

## TABLE OF CONTENTS

### DEVELOPMENT APPLICATION REPORTS

- 1. D58/15 1179 Anzac Parade, Matraville (DA/994/2011/C)**  
**Attachment 1:** DA Report - Compliance Report - 1179 Anzac Parade,  
MATRAVILLE ..... 3
  
- 2. D59/15 9 Brodie Avenue, Little Bay (DA/377/2015)**  
**Attachment 1:** DA Compliance Report - 9 Brodie Avenue, LITTLE BAY ..... 9
  
- 3. D60/15 61 Raglan Street, Malabar (DA/1/2015)**  
**Attachment 1:** DA Compliance Report - 61 Raglan Street, Malabar ..... 14

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/994/2011/C
<b>PROPERTY:</b>	1179 Anzac Parade, MATRAVILLE NSW 2036
<b>Proposal:</b>	Section 96 modification of the approved development by increasing the floor level of the entry foyers and side pathways, new rear stairs, increase of the size of ensuites, new rear first floor balconies with privacy screens. Original Proposal: Demolition of existing structures and construction of a part two/part three storey attached dual occupancy with garages
<b>Recommendation:</b>	Approval

D58/15

## Relevant Environment Planning Instruments:

### 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 new 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

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

- **Zone R2 – Low Density Residential**

The objectives of the R2 Low Density Residential zone that relate to the proposed development seek:

- 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; and
- To encourage housing affordability.

The proposed alterations and additions are considered to satisfy the objectives of the Low Density Residential R2 Zone in that the proposed development will maintain the desirable attributes of the established residential area. The effect of the proposal on the amenity of neighbouring sites, as discussed in the following sections of this report, are considered to be acceptable.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.5:1	0.51:1	See report for discussion.
Height of Building (Maximum)	9.5m	No Change	Yes
Lot Size (Minimum)	400m	No Change	Yes

### 3. Randwick Comprehensive DCP

#### 3.1 C1 Table: Low Density Residential

#### Randwick Development Control Plan

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

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

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2 Low Density Residential	Complies
<b>2</b>	<b>Site planning</b>		
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.5:1</b>	Site area = 557.9m <sup>2</sup> Existing FSR = 0.53 (as calculated in DA/994/2011, under RLEP 1998 consolidation) Proposed FSR = 0.51:1	See report for discussion.
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.2</b>	<b>Side setbacks:</b> Dwellings:	Minimum = 1200mm Existing = 900mm	See report for discussion.

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>• Frontage less than 9m = 900mm</li> <li>• Frontage b/w 9m and 12m = 900mm (Gnd &amp; 1<sup>st</sup> floor) 1500mm above</li> <li>• Frontage over 12m = 1200mm (Gnd &amp; 1<sup>st</sup> floor), 1500mm above.</li> </ul>	Proposed = nil setback for entrances and associated privacy screens.	
<b>4</b>	<b>Building design</b>		
<b>4.4</b>	<b>Roof Design and Features</b>		
	<ul style="list-style-type: none"> <li>i) Rooftop terraces on dwelling (not roof)</li> <li>ii) Roof terraces above garages (low side)</li> <li>Dormers</li> <li>iii) Dormer windows don't dominate</li> <li>iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</li> <li>v) Multiple dormers consistent</li> <li>vi) Suitable for existing                             <ul style="list-style-type: none"> <li>• Celestial windows and skylights</li> </ul> </li> <li>vii) Sympathetic to design of dwelling</li> <li>Mechanical equipment</li> <li>viii) Contained within roof form and not visible from street and surrounding properties.</li> </ul>	The proposed first floor rear terraces meet the relevant controls and objectives under the RDCP 2013.	Complies
<b>5</b>	<b>Amenity</b>		
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Balcony</b>		
	<ul style="list-style-type: none"> <li>i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side)</li> <li>ii) Privacy screens</li> <li>iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers)</li> <li>iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure)</li> <li>v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.</li> </ul>	The proposed rear first floor balcony will result in additional privacy impacts on the adjoining properties.	See report for discussion.
<b>5.4</b>	<b>Acoustic Privacy</b>		
	<ul style="list-style-type: none"> <li>i) noise sources not located adjacent to adjoining dwellings bedroom windows</li> <li>Attached dual occupancies</li> <li>ii) Reduce noise transmission between dwellings by:                             <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each other.</li> <li>- Locate less sensitive areas</li> </ul> </li> </ul>	The proposed changes to the entry configuration for the attached dual occupancies will not result in any additional acoustic impacts; the entrances will stay in	Complies

DCP Clause	Controls	Proposal	Compliance
	adjacent to the party wall to serve as noise buffer.	the same location as previously approved.	

**4. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p><b>Randwick Local Environmental Plan 2012</b></p> <p>The site is zoned R2 Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.</p> <p>The proposed modifications will promote the specific objectives of the zone by enhancing employment opportunities and servicing the needs of local and regional residents thereby ensuring the commercial viability of the town centre. It will also protect the amenity of residents in the neighbouring residential zones.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	None applicable
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the DCP, except where indicated in this report and discussed in the key issues section of the executive Council report.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	None applicable
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed modifications are consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A	The issues raised in the submissions have been addressed in the executive Council report.

D58/15

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

**5. Referral Comments**

No Referrals were required.

**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.

- Amend Condition No. 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:

<b>Plan</b>	<b>Rev.</b>	<b>Drawn by</b>	<b>Stamped</b>
DA01	F	Teknicon Design	22 May 2012
DA02	F	Teknicon Design	22 May 2012
DA03	F	Teknicon Design	22 May 2012
DA04	F	Teknicon Design	22 May 2012
DA05		Teknicon Design	22 May 2012

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
1179 Anzac Parade Matraville	407165M	05 December 2011

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA01 (issue A)	Teknicon Design	18/05/2015
DA02 (issue A)	Teknicon Design	18/05/2015
DA03 (issue A)	Teknicon Design	18/05/2015
DA04 (issue A)	Teknicon Design	18/05/2015
DA05 (issue A)	Teknicon Design	18/05/2015

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
	407165M_04	29/05/2015

**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:

**D58/15**

- **Add Condition No. 2(b) to read:**

2(b) The privacy screens to the northern and southern edges of the rear terrace at first floor level are to be provided with a 1.6m return, measured from the north-western and south-western corners of the rear first floor terrace.

- **Add Condition No. 2(c) to read:**

2(c) The landing and associated stairs to the rear of the northern dwelling at ground floor level shall be reconfigured so that the stairs face west. A privacy screen measuring 1.6m above the landing level is to be provided to the northern edge of the rear landing at ground floor level. The total area of any openings within the privacy screen must not exceeding 25% of the area of the screen

- **Add Condition No. 2(d) to read:**

2(d) A privacy screen measuring 1.6m above the landing level shall be provided to the southern edge of the landing to the rear of the southern dwelling at ground floor level. The total area of any openings within the privacy screen must not exceeding 25% of the area of the screen

- **Add Condition 2(e) to read:**

2(e) The external landing entry, associated stairs and privacy screen structures to both dwellings are to be deleted from the application. Entry design must be reverted back to the original approval under DA/994/2011.

- **Delete Condition No. 3**



# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/377/2015
<b>PROPERTY:</b>	9 Brodie Avenue, LITTLE BAY NSW 2036
<b>Proposal:</b>	Increase the height of the boundary wall on Florey Crescent boundary (Heritage Conservation Area).
<b>Recommendation:</b>	Refusal

D59/15

## Relevant Environment Planning Instruments:

### 1. SEPPs

### 2. Randwick LEP 2012

The subject site is zoned R1 General Residential under Randwick LEP 2012. The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow the comprehensive redevelopment of land for primarily residential and open space purposes.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings."*

The proposed development is classified as ancillary to a residential dwelling and is permissible in the zone. The proposal is not directly inconsistent with the zone objectives.

### 3. Randwick Comprehensive DCP

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.

Part E of the DCP contains site specific controls. The Prince Henry Site - Little Bay applies to the site. Section 4.16 contains controls for fencing and states:

*"It is important that the type and style of fencing on the Prince Henry site is consistent with the principle of buildings in a landscape setting, and continuing the character of the existing heritage buildings on site. Large, blank spaces are to be avoided as they detract from the streetscape and reduce safety through decreased passive surveillance of the street."*

The objectives of the controls are:

- *To define the edges between public and private land.*

- To provide privacy and security.
- To contribute positively to the public domain.

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

DCP Clause	Controls	Proposal	Compliance
<b>4.16 Fences</b>			
	i) Solid front fences facing the street are to be no higher than 1.2 metres. For residential flat buildings, multi-dwelling housing and attached dwellings, this may be increased to 1.8m where the fence has openings that make it at least 50% transparent, provided that this does not adversely affect the setting of the heritage buildings and the open character of the site.	2.435m – 2.150m  The proposed fencing relates to a secondary frontage however the front fence requirement is most suitably applied.	No
	ii) Side boundary fences are to have a maximum height of 1.8 metres.	NA (even if construed as a side boundary rather than secondary frontage, the proposal does not comply)	No
	iii) Fencing should be integrated with the building and landscape design through the use of compatible materials and detailing.	The proposed fence is of a nature that does not comply with the DCP control, is intrusive and cannot be screened by landscaping.	No
	iv) Fencing should return to the building line on side boundaries.	NA (dual frontage)	NA
	v) Sheet metal and wire fences are not appropriate.	Rendered masonry and metal feature railing	Yes
	vi) Preferred materials include masonry, and steel palisade fencing (paint finish).	Rendered masonry and metal fencing	Yes
	vii) The use of landscaping to soften the appearance and articulate fences is encouraged.	The proposed fencing is not articulated and is not screened by landscaping in any way.	No
	viii) Consistent low fencing, 700mm high, is to be provided along the Anzac Parade frontage of the site.	NA	NA
	ix) For residential flat buildings and multi-dwelling housing, fencing with a maximum height of 1.5 metres may be used to separate communal open space from private open space (at ground level). Fencing is to be articulated, and is to incorporate landscaping where appropriate.	NA	NA

The proposed increase in height exceeds the maximum prescribed by the DCP and cannot be supported. It will set an undesirable precedent in the area and will have an adverse impact on the streetscape. Furthermore, part of the proposed works have been completed and therefore

D59/15

cannot be retrospectively covered within the ambit of a Development Application under the EP&A Act, 1979.

**4. 79C Matters for consideration**

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The proposal is permissible in the R1 zone.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no draft environmental planning instruments relevant to the site or proposal.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposed increase in height of the fence is not supported as it exceeds the maximum fence height prescribed by the DCP and will have an adverse impact on the streetscape, and set an undesirable precedent for the area.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	There are no planning agreements relevant to the site.
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 not consistent with the dominant residential character, particularly the fencing styles, in the locality. The proposal would not result in detrimental social or economic impacts on the locality, but would set an undesirable precedent in terms of built form in the area.</p>
Section 79C(1)(c) – The suitability of the site for the development	The proposed increase in height of the fence is unsuitable for the site and the broader locality in which the development is situated.
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 will have an adverse impact on the streetscape in the locality. Accordingly, the proposal is considered not to be in the public interest.

**5. Referral Comments**

**Heritage Planner**

Background

*The subject site is located within the Prince Henry Hospital Conservation Area. The site and a number of buildings on it are listed on the State Heritage Register.*

The Subject Site

The subject site is within the south western part of the development area, within Precinct P3 as identified in the Prince Henry Site Development Control Plan, and is occupied a two storey townhouse, part of a group comprising nos.3 - 33 Brodie Avenue.

The townhouse group is bounded to the north by the Moran aged care facility, to the east by Brodie Avenue, to the south by Harvey Street and to the west by Jarrah House.

<b>Heritage element</b>	<b>Item</b>
Built elements in the vicinity	<ul style="list-style-type: none"> <li>• Heffron House</li> <li>• Delaney building</li> <li>• Flowers Ward 2</li> </ul>
Landscape elements in the vicinity	• Eastern suburbs banksia scrub
Aboriginal archaeological zone	Zone 2- High Sensitivity
Aboriginal identified site	Tram Loop
Historical archaeological zone	Former Prince Henry Hospital complex
Historical identified site	Sandstone rock cutting and Graffiti
Little Bay Geological site	No
Remnant native vegetation in the vicinity	ESBS

History

DA/571/2008 for 46 two and three storey townhouses, including strata subdivision, was approved in February 2009.

Proposal

The application proposes changes to the existing fence of the townhouse on the southern corner of Brodie Avenue and Florey Crescent. The townhouse has its primary frontage to Brodie Avenue and a secondary frontage to Florey Crescent. The existing fence to the Florey Crescent boundary is to be increased in height. Work on changes to the fence has already commenced.

Submission

The application is accompanied by a Statement of Environmental Effects prepared by Clearline Design which includes a Heritage section. The SEE notes that the proposed works are outside the historic precinct and that the property is not considered to be of heritage significance.

Approvals

As the site is listed on the State Heritage Register, the proposal needs to be the subject of an Integrated Development Application. As the NSW Heritage Council is the consent authority for the application, Council cannot issue development approval until the Heritage Council has provided conditions of consent.

An endorsement Exemption Notification Form under S.52 of the NSW Heritage Act was sought and approved by the NSW Office of Environment and Heritage in April 2015. The application can therefore be finalised without further consultation with or consent from the Heritage Office.

Controls

The section of Randwick Development Control Plan 2013 which relates to the Prince Henry site, Little Bay, as a number of Objectives and Controls in relation to Fences. The DCP includes a Control that solid front fences facing the street are to be no higher than 1.2m. For residential flat buildings, multi-unit housing and attached dwellings, this may be increased to 1.8m where the fence is at least 50% transparent, provided this does not adversely affect the setting of the heritage buildings and open character of the site.

Consistency of the proposal with LEP, CMP and AMP

The development is divided into three blocks by Florey Crescent. The northern block comprises a single row of townhouses. The central and southern blocks comprises a double

row of townhouses facing north and south and a single row facing Brodie Avenue. The townhouse is within the central block of 20 townhouses. Each of the townhouses has a private rear terrace and a small front courtyard separated from the street by metal palisade fencing on a masonry base with higher masonry piers. Corner townhouses have an additional side courtyard space. Higher masonry blades delineate the private entry porches to each of the townhouses.

Along Brodie Avenue the masonry base is faced in rough sandstone. Elsewhere the masonry base, which consists of off-form concrete and concrete blockwork, is rendered and painted. Fencing to the Florey Crescent boundary of the subject site steps down to relate to the footpath levels. The masonry base varies in height from 300mm to 1.1m, while the masonry piers vary in height from 1.4m to 1.7m. The application proposes to increase the height of the two sections of fencing closest to Brodie Avenue by 3 or 4 courses of concrete blocks (600 or 800mm). The highest section of masonry base will have a height of 1.6m while the highest masonry pier will have a height of 2.4m. The new masonry pier will be around 1.6m higher than the adjacent sandstone base and 1m higher than the palisades above.

There are concerns that the proposed increase in height of the fence does not relate to the slope of the site and will create an excessive difference in scale between the Florey Crescent frontage and the low sandstone fencing on the Brodie Avenue frontage. There are concerns that the proposed changes to the existing fencing will set a poor precedent for further incremental increases to fencing height in the townhouse group. The proposed changes will be inconsistent with DCP Controls, and impact on the open character of the site, including settings and views associated with built and landscape elements in the vicinity. It is recommended that the proposed changes to the existing fence be refused.

#### Recommendations

The development application should be refused on the following grounds:

- The proposed increase in height of the fence does not relate to the slope of the site, and will create an excessive difference in scale between the Florey Crescent frontage and the low sandstone fencing on the Brodie Avenue frontage.
- The proposed changes to the existing fencing will set a poor precedent for further incremental increases to fencing height in the townhouse group, be inconsistent with DCP Controls, and impact on the open character of the site, including settings and views associated with built and landscape elements in the vicinity.

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/1/2015
<b>PROPERTY:</b>	61 Raglan Street, MALABAR NSW 2036
<b>Proposal:</b>	Construction of a new 3 storey dwelling house including a semi-basement garage, attic storage area and boundary fence
<b>Recommendation:</b>	Approval

D60/15

## Relevant Environment Planning Instruments:

### 1. SEPPs

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. To assist in considering these matters, the SEPP requires consideration of a report on a preliminary investigation where a rezoning/development allows a change of use that may increase the risk to health or the environment from contamination.

A preliminary contamination assessment report was not provided, however it is not considered that the premises has been used for any potentially contaminating activities. Although it is considered that the site could be made suitable for the proposed development, further assessment of the entire site would be required relating to soil and groundwater contamination.

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

The applicant has submitted a BASIX certificate. The plans have been checked with regard to this 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.

### 2. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposal development is classified as a single dwelling and is permissible in the zone. The proposed development is considered with the zoning objectives. 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	0.732:1	Yes
Height of Building (Maximum)	9.5m	9.5m (RL24.40 – RL14.90) The ground level (existing) has been taken from the interpolated lowest RL (between RL14.94 and RL14.86) under the proposed ridge)	Yes.
Foreshore Scenic Protection Area	Council must be satisfied that the development: (a) 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 (b) Contributes to the scenic quality of the coastal foreshore.	The proposed development will maintain the visual quality of the foreshore in that the proposed contemporary form including appropriate fenestration, modern lines and light-toned colours will complement the natural elements of the coastal area and the aesthetic appearance of the proposal in relation to the foreshore.	It is therefore considered that the development meets the requirements specified in (a) and (b) above
Foreshore scenic protection area provisions		No colours and materials have been provided and applicant is seeking that a condition be placed on the recommendation.	Yes subject to condition
Heritage provisions		New dwelling will not dominate the heritage item on the other side of Victoria Street.	Yes.

### 3. Randwick Comprehensive DCP

#### 1.1 C1 Table: Low Density Residential

#### Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be



considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

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

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
		342.5sqm corner lot: 16.765m frontage along Raglan Street and 20.42m frontage along Victoria Street.	
<b>2.3</b>	<b>Site coverage</b>		
	301 to 450 sqm = 55%	Proposed = 41.2%	Yes
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) 301 to 450 sqm = 25% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones.	Proposed = 27.7% Conditioned to provide tree within the grassed area at the rear of the site.	Yes
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	301 to 450 sqm = 6m x 6m	Proposed = 9.135m x 5.57m	No, however the shortfall is minimal and the overall area is capable of accommodating a suitable area for the purposes of passive recreation
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1</b>	Proposed FSR = 0.732:1	Yes
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Proposed = 9.5m (RL24.40 - RL14.90)	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed = 7.6m	Yes, the site is sloping and the degree to which the proposal exceeds the

D60/15



DCP Clause	Controls	Proposal	Compliance
			7m maximum is minor and well within the maximum 8m height permissible for sloping sites. The highest walls are located at the low ends of the site.
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b> i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 1500mm for all other sites	Proposed = 6m  1500mm secondary street setback is provided	Yes  Yes
<b>3.3.2</b>	<b>Side setbacks:</b> Dwellings: • Frontage over 12m = 1200mm (Gnd & 1 <sup>st</sup> floor), 1800mm above.	Proposed = 1200mm for the first two levels (basement and ground floor). Only 1200mm is provided for the first floor level	Yes  No see key issues section above.
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	Respond specifically to the site characteristics and the surrounding natural and built context - • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design		Yes, subject to amendments
<b>4.4</b>	<b>Roof Design and Features</b>		
	Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. i) Multiple dormers consistent ii) Sympathetic to design of dwelling	Dormers are located at the north western and south eastern elevations of the roof plane.  The proposal includes a very steep roof over the dining room which also acts as a privacy screening measure restricting overlooking across to the rear yard of the neighbouring property at No. 65A	Yes, however see key issues section.  No, see key issues section

DCP Clause	Controls	Proposal	Compliance
		Victoria Street	
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)		Conditioned
<b>4.6</b>	<b>Earthworks</b>		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	Proposed cut and fill is minimal.	Yes
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.		Yes
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities)	No north facing windows affected by the proposed development.	Yes

DCP Clause	Controls	Proposal	Compliance
	<p>receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</p> <p>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 &lt;6m above ground) of neighbouring dwellings.</p> <p>vi) Variations may acceptable be subject to:</p> <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>		
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	<p>i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as:</p> <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>		Yes
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	<p>i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures:</p> <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> </ul>	Windows are generally considered to be adequately sited and dimensioned within the dwelling.	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> <p>ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)</p>	<p>North eastern elevation:</p> <ul style="list-style-type: none"> <li>• Ground level north east facing hallway window is offset;</li> <li>• First floor study room window is offset and setback behind a desk.</li> </ul> <p>South eastern elevation:</p> <ul style="list-style-type: none"> <li>• Ground level window has a direct outlook to the rear yard of neighbouring property however it services a bedroom which is a low use room and it will contain its own privacy measures,</li> <li>• Ground level dining room window will only have an outlook across to a blank wall of the neighbouring dwelling at No. 65A Victoria Street.</li> </ul>	
	<b>Balcony</b>		
	<ul style="list-style-type: none"> <li>i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side)</li> <li>ii) Privacy screens</li> <li>iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers)</li> <li>iv) Supplementary privacy devices: Screen planting and planter boxes Not sole privacy protection measure</li> <li>v) For sloping sites, step down and avoid large areas of ground floor decks or terraces.</li> </ul>	<p>The first floor rear balcony will, by virtue of the deletion of the roof form over the dining room have a direct outlook into the rear yards of neighbouring properties. Further, this balcony is in close proximity to neighbouring properties, which has the potential to result in adverse visual and acoustic privacy impacts.</p> <p>The first floor level rear balcony at the north eastern corner of the upper floor level will afford a direct view into the rear of</p>	<p>No, see key issues section above.</p> <p>No, see key issues section.</p>

DCP Clause	Controls	Proposal	Compliance
		neighbouring properties.	
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows	Conditions included.	Yes
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)		Yes
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	The proposed development has been notified to nearby properties. There have been no objections received relating to view loss. Notwithstanding, the proposed development contains a scale and built form that is generally consistent with the objectives under the RLEP and the RDCP constituting a reasonable development.	Yes – see key issues section above.
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation	Basement garage provided, which is considered to be an appropriate response to the site conditions.	Yes

DCP Clause	Controls	Proposal	Compliance
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	5.4m width	No, however the site has a large frontage and the opening will not dominate the Raglan Street frontage of the site.
<b>6.5</b>	<b>Garage Configuration</b>		
	i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1		Garage is considered to be suitably located within a lower ground floor level off Raglan Street.
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street		Yes
<b>7.2</b>	<b>Front Fencing</b>		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii) The fence must align with the front property boundary or the predominant fence setback line along the street.	1800mm maximum with upper two-thirds partially open (30% min), except for piers.	Yes, suitable conditions are included relating to other matters.

DCP Clause	Controls	Proposal	Compliance
	ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.		
<b>7.3</b>	<b>Side and rear fencing</b>		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.		Conditioned
<b>7.6</b>	<b>Air conditioning equipment</b>		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.		Conditioned
<b>8</b>	<b>Area Specific Controls</b>		
<b>8.3</b>	<b>Foreshore Scenic Protection Area</b>		
	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 proposed development presents well to the street frontages.	subject to condition

**4. 79C Matters for consideration**

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p><b>Randwick Local Environmental Plan 2012</b></p> <p>The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. See table below for compliance with development standards.</p> <p>The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table below.
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 have been addressed in this report.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.



## 5. Referral Comments

### Heritage Planner

#### **The Site**

*The site is located on the corner of Raglan Street and Victoria Street and is now vacant. To the south west of the site on the opposite side of Raglan Street is "Sunnyside" an Edwardian cottage listed as a heritage item under Randwick LEP 2012. The Randwick Heritage Study Inventory Sheet for the property describes it as a "magnificent Edwardian style brick cottage. More or less intact. Of note for its decorative timberwork, rendering, casement windows, terracotta roof with terracotta finials, window hoods, original fence and wrought iron work."*

#### **Proposal**

*The application proposes to demolish the existing cottage and to construct a new two storey dwelling over a semi-basement garage, with attic storage within the roof volume. The ground floor is to comprise living areas, three bedrooms, two bathrooms and a study. The first floor is to comprise two bedrooms, two bathrooms an extensive rumpus room with two rear balconies and an additional study.*

#### **Submission**

*The application has been accompanied by a Statement of Environmental Effects which recognises that the site is within the close vicinity of a heritage item. The SEE concludes that the proposed development is compatible with surrounding development and will not detract from the character of the locality, the aesthetic value of the foreshore area or the heritage value of the nearby heritage item.*

#### **Controls**

*Clause 5.10(1) of Randwick LEP 2012 includes an Objective of conserving the heritage significance of heritage items and heritage conservation area, including associated fabric, settings and views.*

#### **Comments**

*The site has a fall of around 1.5m away from the corner of Raglan Street and Victoria Street towards the rear (eastern) corner. The ground floor level of the western corner of the building is therefore close to ground level while the eastern corner is elevated around 2m above ground level, with stairs required up to the front entry and down to the rear garden. Dormer windows are to be provided to the attic storage area.*

*The dwelling adopts an unusual combination of roof forms. The main roof over the rumpus room comprises a 35 degree pitch hipped roof, while the projecting bedrooms have 60 degree steeply pitched gabled roofs. The roof form has not yet been fully resolved and the roof plan is incomplete, but will incorporate several unconventional valleys. A further steeply pitched roof over the kitchen/dining projection to the rear incorporates and conceals the upper level balcony. Lower pitched skillions are provided over the ground floor bathroom and study.*

*The site is within a highly diverse context which includes one and two storey dwellings. Due to the sloping topography a number of dwellings incorporate garages below the main floor level giving them a three storey scale to the street. Similarly roof forms are and external finishes are quite diverse including pitched roofs, flat roofs, rendered walls and face brick walls. The proposed dwelling will not provide a dominant element in this diverse context. "Sunnyside" is considerable elevated above the street and the scale of the proposed dwelling will not detract from the streetscape setting of the heritage item.*

#### **Recommendation**

*The following conditions should be included in any consent:*

- *The colours, materials and finishes of the external surfaces to the building are to be compatible with surrounding buildings. Details of the proposed colours, materials and textures (i.e.- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's 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.*

## Development Engineering

*An application has been received for construction of a new dwelling at the above site.*

*This report is based on the following plans and documentation:*

- *Architectural Plans by J Spiteri dated 31/12/14;*
- *Statement of Environmental Effects.*
- *Detail & Level Survey by Paul A Lawson dated Sept 2014.*

### **Splay Corner Comments**

*Development Engineering has included a condition in the DA Consent which requires the plans to be amended, prior to issuing of a Construction Certificate, to show any portion of the front boundary fence at the northeast corner of the site being constructed with a 2.0m x 2.0m splay should the fence be more than 0.60m in height above the Council footpath.*

*The splay is requested to maintain pedestrian and vehicle sight lines. Splayed corners appear for the property on the southern side of Victoria Street (64 Victoria St).*

### **Drainage Comments**

*Due to the subject site being located close to Malabar Beach and with the presence of rock in the area Council does not require the subject site to have a 5sqm infiltration pit.*

### **Undergrounding of power lines to site**

*At the ordinary Council meeting on the 27<sup>th</sup> May 2014 it was resolved that;*

*Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.*

*The subject **is** located within 15m of a power pole on the same side of the street hence the above clause **is** applicable*

*A suitable condition has been included in this report.*

## 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:

D60/15

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
A-01	John Spiteri Design and Drafting	31/12/2014	2 January 2015
A-02		31/12/2014	2 January 2015
A-03		31/12/2014	2 January 2015
A-04		29/12/2014	2 January 2015
A-05		31/12/2014	2 January 2015
A-06		31/12/2014	2 January 2015
A-07		31/12/2014	2 January 2015

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
600585S	31 December 2014	2 January 2015

### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. The south east facing first floor balcony (and doorway) shall be deleted from the development as the balcony will afford a direct view into the rear yards of neighbouring properties. Details showing compliance with this condition shall be included in the Construction Certificate plans.
  - b. The steep roof form over the dining room returning to the rear upper level balcony shall be amended into either a flat roof or alternatively a less pronounced hipped roof returning to the rear elevation of the balcony so that at its peak it has a height no higher than RL20.63. The adjacent rear upper level balcony shall also be reduced in size so that it has maximum dimensions of 4m in length measured equidistant across the rumpus room doorway and a maximum depth of 2m from the south eastern elevation of the rumpus room. A 1.6m high privacy screen shall be installed along the south eastern side of the balcony in order to restrict sightlines into the rear yard of the neighbouring property at No. 65 Victoria Street. Details showing compliance with this condition shall be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the development
  - c. The air conditioning equipment must be located at ground level and away from the neighbouring properties habitable room windows, and comply with the operational conditions of this consent.
  - d. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
  - e. The rainwater tank must be located away from habitable room windows of the neighbouring properties, any pump or associated equipment must be located within a sound absorbing enclosure and comply with the operational conditions of this consent.
  - f. No consent is granted for fencing to the side or rear boundaries. Any new fencing shall be subject to a separate development application unless the side and rear boundary fence design meets the exempt and complying development criteria specified under the SEPP Exempt and Complying Codes 2008.
  - g. The fence on the street alignments is to be a maximum height of 1.8m (150mm allowance for drop downs) and be designed so that the upper two thirds of the fence (excluding any piers or posts) is at least 30% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. The driveway gate shall also be designed to be at least 30% open. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

## REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

### Consent Requirements

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

### External Colours, Materials & Finishes

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

External materials, finishes and colours of the building are required to compliment natural elements in the coastal area (using light toned neutral hues), and use durable materials suited to coast. To limit the level of reflection and glare, any metal roof sheeting is to be pre-painted (e.g. Colourbond) and the reflectivity index of glass used in the external façade of the development must not exceed 20 percent.

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

### Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$786,300.00 the following applicable monetary levy must be paid to Council: \$7,863.00.

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:

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

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

### **Long Service Levy Payments**

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

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

### **Security Deposit**

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

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

### **Design Alignment levels**

8. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must as follows:

#### Raglan Street Frontage

Driveway Entrance – 30mm below the Council footpath level at all points along the driveway opening.

Pedestrian Gate Entrance – 30mm above the Council footpath level.

Victoria Street Frontage – Pedestrian gate entrance is to be 100mm above the existing Council nature strip level at this location.

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$784.00 calculated at \$50.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
10. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the existing Council footpath in Raglan Street and 150mm below the existing ground level in Victoria Street.

**Splayed Wall Comments**

11. Prior to the issuing of a Construction Certificate the applicant is to amend the plans to show the front fence at the southwest corner of the site (Raglan St/ Victoria St intersection) being constructed with a 2.00m x 2.00m splay for any portion of the boundary fence that is constructed more than 600mm above the existing Council footpath level at this location. Details showing compliance with this condition are to be presented to the Certifying Authority.

**Driveway Design**

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

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

13. Prior to the issuing of a Construction Certificate the applicant is to amend the plans to show a garage door opening with a minimal width of 4.80m.
14. Prior to the issuing of a Construction Certificate the applicant is to demonstrate, on the submitted plans, compliance with AS 2890.1 (2004) headroom clearance.

**Sydney Water**

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

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

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

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

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

**Stormwater Drainage**

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

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

17. A site stormwater drainage system is to be provided in accordance with the following requirements (as applicable):
- a. The stormwater drainage system must be designed and constructed to satisfy the relevant requirements in the Building Code of Australia,



- b. Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling,
- c. The overflow from the rainwater tank and other surface stormwater must be directed to a suitably designed sediment/silt arrestor pit which drains to Council's kerb and gutter in Raglan Street,
- d. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- e. Details of the design and construction of the stormwater drainage system, and sediment site arrestor pit/s must be submitted to and approved by the Certifying Authority with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifying Authority.
- f. Any rainwater tank overflow/stormwater runoff which cannot be directed to the kerb and gutter at the front of the property (due to topographical constraints), shall be discharged either:
  - i. Through private drainage easements to Council's kerb and gutter (or underground drainage system); or
  - i. To a suitably sized infiltration area to the satisfaction of the Certifying Authority. As a guide, infiltration areas which do not have an overflow to the street should be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area draining to the infiltration area.
- g. The design and construction of any infiltration areas must be appropriate having regard to the site and ground characteristics.

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

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

Should ground conditions preclude construction of an infiltration pit (i.e. rock and/or a high water table be present on the site) and the owner/applicant be unable to obtain a private drainage easement to dispose of the stormwater to Council's stormwater drainage system, consideration may be given to the use of a pump out system.

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

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

- j. Details of the design and construction of the stormwater drainage system, sediment silt arrestor pit/s and infiltration area/s must be submitted to and approved by the Certifying Authority with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifying Authority.
18. Sediment/silt arrestor pit/s are to be provided within the site at or near the street boundary prior to stormwater being discharged from the site or into any infiltration areas. The sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements, to the satisfaction of the principal certifying authority:
- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
  - The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
  - A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
  - A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
  - A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
  - The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
  - A sign adjacent to this pit stating that:  
 "This sediment/silt arrestor pit shall be regularly inspected and cleaned."
19. Site seepage and sub-soil drainage must comply with the following requirements:
- a) Seepage/ground water and subsoil drainage must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
  - b) Adequate provision is to be made for the ground water to drain around the basement garage level (to ensure the basement will not dam or slow the movement of the ground water through the development site).
  - c) The walls of the basement level/s of the building may need to be waterproofed/tanked to restrict the entry of any seepage water, if encountered, into the basement level/s of the building and the stormwater drainage system for the development.

#### **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**

20. 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**

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

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

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

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

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

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

### **Certification, PCA & other Requirements**

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

**Home Building Act 1989**

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

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

**Dilapidation Reports**

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

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

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

**Construction Noise & Vibration Management Plan**

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

**Construction Site Management Plan**

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

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

D60/15

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**

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

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

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

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

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

### **Notes**

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

### **Demolition & Construction Waste Plan**

28. A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development.

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

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

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

### **Public Utilities**

29. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any

public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

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

**Landscaping**

- 31. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties and streetscape. A landscape plan shall be submitted to, and be approved by, the Manager of Development Assessment, prior to a construction certificate being issued.
- 32. Landscaped areas should contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

**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**

- 33. 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**

- 34. 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**

- 35. 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	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> </ul>

D60/15

detailed below)	<ul style="list-style-type: none"> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

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

**Demolition Work Requirements**

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

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

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

**Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.

D60/15

- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

### **Sediment & Erosion Control**

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

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

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

### **Public Safety & Site Management**

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

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

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any



public place or any location which may lead to the discharge of materials into the stormwater drainage system.

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

#### **Support of Adjoining Land, Excavations & Retaining Walls**

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*.

**Survey Requirements**

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

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

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

**Building Encroachments**

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

**Site Amenities**

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

**Road/Asset Opening Permit**

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

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

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

**Tree Management**

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

**Ausgrid**

48. As a mains power distribution pole is located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground (UGOH) connection.



**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**

49. 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**

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

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

**Council's Infrastructure, Vehicular Crossings & Road Openings**

51. The owner/developer must meet the full cost for a Council approved contractor to:
- a. Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, Council's specifications and requirements.
  - b. Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
52. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc. which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
53. 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.
54. The naturestrip 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.

#### **Stormwater Drainage**

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

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

#### **Ausgrid**

56. Prior to the issuing of any form of occupation certificate the Certifying Authority is to ensure the applicant has had Ausgrid relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground (UGOH) connection.

#### **Landscaping**

57. The PCA must ensure that landscaping at this site is installed substantially in accordance with Council approved landscape plans prior to issuing an Occupation Certificate, with the owner/s to ensure it is maintained in a healthy and vigorous state until maturity.
58. The landscaping provisions shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and landscaping is to be maintained in accordance with the approved plans and specifications.
59. 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.

#### **OPERATIONAL CONDITIONS**

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

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

**External Lighting**

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

**Street Numbering**

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

**Waste Management**

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

**Plant & Equipment**

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

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

**Air Conditioners**

64. 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**

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

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

**ADVISORY NOTES**

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

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

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

- A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
  - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
  - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).
- For further information about preventing falls from windows and balconies refer to [www.health.nsw.gov.au/childsafety](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.
- A11 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.
- Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.
- A12 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A13 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A14 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.