



Randwick City Council

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DA COMPLIANCE REPORTS

**ORDINARY COUNCIL MEETING
TUESDAY 26 APRIL 2016**

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Development Application Compliance Report



Folder/DA No:	DA/921/2015
Property:	3A Gordon Avenue, Coogee
Proposal:	Alterations and additions to the existing dwelling house including associated site and landscaping works.
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

SEPP 71 – Coastal Protection

SEPP 71 – Coastal Protection applies to this site. The proposal is not inconsistent with the aims of the policy. In particular, minimal disturbance is proposed to the coastal environment, weed removal and native planting are proposed, no marine disturbance is proposed, and the built form of the proposal is comparable to existing development in the surrounding coastal context. Further, the visual amenity of the area will be maintained by the proposal.

SEPP - BASIX

The applicant has submitted a BASIX certificate. The plans have been checked with regard to the 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 BASIX certificate are recommended.

2. Randwick LEP 2012

The following standards of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.6:1	0.17:1	Yes
Height of Building (Maximum)	9.5m	5.41m	Yes
Lot Size (Minimum)	N/A	N/A	N/A

Low Density Residential R2

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

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.

Heritage Conservation

The proposal is consistent with the specific objectives concerning heritage conservation. In particular, the proposal will not conflict with heritage items within the surrounding area. The proposed alterations and additions to the dwelling are simple and comparable in style to the existing dwelling. The proposed changes are unlikely to have any visibility from nearby heritage items, and will have no impact on the fabric, setting or views to and from the heritage items.

Foreshore Building Line

A foreshore building line runs across the site. A storage/garden shed is proposed within the foreshore area. The features on the site make it appropriate for a small shed to be erected within the foreshore area. In particular, although the site is large, limited space is available outside of the foreshore building line area and that space is proposed to be occupied by the dwelling, paths, landscaping and flat usable outdoor living areas. The proposed shed is small, only 2m high, will be partly recessed below ground level, will feature simple and non-reflective timber cladding and will be generally obscured from view of the coastal environment by existing and proposed vegetation. Further, a condition of consent is recommended to require retaining within the foreshore building line area to be sandstone or sandstone clad. Therefore, the proposed shed will not be inconsistent with the objectives of the foreshore building line (clause 6.6 of the RLEP 2012) as it will not impact on natural foreshore processes or affect the significance and amenity of the area.

Foreshore Scenic Protection

The site is located within the foreshore scenic protection area. The proposal is consistent with the specific objectives of the Foreshore Scenic Protection Area (Clause 6.7 of the RLEP 2012) and the development will satisfy the relevant criteria. In particular, the design and external finishes of the proposed additions are comparable to the existing dwelling and other dwellings within this part of the coastal environment. Further, landscaping and other site development is generally compatible with the coastal context.

3. Randwick Comprehensive DCP

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

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

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning		
2.3	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 2304m ² Proposed = 18.8%	Complies

DCP Clause	Controls	Proposal	Compliance
2.4	Landscaping and permeable surfaces		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% iv) <u>601 sqm or above = 35%</u> v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front vii) Retain existing or replace mature native trees viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.	Proposed = 37%	Complies
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Proposed = Greater than 9m X 9m	Complies
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.6:1	Proposed FSR = 0.17:1	Complies
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 5.41m	Complies
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) <u>Sloping sites = 8m</u> iii) Merit assessment if exceeded	Proposed = 5.41m	Complies
3.3	Setbacks		
3.3.1	Front setbacks	No change	N/A
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front		
3.3.2	Side setbacks:	Proposed = 2m	Complies
	Dwellings: <ul style="list-style-type: none"> • <u>Frontage less than 9m = 900mm</u> • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. 		

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DCP Clause	Controls	Proposal	Compliance
	Refer to 6.3 and 7.4 for parking facilities and outbuildings		
3.3.3	<p>Rear setbacks</p> <p>i) Minimum 25% of allotment depth or <u>8m</u>, whichever lesser. Note: control does not apply to corner allotments.</p> <p>ii) Provide greater than aforementioned or demonstrate not required, having regard to:</p> <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of: -</p> <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts. 	Proposed = 21.2m	Complies
4	Building design		
4.1	General		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	Max. side elevation length of 5.6m. Appropriate articulation. Not prominently visible from the streetscape.	Complies
4.4	Roof Design and Features		
	<p>i) Rooftop terraces on dwelling (not roof)</p> <p>ii) Roof terraces above garages (low side)</p> <p>Dormers</p> <p>iii) Dormer windows don't dominate</p> <p>iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</p> <p>v) Multiple dormers consistent</p> <p>vi) Suitable for existing</p> <ul style="list-style-type: none"> • Celestial windows and skylights <p>vii) Sympathetic to design of dwelling</p> <p>Mechanical equipment</p>	<p>No roof dormers or terraces proposed.</p> <p>Proposed celestial windows not significant relative to the size of the dwelling. Add architectural interest and generally compatible with style of the existing dwelling.</p>	Complies

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DCP Clause	Controls	Proposal	Compliance
	viii) Contained within roof form and not visible from street and surrounding properties.		
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	Schedule of materials and finishes provided. Proposed materials to be comparable to those of existing dwelling – include masonry, sandstone, aged copper, and roof tiles. Suitable for local coastal context and weather conditions.	Complies
4.6	Earthworks		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	Stepped retaining walls proposed within north-eastern corner of the site for POS to create terrace - to be over 900mm from boundary. Excavation/retaining for south-western addition to dwelling to be 900mm from boundary, max. depth of 1.5m (depth required due to steep site).	Complies
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	Solar access to north facing living room windows maintained.	Complies
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June.	Due to the position and topography of the site, below other residential sites and	Complies

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DCP Clause	Controls	Proposal	Compliance
	iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	the relatively low height of the additions, no additional shadowing of significance can be anticipated for nearby dwellings and POS.	
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas <i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	Appropriate amount and positioning of glazing and openings will ensure adequate day light and ventilation to the interior of the dwelling.	Complies
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing from proposed habitable room windows of neighbours' habitable room windows by one or more of the following measures:	Ground storey habitable windows proposed. Due to the low level of the site relative to adjoining	Complies

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	sites, these windows will not overlook habitable room windows or POS of adjoining sites.	
	Balcony		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) Minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	No raised terraces or balconies will overlook adjoining residential sites.	Complies
5.4	Acoustic Privacy		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows.	No new noise sources to adjoin	
5.5	Safety and Security		
	i) dwelling's 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).	No change to entry or casual surveillance situation.	N/A
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the	No view corridors have been identified as being impeded. Proposed and additions generally lower than surrounding dwellings.	Complies

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DCP Clause	Controls	Proposal	Compliance
	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)		
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	Proposed fencing to be galvanised metal mesh supported by timber framework.	Complies
7.3	Side and Rear Fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Side/rear fencing max. height of 1.8m.	Complies
7.4	Outbuildings		
	i) Locate behind the front building line. ii) Locate to optimise backyard space and not over required permeable areas. iii) Except for laneway development, only single storey (3.6m max. height and 2.4m max. wall height) iv) Nil side and rear setbacks where: <ul style="list-style-type: none"> - finished external walls (not requiring maintenance; - no openings facing neighbours lots and - maintain adequate solar access to the neighbours dwelling v) First floor addition to existing may be considered subject to: <ul style="list-style-type: none"> - Containing it within the roof form (attic) - Articulate the facades; - Use screen planting landscaping to visually soften the outbuilding; - Not be obtrusive when viewed from the adjoining properties; - Maintain adequate solar access to the adjoining dwellings; and - Maintain adequate privacy to the adjoining dwellings. vi) Must not be used as a separate business premises.	2m high storage/garden shed proposed in the rear of the site. 1.02m setback from rear boundary. Neighbouring site is parkland – amenity preserved.	Complies

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DCP Clause	Controls	Proposal	Compliance
7.6	Air Conditioning Equipment		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	None specified.	N/A
7.7	Communications Dishes and Aerial Antennae		
	i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: <ul style="list-style-type: none"> - Located behind the front and below roof ridge; - minimum 900mm side and rear setback and - avoid loss of views or outlook amenity iii) Max. 2.7m high freestanding dishes (existing).	None specified.	N/A
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not be prominently visible from the street	No changes specified. Room within rear of site.	N/A
8	Area Specific Controls		
8.3	Foreshore Scenic Protection Area		
	i) Consider visual presentation to the surrounding public domain, including streets, lanes, parks, reserves, foreshore walkways and coastal areas. All elevations visible from the public domain must be articulated. ii) Integrated outbuildings and ancillary structures with the dwelling design (coherent architecture). iii) Colour scheme complement natural elements in the coastal areas (light toned neutral hues). iv) Must not use high reflective glass v) Use durable materials suited to coast vi) Use appropriate plant species vii) Provide deep soil areas around buildings viii) Screen coping, swimming and spa pools from view from the public domain. ix) Integrate rock outcrops, shelves and large boulders into the landscape design x) Any retaining walls within the foreshore area (that is, encroaching	Additions generally articulated, have a low profile and are a continuation of the design of the existing building. Proposed materials to be comparable to those of existing dwelling – include masonry, sandstone, aged copper, and roof tiles. Suitable for local coastal context and weather conditions. Outbuilding to feature timber cladding and be partly set into the ground, obscured by vegetation – not highly visible. Cement rendered	Complies excluding retaining walls. Condition for compliance – sandstone or sandstone clad retaining walls within the foreshore building line.

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DCP Clause	Controls	Proposal	Compliance
	upon the Foreshore Building Line) must be constructed or clad with sandstone.	retaining walls proposed within the foreshore building line area – visible from coastal environment.	

4. 79C Matters for Consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Randwick Local Environmental Plan 2012 (Consolidation). The proposal generally satisfies the provisions of the RLEP 2012. See discussion above.
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 above.
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	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. 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.
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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5. Referral Comments

Landscape Development Engineer

The Council's landscape development engineer, Mr David Meredith, makes the following comments about the proposal:

The inspection of 1 April 2016 revealed a variety of mostly native vegetation around the northern side of the existing dwelling/site, which as a group, are a valuable feature as they assist with reducing the visual impact of buildings on the natural settings of Gordons Bay, provide a habitat source for native fauna along this harsh coastal strip, and also assist with shade, and screening and privacy.

Point 3.5 of the submitted SEE states that of the 22 trees surveyed, 19 will remain, with the only ones identified for removal being a small *Melaleuca armillaris* (Bracelet Honey Myrtle, T8) of poor condition adjacent the main entry/southwest corner of the existing building; some weeds (T14), and a small, self-seeded *Ficus obliqua* (Small Leafed Fig, T22) near the northeast corner of the house, that would attain large dimensions at maturity, obscuring views and dominating other naturally occurring species in this area, so no objections are raised to these, with the relevant consent provided.

While it appears that no works will pose a direct threat to the existing grove of established *Eucalyptus robusta* (Swamp Mahogany's, T17-19) and *Banksia serrata* (Saw Toothed Banksia's, T20-21) around the northeast corner of the existing house/site, excavations associated with installation of the 10,000 litre rainwater tank to their south, adjacent the northeast corner of the house, as well as any works for terracing or for the walkway (combined with the steep topography which makes access difficult in this part of the site), may result in secondary impacts, so in recognition of their importance to the local ecology, protection conditions have been applied.

Purely native species are proposed in the plant schedule for use on the steep embankment around the northeast corner of the site; but in order to avoid contaminating the local gene pool, conditions require that if species which have been recorded as occurring naturally in Gordons Bay are proposed for use, they must be sourced only from Council's Community Nursery, using only local provenance stock; or; alternative native species that are not endemic to the area will need to be selected, with written confirmation needing to be obtained from Council's Nursery to demonstrate compliance.

The timber sleeper and mulched walkway/stairs, linking the upper, outdoor area with the lower parts of the site will replace the existing failed stairs to their west, and as this area is currently overgrown with invasive weeds anyway, these improvements are supported.

Due to its frontline coastal location, SEPP 71 – Coastal Protection applies to this site, but given the relatively minor scope of works, there are no aspects of the proposal that would have a negative impact, so no concerns are raised.

Heritage Planner

The Council's heritage planner, Ms Lorraine Simpson, makes the following comments regarding the proposal.

The Site

The site has a considerable slope to the south east towards Gordon's Bay, and is occupied by a dwelling which steps down the site over three levels. The dwelling was constructed in the 1970s within the rear garden of no.3 and includes its former tennis court. The site has driveway access but no street frontage to Gordon Avenue. To the north of the site on the corner of Beach Street and Battery Street is "Cliffbrook" an Edwardian villa, listed as a heritage item under Randwick LEP 2012 and listed on the State Heritage Register. The State Heritage Register Inventory Sheet for the property notes its association with the larger original 'Cliffbrook' estate of John Thompson, Mayor of Randwick in 1873, (the largest surviving area of land of that estate), and with the first owner Sir Denison Miller who was the first Governor of the Commonwealth Bank. The Inventory Sheet notes that the house is of a high standard of

architectural design, well proportioned, with an impressive scale and appearance, and high standards of 1920s craftsmanship. To the north west of the site with frontages to both Gordon Avenue and Beach Street is no.2 Gordon Avenue, a 2 storey Arts and Crafts house, also listed as a heritage item. The Inventory Sheet notes its steeply pitched roofs with Tudor styled timbered gables.

Proposal

The application proposes alterations and additions at the main floor level, as well as changes to below ground areas. At the main floor level additions are proposed at the north east and south west corners of the dwelling. At the north east corner, the addition and the relocation of the tv room will provide a 50m² kitchen. At the south west corner a new master bedroom is to be provided with en-suite bathroom and walk-in robe. At sub-floor level, changes to walls will create a laundry, cellar and plant room.

Submission

The Statement of Environmental Effects which has been submitted with the proposal notes that the site is in the vicinity of two heritage items. The SEE considers that the proposed alterations and additions will not impact on items in the vicinity as the works are minor in nature, and consistent with the character of the area.

Controls

Clause 5.10 (1) of Randwick Local Environmental Plan 2012 includes an objective of conserving the heritage significance of heritage items, including associated fabric, settings and views.

Comments

The proposal includes a new section of clerestory roof above part of the kitchen area, new skylights to existing bedrooms and solar panels to the existing sloping clerestory roof and the flat roof of the existing garage. The proposed additions will not significantly enlarge the existing building envelope and no part of the additions will exceed the existing ridge height of the building.

In relation to no.2 Gordon Avenue, it is noted that the heritage item is located on the opposite side of the street, separated from the dwelling by nos.1 and 3 Gordon Avenue. The dwelling's double garage is set well back from the street is visible from Gordon Avenue, but the dwelling itself has minimal streetscape visibility, only its roof can be seen. It is assumed that the proposed solar panels to the garage roof will be mounted at an angle to the flat roof to maximise solar access. The proposed changes to either the dwelling or the garage will have no visibility from no.2 Gordon Avenue, and will not impact on the fabric, streetscape setting or views to and from the heritage item.

In relation to "Cliffbrook", it is noted that this site comprises a rectangular section fronting Beach and Battery Streets where Cliffbrook is located and a long landscaped "tail" extending to the north of the subject site, behind Battery Street properties as far as Tower Street. The heritage listed section of the site extends as far as the northern corner of the subject dwelling. The dwelling is well separated from Cliffbrook and screened by intervening buildings and landscaping and its site levels are around 10 below the site levels of Cliffbrook. The proposed changes are unlikely to have any visibility from Cliffbrook house, and will have no impact on the fabric, setting or views to and from the heritage item.

Recommendation

No heritage consent conditions are 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.

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DWG No. 00, and 02 to 10	Meacham Nockles McQualter	21 December 2015

<i>BASIX Certificate No.</i>	<i>Dated</i>
A229843	17 December 2015

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The "cement rendered retaining walls" proposed to the north of the tennis court shall be constructed of, or clad in sandstone.

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.

Landscape Plan

4. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plan & Proposed Plant Species by Meacham Nockles McQualter, dwg 13-14, revision A, dated 21.12.15.

Protection of Gordons Bay Reserve

5. Access to the site must be gained solely from the main entry off Gordon Avenue, and not through or over Council's Gordons Bay Reserve/coastal walk at any time.
6. In order to prevent silt and building waste being washed/running off towards or onto Council's Gordons Bay Reserve, permanent protective fencing and sediment control measures must be installed across that section of the southeast site boundary, between the tennis court and eastern boundary, prior to the commencement of any works, and must remain in place until completion.

7. Any new stormwater from within the site, including overflow pipes from the new underground rainwater tank, shall be captured and formally discharged in a suitable drainage system, and then carried over Council's reserve through a system approved by Council's Drainage Engineer. Certification from a suitably qualified Hydraulic Engineer confirming compliance with this requirement must be submitted to, and be approved by, the Certifying Authority/PCA, prior to the issue of a Construction Certificate.

Tree Protection Measures

8. In order to ensure retention of the grove of existing native trees around the northeast corner of the site, comprising *Eucalyptus robusta* (Swamp Mahogany's T17-19) and *Banksia serrata* (Saw Toothed Banksia's, T20-21) in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both of their trunks and canopies (as well as their tree identification numbers) to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. The Construction Certificate plans must show that the proposed 10,000 litre rainwater tank will be installed in the area between the existing, north-south orientated access stairs and the tennis court, and must be concealed below ground, as is shown on the Detail Sheet by AJ Whipps Consulting Group, dwg HDA02/P1, issue P1, dated 15.12.15.
 - c. Any new perimeter fencing along the northern and eastern boundaries, within a radius of 3 metres of their trunks, can only be a system which is supported on localised pad footings, not continuous strip footings, with details needing to confirm that it will comprise 1.8m high wire posts and panels, as has been shown on the Landscape Plan, dwg 14.
 - d. These trees must be physically protected in groups by installing evenly spaced star pickets at a setback of 2.5 metres measured off the outside edge of their trunks at ground level, matching up with the respective site boundaries, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose these trees for the duration of works.
 - e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - f. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of the TPZ described above.
 - g. Ground levels within the TPZ must not be altered by more than 200mm, with no other structures such as continuous strip footings, planters boxes or similar to be located in this area, and must remain as undisturbed, deep soil.
 - h. Within the TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
 - i. The PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

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External Colours, Materials & Finishes

9. The colours, materials and finishes of the external surfaces are to match those specified on the "Photomontage + Materials and Finishes" Drawing no. 11, prepared by Meacham Nockles McQualter, and dated 21 December 2015.

Section 94A Development Contributions

10. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$2,181,240 the following applicable monetary levy must be paid to Council: \$21,812.40.

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

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

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.

Long Service Levy Payments

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

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

Security Deposits

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

- \$600.00 - Damage / Civil Works Security Deposit

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

The owner/builder is also requested to advise Council in writing and/or photographs of

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any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

Sydney Water

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

14. 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

15. 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.

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Stormwater Drainage

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

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

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

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- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

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

Species Selection

18. To prevent contaminating the gene pool of endemic plant populations, any species that are included on the 'Proposed Species List', dwg 13, which have also been recorded as occurring naturally in Gordons Bay Reserve, can only be local provenance stock that have been sourced directly from Council's Community Nursery. In this regard, the applicant must liaise directly with Council's Nursery Supervisor on 9662-6225 for the selection and supply of such plant material.
19. Alternatively; other non-endemic, native coastal species will need to be selected in their place, with Council's Nursery Supervisor also to be consulted for this option.
20. Council's Nursery Supervisor must provide written confirmation of compliance with one of the two options provided above, prior to the installation of any plant material at this site, with the necessary adjustments needing to be made to dwg's 13-14 to demonstrate compliance.
21. The submitted Landscape plans, dwg's 13-14, must also be amended to include the following requirements, to the satisfaction of the Certifying Authority/PCA:
 - a) The new walkway/steps must use natural materials such as timber sleepers/logs and mulch infills to ensure it integrates into the natural settings of Gordons Bay;
 - b) Any environmental and noxious weeds on the sloped embankment to the east of the tennis court, within the site, must be formally removed, eradicated and disposed of from site;
 - c) A Plant Schedule must be provided showing the botanic names of all species, their location, quantities, pot size at the time of planting, dimensions at maturity, endemic or native, and whether they have been sourced or approved for use by Council's Nursery Supervisor;
 - d) To assist with soil stabilization as well as to prevent re-infestations of weeds, ground-covers must be incorporated into the 'heath regeneration' area on the sloped embankment;
 - e) All works on the sloped embankment between Trees 17-21 and the tennis court must follow existing grades, with ground levels not to be altered (cut or fill) by more than 300mm.

Home Building Act 1989

22. 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

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23. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

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

Construction Noise & Vibration Management Plan

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

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

Construction Site Management Plan

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

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

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

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

Public Utilities

26. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

28. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Tree Management

29. Approval is granted for removal of the following trees, subject to full implementation of the approved Landscape Plans:
- a) The small *Melaleuca armillaris* (Bracelet Honey Myrtle, T8) of poor condition adjacent the main entry/southwest corner of the existing building;
 - b) Those various noxious and environmental weeds (T14), along the northern side of

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the site;

- c) The small self-seeded *Ficus obliqua* (Small Leafed Fig, T22) near the northeast corner of the house, given its large size at maturity, and its resulting ability to obscure views and dominate other naturally occurring species in this area.

Restriction on Working Hours

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

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

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

Demolition Work Requirements

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

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

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

Removal of Asbestos Materials

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

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

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

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

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

Sediment & Erosion Control

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

Public Safety & Site Management

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

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

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

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

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

Support of Adjoining Land, Excavations & Retaining Walls

35. 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.

36. 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.

37. 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*.

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Building Encroachments

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

Road/Asset Opening Permit

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

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

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

40. 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

41. 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 and Street Verge

42. 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, reserve or similar which is due to the building works being carried out at the above site, and includes the removal of cement slurry or similar from Council property.

Landscaping

43. The PCA must ensure that landscaping at this site has been installed substantially in accordance with the approved plans and relevant conditions of consent, prior to the issue of any Occupation Certificate, with the owners to maintain it in a healthy and vigorous state until maturity.

Species selection

44. Prior to the issue of any Occupation Certificate, written confirmation from Council's Nursery Supervisor must be submitted to, and be approved by, the PCA, confirming that Council's Nursery was consulted on species selection for use in the landscape works, and that all instructions were followed, as per the conditions detailed earlier in this report.

Stormwater Drainage

45. Formal connection of the overflow pipe from the below ground rainwater tank into Council's system, must be approved in writing by Council's Drainage Engineer, prior to the issue of any 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.

Plant & Equipment

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

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

Rainwater Tanks

47. 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.

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- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A8 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A9 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.

A10 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).

A11 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A12 Demolition work and removal of asbestos materials:

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

A13 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A14 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

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Development Application Compliance Report



Folder /DA No:	DA/916/2015
PROPERTY:	25 Meehan Street, MATRAVILLE NSW 2036
Proposal:	Demolition of all structures on site and construction of a new 2 storey attached dual occupancy.
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

2. Randwick LEP 2012

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

There is no evident risk to human health and the environment in this case to warrant a more detailed investigation given the following:

- The immediate surrounds have been used for residential purposes for a considerable number of years.
- There is no evidence to suggest that potential land contaminating activities, such as those listed in Table 1 and Appendix A of the contaminated land planning guidelines of SEPP 55, have been carried out on the subject site or adjoining properties.
- The subject site is not identified under Randwick Local Environmental Plan 2012 (RLEP) as constituting contaminated land or land that must be subject to a site audit statement.
- The subject site is not subject to a notice, order, management proposal or site audit statement under the *Contaminated Land Management Act 1997*.
- Standard conditions are recommended to be included in a consent to require all necessary legislative and policy requirements (in particular Australian Standard 2601 (2001) Demolition of Structures) be adhered to with respect to demolition works and the removal of any asbestos containing materials from the site. This will avoid any surface contamination, subject to conditions.

Accordingly, nothing restricts Council, under SEPP 55, from consenting to the carrying out of the development.

1.1 SEPP (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development. The proposed development is a 'BASIX affected development' as defined under Clause 3 of the *Environmental Planning and Assessment Regulation 2000*. Clause 2A of Schedule 1 of *Environmental Planning and Assessment Regulation 2000* requires the submission of a BASIX Certificate/s.

The subject Development Application (DA) is accompanied by an appropriate BASIX Certificate. The certificate demonstrates that the proposal will achieve compliance with the BASIX water, energy and thermal efficiency targets.

The BASIX related annotations /details on the submitted plans have been checked. They are consistent with the related commitments indicated on the submitted BASIX Certificate for the DA stage.

Standard conditions of consent are recommended, inclusive of conditions requiring the following:

- The relevant details, as stated in the certificate, be indicated on Construction Certificate plans.
- The commitments are implemented and a compliance certificate is submitted to Council verifying this prior to obtaining an occupation certificate.

1.2 Randwick Local Environmental Plan 2012 (RLEP)

The subject site is zoned R2 'Low Density Residential' under RLEP 2012. The proposed development (defined as a 'dual occupancy attached') is permissible in the zone. The objectives of the zone are:

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

The proposed development will be consistent with the relevant objectives. It will maintain a low density residential form on the subject site. The increase in dwelling density will be one dwelling only. The proposal will provide an alternative form of development which may provide a more affordable option as opposed to a new detached dwelling house.

A schedule of external colours accompanies the subject DA. It indicates the application of dark grey - black wall render, roofing, gutters and downpipes. The exact colour name and brand has not been provided. Regardless the application of dark colours on external walls is not conducive to achieving the third objective above and thus will not represent a desirable element that contributes to the desired future character. Accordingly, a condition is recommended to require an alternative colour scheme consisting of a predominance of earthy, lighter colours (particularly for large wall expanses) to be submitted for the approval of Council's delegated officer prior to obtaining a Construction Certificate.

The amenity impacts have been reviewed and discussed in the accompanying Executive Summary Report and Section 3 below. Conditions are recommended to adequately control the privacy implications. The overshadowing impacts are reasonable given the site's orientation and compliant building envelope (with the exception of one setback at ground level which will be of no consequence to the impact).

Clause 2.6 – Subdivision – consent requirements

A subdivision plan accompanies the subject DA which indicates two (2) Torrens Title lots, one having an area of 254.7sqm and the other having an area of 255.97sqm. However, the applicant has advised and confirmed (by way of email dated 11 March 2016) that the subject DA does not propose land subdivision. Accordingly a condition is recommended to be included in a consent to ensure that no approval is granted to a subdivision scheme, particularly that indicated on Drawing Arch – 13 (Issue 1 dated 16 December 2015).

Clause 2.7 – Demolition requires development consent

The proposal includes demolition of the existing buildings on the subject site. Standard conditions are recommended to ensure that works are appropriately executed and adequate safeguards are provided during and after works.

Part 4 – Principal development standards

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Clause 4.1C – Minimum lot size for dual occupancies	450sqm	510.7sqm	Yes
Clause 4.3 – Height of Buildings (Maximum)	9.5m	Maximum of 8.1m (in the location of the master bedroom corner of Unit 1 based on an existing ground level RL of 36.3 and roof ridge of RL 44.4).	Yes
Clause 4.4 - Floor Space Ratio (Maximum)	0.5:1	0.499:1	Yes

Clause 5.9 – Preservation of trees or vegetation and Clause 5.9AA – Trees or vegetation not prescribed by development control plan

It is stated in the submitted Statement of Environmental Effects that the existing trees will be fully retained. The submitted landscape concept indicates one tree at the rear of the site to be retained. No objections are raised to the landscape concept subject to at least one (1) canopy tree being provided per lot as required by RCDCP 2013. Reference should also be made to the comments provided by Council’s Landscape Officer in the section below ‘Internal Referrals’.

Clause 6.2 – Earthworks

The relevant matters of Clause 6.2 have been considered. The development will be satisfactory with respect to these matters, subject to standard conditions and conditions recommended by Council’s Engineering Department, (as discussed in Section 5 below) being included in a consent and enforced. The conditions will ensure the following:

- Appropriate soil and erosion control measures will be established prior to the commencement and maintained until the completion of all the works. Periodic maintenance of the measures will be undertaken to ensure the measures remain effective.
- An appropriate stormwater drainage system will be provided which will include on-site detention. Details of such a system must be submitted for the approval of Council’s Development Engineer prior to obtaining a construction certificate.
- The quality of any off-site fill will be suitable for residential use. Where appropriate, excavated soils are to be used as backfill, or appropriately classified and sent to a waste management centre.

- A Construction Site Management Plan will be submitted for approval prior to commencing works. It must include a Waste Management Plan for demolition and construction wastes and the treatment / destination of excavated materials.
- Dilapidation reports on all neighbouring properties within the zone of influence will be submitted.

Clause 6.3 – Flood Planning

The subject site is not identified as being a 'flood planning area' on the Flood Planning Map. Council's Development Engineer has reviewed the subject proposal and has not raised any issues with regard to the flood planning levels.

Clause 6.4 Stormwater Management

Stormwater management for the site will be satisfactory with respect to the provisions of Clause 6.4, subject to the implementation of conditions as recommended by Council's Development Engineer.

Clause 6.8 – Airspace operations

Under the provisions of the Air Navigation (Building Control) Regulations, the concurrence of the Sydney Airports Corporation Limited is required where buildings will have a height of 15.24 metres or greater and fall within the Conical Surface of the Obstacle Limitation Surfaces for Sydney Airport. The proposed development will not have a height in excess of 15m.

Clause 6.9 – Development in areas subject to aircraft noise

The site is not indicated to be within an ANEF contour of 20 or greater on the Sydney Airport 2033 ANEF Map endorsed by Air Services Australia.

Clause 6.10 Essential Services

Clause 6.10 of the Randwick LEP 2012 states that Council must not grant consent to *'development unless it is satisfied that any of the following services that are essential for the development are available or adequate arrangements have been made to make them available when required'*:

- *The supply of water*
- *The supply of electricity*
- *The disposal and management of sewage*
- *Stormwater drainage or on-site conservation*
- *Suitable vehicular access*

The essential services for sewer, water and electricity exist on the site. They will be available for the development. As discussed above, conditions are to be included in the consent to ensure an appropriate stormwater drainage system is established on the site. Vehicular access will be maintained directly from Maroubra Road into the site.

A condition is recommended to require liaison with the relevant service authorities to determine any special requirements prior to the commencement of works.

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

3.1 C1 Table: Low Density Residential

RCDCP 2013 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	Complies
	Classification	Zoning = R2	Noted
2.1	Minimum lot size and frontage		
	Minimum lot size (RLEP): • R2 = 400sqm	510.7 sqm	Complies
	Minimum frontage		
	i) Minimum frontage for attached dual occupancy in R2 = 15m	Existing = 15.24m Proposed = 15.24m	Complies
2.3	Site coverage		
	451 to 600 sqm = 50% (Maximum)	Site = 510.7sqm Proposed = 34.8%	Complies
2.4	Landscaping and permeable surfaces		
	i) 451 to 600 sqm = 30% 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	Site = 510.7sqm Proposed = 38.03% A condition is recommended to require two mature canopy trees be provided (1 per dwelling).	Satisfactory
2.5	Private open space (POS)		
	Dual Occupancies (Attached and Detached) POS		
	451 to 600 sqm = 5m x 5m each ii) POS satisfy the following criteria: • Situated at ground level (except for duplex) • No open space on podiums or roofs • Adjacent to the living room • Oriented to maximise solar access • Located to the rear behind dwelling • Has minimal change in gradient • Includes landscaped areas, terraces, decks, paved surfaces and the like.	Site = 510.7sqm Proposed = Unit 1: >6mx6m Unit 2: >5mx5m The rear yard POS of Unit 1 will be directly accessible from the lower ground family room. This is acceptable given that a separate balcony will extend from the kitchen /dining room above. This balcony will be well sized and shaped to meet the expected day to day needs of occupants. The rear yard POS of Unit 2 will be accessible from a set of steps that extend from a balcony located directly adjacent to the living room (living room balcony). It will be adequately sized, shaped and orientated to cater for the service and recreational needs of future	Satisfactory

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DCP Clause	Controls	Proposal	Complies
		<p>occupants.</p> <p>The living room balcony has been amended in comparison to that originally proposed and a former dining room balcony has been deleted to reduce the privacy impacts on the neighbouring property at 32 Hilary Parade.</p> <p>The living room balcony has been reshaped to improve its functionality, whilst minimising privacy impacts to 32 Hilary Parade. It will provide a more useable and convenient space (rather than a thoroughfare in the case of the former balcony) directly accessible from the main internal living areas. Screening is recommended along the unscreened southern section of the balcony and adjacent to the steps (as discussed further below and in the Executive Summary Report). It will improve the privacy impacts to 32 Hilary Parade by being setback from the common boundary and consisting of adequate screening. It will be at a similar level to the existing rear balcony. In this regard overlooking will not be promoted to the properties 32 and 34 Hilary Parade in comparison to the existing situation.</p>	
3	Building envelope		
3.1	Max. Floor space ratio LEP 2012 = 0.5:1	Addressed above	
3.2	Building height		
	Max. overall height LEP 2012 = 9.5m	Addressed above	
	<ul style="list-style-type: none"> i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m for living areas, such as living room / lounge and dining room) ii) Sloping sites = 8m iii) Merit assessment if exceeded 	<p>Max.: 8m Proposed = max. of 7.98m (in the location of the master bedroom corner of Unit 1 based on an existing RL of 36.3 and proposed RL 44.28 to underside of eave)</p> <p>Proposed floor to ceiling heights: Lower Ground: 2.6m Ground Floor: 2.7m First Floor: 2.5m</p> <p>The variance to the floor-to-ceiling height at lower and first floor levels is accepted in this case given: 1. The minimum requirement under the BCA is 2.4m. 2. The applicant has amended the</p>	

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DCP Clause	Controls	Proposal	Complies
		<p>plans as requested to drop the proposed external wall heights to achieve compliance with the external wall height requirement of 8m. In this case further sinking of the building is difficult to achieve given the access gradients for the driveway.</p> <p>3. Larger front and rear openings will be provided to facilitate light access and natural ventilation.</p> <p>4. The variance will be satisfactory with respect to the objectives for the control.</p>	
3.3	Setbacks		
3.3.1	<p>Front setbacks</p> <p>i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment.</p>	<p>Minimum = 6.9m Proposed = 6.1m up to the front portico/above balcony and 6.65m up to garage. The front setback is appropriate in this case given:</p> <ul style="list-style-type: none"> ▪ The porticos at ground level and balconies above are open structures with no side wall extensions. ▪ The setback will match the Meehan Street setback of 32 Hillary Parade. ▪ The setback to the northern end of the front façade will create a sympathetic stepping together with the front setback of 23 Meehan Street. 	
3.3.2	<p>Side setbacks:</p> <ul style="list-style-type: none"> • Frontage 12m and over = 1200mm (Gnd & 1st floor), 1500mm above. <p>Refer to 6.3 and 7.4 for parking.</p>	<p>Unit 1- Lower ground: 1.2m Ground Floor: 1.2m First Floor: 1.2m</p> <p>Unit 2- Ground Floor: 1.15m-2.4m First Floor: 1.8m-2.3m</p> <p>The variance to the ground level side setback is satisfactory as it very minor, represents the absolute minimum given the angled side boundary, increases progressively to 2.4m, and would be of no significant consequence to the amenity impacts on neighbouring properties.</p>	<p>Yes Yes Yes</p> <p>Yes</p> <p>Satisfactory</p>
3.3.3	<p>Rear setbacks</p> <p>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</p> <p>ii) Provide greater than</p>	<p>Minimum = 8m to northern side and 5.486m to southern side</p> <p>Proposed = Unit 2: 5.343m to southern side Unit 1: 6.242m to northern side at</p>	Satisfactory

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DCP Clause	Controls	Proposal	Complies
	<p>aforementioned or demonstrate not required, having regard to:</p> <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of: -</p> <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts 	<p>lower ground level 7.169m at ground level 8.6m at first floor level.</p> <p>The outcome will be acceptable given:</p> <ul style="list-style-type: none"> ▪ The private open space dimensions at ground level will comply with the minimum requirement. ▪ The angled rear setback will be compatible with the stepped building line at 32 Hillary Parade. ▪ The setback of Unit 1 created by the lower ground floor will be 9.2m and in excess of the minimum 8m requirement. ▪ It is expected that a redevelopment of 23 Meehan Street will be shifted closer to the rear boundary, similar to that proposed. ▪ The ground level and first floor levels of Unit 1 will be setback further behind the existing rear boundary setback of 23 Meehan Street. ▪ The variance to the southern side is minimal. ▪ No significant consequence to the amenity impacts in comparison to a compliant situation, subject to the deletion of the rear deck accessed from the dining room and sitting room of Unit 2, to minimise the privacy impacts on the neighbouring property at 32 Hillary Parade. 	
4	Building design		
4.1	General		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context:</p> <ul style="list-style-type: none"> ▪ articulated to enhance streetscape ▪ stepping building on sloping site, ▪ no side elevation greater than 12m ▪ encourage innovative design 	<p>The development will consist of appropriate visual and physical articulation. The building height will step down in response to the slope. No side elevations will be greater than 12m without any articulation.</p>	Satisfactory
4.3	Additional Provisions for Attached Dual Occupancies		
	<p>Present similar bulk as single dwellings and street;</p> <p>i) Parking single garage</p>	<ul style="list-style-type: none"> ▪ A single garage width is proposed per dwelling. 	Satisfactory

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DCP Clause	Controls	Proposal	Complies
	width ii) Articulate and soften garage entry iii) Minimise driveway width iv) Maximum 2m setback of front entry from front façade v) Maximise landscape planting at front	<ul style="list-style-type: none"> ▪ Balconies are proposed over the garage, openings are proposed on the parking level and garage entries are proposed to be recessed below projecting balconies so garage entries do not dominate the façade and adequate articulation is provided. ▪ As discussed in the accompanying Executive Summary report, a condition is recommended to minimise the driveway width to limit the loss of on-street parking. ▪ Front entries will be setback less no more than 2m. ▪ Landscape planting opportunities will be maximised at the front. 	
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration vi) Recycled and re-use sandstone	As discussed in the section 'RLEP 2012' above, a condition is recommended to require an alternative colour scheme (i.e. consisting of earthy, lighter colours) be submitted for the approval of Council's delegated officer prior to obtaining a Construction Certificate.	Satisfactory subject to condition.
4.6	Earthworks		
	i) Excavation and backfilling limited to 1m, unless gradient too steep ii) Minimum 900mm side and rear setback iii) Step retaining walls iv) Site conditions allow for side or rear setback less than 900mm (max 2.2m) v) Sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) Cut and fill for POS is terraced where site has significant	Excavation and backfilling works will be undertaken for the provision of footings and underground services. Conditions are recommended to ensure adequate safeguards and procedures/practices are adopted during works. The RL of the finished ground level will be in a similar position to the existing. This will minimise excavation works. The ground level will be raised at its rear at a similar level to the existing (approximately 230mm lower). The amount of undercroft will not be increased. The form of Unit 1 will utilise the undercroft to provide a lower ground	

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DCP Clause	Controls	Proposal	Complies
	slope: vii) Adopt a split-level design for dwellings to minimise excavation and backfilling. viii) Minimise height and extent of any exposed under-croft areas.	family room. The undercroft of Unit 2 will not be exposed. It will be concealed by cement render walls.	
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	Solar access will be satisfactory given the orientation of the site. Solar access to the internal areas of Unit 1 will be facilitated by the north facing openings, however it is considered that any compliant development on the neighbouring property to the north will impact on the level of access. The proposed rear POS of each unit will receive a minimum of 3hrs of direct sunlight between 8am and 4pm on 21 June.	Satisfactory
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) Solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may be	Refer to the section 'Overshadowing' below this table.	Satisfactory

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DCP Clause	Controls	Proposal	Complies
	acceptable subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block • Topography of the subject and adjoining allotments • Location and level of the windows in question • Shadows cast by existing buildings on the neighbouring allotments 		
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> ▪ Skylights (ventilated) ▪ Clerestory windows ▪ Fanlights above doorways ▪ Highlight windows in internal partition walls ▪ Living rooms containing windows and doors opening to outdoor areas 	The subject DA is accompanied by a BASIX Certificate which indicates the development will achieve the necessary targets. Conditions are recommended to ensure that the Construction Certificate plans indicate the required commitments and that a compliance certificate is issued to certify that all the necessary commitments have been implemented.	Satisfactory subject to conditions.
5.3	Visual Privacy		
	i) Minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> ▪ windows are offset or staggered ▪ minimum 1600mm window sills ▪ Install fixed and translucent glazing up 1600mm minimum effective sill ▪ Install fixed privacy screens to windows. 	The privacy impacts of the proposed dwellings on the neighbouring properties to the south and east (32 and 34 Hilary Parade) have been discussed in the section 'Submissions' in the accompanying 'Executive Summary' report. Conditions are recommended to ensure impacts are minimised and reasonable. Upon request, the applicant has amended the plans to delete the dining room balcony indicated on the originally submitted plans. To further minimise the overlooking	Satisfactory subject to conditions.

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DCP Clause	Controls	Proposal	Complies
	<ul style="list-style-type: none"> ▪ Creating a recessed courtyard (minimum 3m x 2m) ii) Orientate living and dining windows away from similar opposite (that is front or rear or side courtyard) 	impacts on the neighbouring property to the north (23 Meehan Street) a condition is recommended to require: <ul style="list-style-type: none"> - Opaque glazing to the study room and kitchen windows of Unit 1 - A privacy screen along the northern side of the rear balcony of Unit 1 at ground level, i.e. fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers). 	
5.4	Acoustic Privacy		
	<ul style="list-style-type: none"> i) Noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> ▪ Locate noise-generating areas and quiet areas adjacent to each other. ▪ Locate less sensitive areas adjacent to the party wall to serve as noise buffer. 	No major noise sources are indicated adjacent to any neighbouring bedroom windows. A condition is recommended to require any air conditioning to be restricted in hours of use. The layout of the proposed dwellings will be consistent with the layout requirements.	Satisfactory subject to condition.
5.5	Safety and Security		
	<ul style="list-style-type: none"> i) Dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) One (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 obstruct casual surveillance (maintain safe access) 	<ul style="list-style-type: none"> i) The main entry of each dwelling will be on the front elevation. ii) A condition is recommended to require street numbering at front near the entry of each dwelling. iii) At least one (1) habitable room window of each dwelling will overlook the street. iv) The proposed front fence and parking facilities will not obstruct casual surveillance opportunities and maintain safe access. 	Satisfactory.
5.6	View Sharing		
	<ul style="list-style-type: none"> 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 	The proposed dwellings will have access to easterly views. This will promote view sharing initiatives.	Satisfactory

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DCP Clause	Controls	Proposal	Complies
	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)		
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Double width if: <ul style="list-style-type: none"> - 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 vi) Avoid long driveways (impermeable surfaces)	i) Proposed: 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Refer to Section 6.2 below iv) A double width garage is proposed. The qualifying provisions for a double width will be satisfied i) N/A ii) No long driveways are proposed.	Satisfactory.
6.2	Parking Facilities Forward of Front Façade Alignment		
	The provision of garages or carports (single or double width) within the front setback areas may only be considered where: <ul style="list-style-type: none"> ▪ There is no alternative, feasible location for accommodating car parking. ▪ The site has a significant slope with the dwelling being elevated above the 	The proposed garages are accepted on the following basis: <ul style="list-style-type: none"> ▪ There is no other reasonable alternative for accommodating car parking to meet the requirement for each dwelling, especially without creating extensive driveways down the sides of the site and minimising deep soil opportunities. ▪ The garage elements will not adversely affect the visual 	Satisfactory

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DCP Clause	Controls	Proposal	Complies
	<p>street level.</p> <ul style="list-style-type: none"> ▪ The garage or carport will not adversely affect the visual amenity of the street and the surrounding areas. ▪ The garage or carport location will not pose an undue risk on the safety of pedestrians. ▪ The garage or carport will not require the removal of significant landscape elements that enhance the streetscape, such as rock outcrop or sandstone retaining walls. 	<p>amenity of the street and the surrounding areas. Adequate visual articulation has been provided to minimise the dominance of the garage features (as discussed above). The double garage elements are typified within the surrounding streetscape.</p> <ul style="list-style-type: none"> ▪ The garages will not pose an undue risk on the safety of pedestrians. ▪ The garages will not require the removal of significant landscape elements that enhance the streetscape, such as rock outcrop or sandstone retaining walls. 	
6.3	Setbacks of Parking Facilities		
	<ul style="list-style-type: none"> i) Garages comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: <ul style="list-style-type: none"> ▪ Nil side setback on adjoining property; ▪ Streetscape compatibility; ▪ Safe for drivers and pedestrians; and ▪ Amalgamated driveway crossing. 	<p>The setbacks have been addressed in Section 3.3 above.</p>	<p>Satisfactory</p>
6.4	Driveway Configuration		
	<p>Maximum driveway width: - Double driveway – 5m Driveway width must taper at street boundary and at property boundary.</p>	<p>Proposed: 4.7m on-site width and 7m at kerb. A condition is recommended to require the driveway to taper over the footpath and provide a 5m – 6m wide crossover at the kerb. This will ensure that no additional on-street car spaces are reduced in comparison to the existing situation.</p>	<p>Satisfactory</p>
6.5	Garage Configuration		
	<ul style="list-style-type: none"> i) Recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): <ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> i) The garages will be recessed behind front of dwellings ii) The maximum garage width will be: <ul style="list-style-type: none"> Unit 1: 2.4m Unit 2: 2.4m iii) Each garage will have a length of 5.4m subject to each inward opening door being replaced by a sliding door. A condition is recommended accordingly to ensure this. iv) n/a v) Each garage door will have a 200mm recess vi) < 600mm bulkhead 	<p>Subject to condition</p>

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DCP Clause	Controls	Proposal	Complies
	vii) Minimum clearance 2.2m AS2890.1	vii) Each garage will meet the minimum clearance.	
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	<ul style="list-style-type: none"> i) Use durable materials ii) Sandstone not rendered or painted iii) Do not use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street 	Durable material will be used. There will be no expansive surfaces of blank rendered masonry.	Satisfactory
7.2	Front Fencing		
	<ul style="list-style-type: none"> 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) N/A iv) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes vii) Gates must not open over public land viii) The fence must align with the front property boundary or the predominant fence setback line along the street ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines 	A maximum height of 1.2m is proposed. The proposed materials are satisfactory. The rendered fence portion will match the external walls of the dwellings. The fence will align with the property boundary. The height, location and length of the fencing will enable appropriate sightlines.	Satisfactory
7.3	Side and rear fencing		
	<ul style="list-style-type: none"> i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed 	No side or rear fencing is proposed.	-

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DCP Clause	Controls	Proposal	Complies
	maximum if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.		
7.6	Air conditioning equipment		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) N/A iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	A condition is recommended to ensure: - No units are located on the street elevation. - The units operate during standard hours as specified in the standard conditions.	Satisfactory, subject to condition.
7.7	Communications Dishes and Aerial Antennae		
	i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: <ul style="list-style-type: none"> ▪ Located behind the front and below roof ridge; ▪ Minimum 900mm side and rear setback and ▪ Avoid loss of views or outlook amenity iii) Max. 2.7m high freestanding dishes (existing).	No dishes are proposed. A condition is recommended to require no more than 1 antenna per dwelling setback behind the front façade.	Satisfactory. Subject to condition.
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not be prominently visible from the street	A condition is recommended to require one (1) external clothes drying facility within each rear private open space.	Subject to condition.

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Overshadowing

The proposed additional shadows on the neighbouring property to the south, known as 32 Hilary Parade, Matraville, are reasonable given:

- The neighbouring property is located to the south of the subject site and therefore any expectation of avoiding an impact from a two storey, compliant form is unreasonable.
- The proposal is compliant with building envelope controls such a floor space ratio, building height, external wall height, landscaped area, site cover and setbacks, except for a minor setback section at ground level which will be of no consequence to the additional overshadowing impact.
- The building height (maximum RL) and floor-to-ceiling heights are appropriate. The building height is compliant (i.e. with the overall building height standard of RLEP 2012 and external wall height control of the RDCDP 2013) and comparable to that of the built form at 32 Hilary Parade, i.e. it is slightly lower and creates a desirable, stepped

transition from 32 Hilary Parade to 23 Meehan Street. The floor-to-ceiling heights are proposed to achieve the minimum requirement, or be 100mm to 200mm below the minimum (in the case of the lower and upper levels respectively). Further reductions are not favoured as they would not be in the interest of the internal amenity of the proposed dwellings, i.e. to facilitate light access and natural ventilation. The proposal as is represents a fair balance between the on-site amenity and impacts on the neighbouring properties.

- The window on the north elevation of 32 Hilary Parade does not serve a main living area but a guest bedroom (as marked on the approved plans). It will receive some solar access in the morning and then again in the afternoon for about an hour. The same room is also served by another window on the east elevation which will receive ample sunlight in the morning.
- The row of solar panels at 32 Hilary Parade will be overshadowed by the roof form of 32 Hillary Parade in the morning. Just before 10am there will be a minor additional impact to the northern end of the row of panels (i.e. impacting on less than one panel), which will slightly increase to impact on not more than 2.5 panels and then dissipate by 2pm. As such ample solar access and unaffected panels will be provided in winter.
- Over three (3) hours of solar access will be maintained to the rear yard of 32 Hilary Parade during June 21.

3.2 Section 94A Development Contributions Plan

A condition is recommended to specify the necessary contribution and timeframe for payment.

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The relevant provisions have been addressed above.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	No draft instrument apply in this case.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The relevant provisions have been addressed above.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 79C(1)(a)(iv) – Provisions of the regulations	<p>Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires the following matters to be taken into consideration by a consent authority in determining an application:</p> <p><i>(a) In the case of a development application for the carrying out of development:</i></p> <p><i>(i) in a local government area referred to in the Table to this clause, and</i></p> <p><i>(ii) on land to which the Government Coastal Policy applies,</i></p> <p><i>the provisions of that Policy,</i></p>

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Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	<p><i>(b) In the case of a development application for the demolition of a building, the provisions of AS 2601.</i></p> <p>The Government Coastal Policy does not apply to the proposed development site. A condition can be included in a consent to ensure the development complies with this Australian Standard for demolition.</p>
<p>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>	<p>The environmental impacts of the proposed development on the natural and built environment, have been addressed in the assessment of this report.</p> <p>The proposal would not result in detrimental social or economic impacts on the locality.</p>
<p>Section 79C(1)(c) – The suitability of the site for the development</p>	<p>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.</p>
<p>Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation</p>	<p>The issues raised in the submissions have been addressed in this report.</p>
<p>Section 79C(1)(e) – The public interest</p>	<p>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.</p>

5. Referral Comments

Development Engineer

This report is based on the following plans and documentation:

- *Architectural Plans by HR Building dated 21/12/2015;*
- *Statement of Environmental Effects by dated November 2015.*

2nd Car Space Issues/Comments

Development Engineering has reviewed the submitted plans for the proposed Dual Occupancy which has 3 bedrooms in each dwelling. The parking requirements for this development are that each dwelling has 2 off-street car spaces. A single car garage is proposed for each dwelling however Council will accept that the 2nd off-street car space can be located on the internal driveway provided the 2nd car space does not exceed a grade of 1:14.

Prior to proceeding with further assessment of the Development Application, Development Engineering requests that amended plans (internal driveway cross-sections) be submitted to Council which shows the following in regards to the 2nd off-street car space:

The driveway levels at the front boundary matching Council's existing footpath levels at the front boundary.

The location of the 2nd off-street car space (which is to have a length of at least 5.20m) on the internal driveway and a gradient not exceeding 1:14 (7.15%).

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Transitions either end of the 2nd car space, depending on location shall not exceed a grade of 1:8 (12.5%)

Note: The above requirements for the 2nd off-street car space may result in the proposed garage slab levels (RL38.675 & RL 38.45.) being raised and affecting the height of the dwelling/s.

Comment

Randwick Comprehensive Development Control Plan 2013 (RCDCP 2013) requires two (2) car spaces per dwelling. The provision of one (1) car space per dwelling is accepted in this case given:

- A second off-street car space within the front building line setback will require the proposed garage slab levels to be raised to achieve the gradients required, as advised by Council’s Development Engineer. This would increase the building height and external wall heights to result in non-compliances to the development standard of RLEP 2012 and control requirement of the RCDCP 2013, respectively. The increase in height will add to the additional overshadowing impact on the neighbouring property 32 Hilary Parade which is not a favoured outcome and in the public interest.
- The provision of a car parking space forward of the front building line is not a preferred outcome given the visual impact.
- The shape and size of the site does not provide an opportunity for a tandem garage per dwelling. This would adversely impact on the available main living area at ground level. To compensate for this, the dwelling would either have to be extended further to the rear or living areas relocated at an upper level. In both cases there would be additional privacy implications in comparison to the proposed impact. An extension to the rear would result in an inconsistent rear building line.
- Part 4.3-Additional Provisions for Attached Dual Occupancies of RCDCP 2013 requires built forms to have parking that is a single garage width. Double garage for each dwelling would not comply with this and would dominate the streetscape. In addition the driveway crossing would need to be extended which would result in the loss of additional on-street parking in comparison to the proposed situation. The on-site hard paving would be necessitated for an extended driveway resulting in the loss of landscaped area. This would be contrary to Part 4.3 which requires ‘landscape planting at front’ to be maximised.
- There are on-street car spaces available within the immediate vicinity. The recommended reduction to the vehicular crossing will protect one car space which can be consumed by any demands created by the proposed development.

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.

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Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Arch-1: Overview 1	HR Building	5/4/16 Amendment 3	April 2016
Arch-2: Overview 2	HR Building	5/4/16 Amendment 3	April 2016
Arch-3: Site Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-4: Lower Ground Floor Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-5: Ground Floor Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-6: First Floor Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-7: Elevation 1	HR Building	5/4/16 Amendment 3	April 2016
Arch-8: Elevation 2	HR Building	5/4/16 Amendment 3	April 2016
Arch-9: Elevation 3	HR Building	5/4/16 Amendment 3	April 2016
Arch-10: Section	HR Building	5/4/16 Amendment 3	April 2016
Arch-11: Section 2	HR Building	5/4/16 Amendment 3	April 2016
Arch-12: Landscape Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-13: Roof Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-14.1- 14.9: Shadow Diagrams	HR Building	5/4/16 Amendment 3	April 2016
Arch-15: Driveway levels	HR Building	5/4/16 Amendment 3	April 2016
Arch-16: Fence Plan	HR Building	5/4/16 Amendment 3	April 2016
Arch-21: Wall Height	HR Building	5/4/16 Amendment 3	April 2016

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
694148M	20 December 2015	22 December 2016

Amendment of Plans & Documentation

2. a. No approval is granted to the subdivision of the approved dual occupancy development, particularly that indicated on Drawing Arch – 13 (Issue 1 dated 16 December 2015).
- b. In addition to the privacy screens indicated on the approved plans, the following privacy screens shall be provided:
- Screening along the southern side of the master bedroom balcony of Unit 2. It should wrap around the south-east corner.
 - Screening along the unscreened southern side of the living room balcony of Unit 2.
 - Screening along northern side of the rear balcony of Unit 1 at ground level.
- All privacy screens must have a height of 1.5m from the finished floor level. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Details are to be indicated on the Construction Certificate plans to the satisfaction of the principal certifying authority.
- c. The following amendments shall be made and indicated on the Construction Certificate Plans to the satisfaction of the principal certifying authority:
- The master bedroom balcony of Unit 2 is to be reduced in size to have a maximum 1m depth (maximum).
 - The sitting room balcony of Unit 2 is to be deleted.
 - Provision of translucent, obscured, frosted or sandblasted glazing to the bathroom windows on the south elevation.

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- Provision of translucent, obscured, frosted or sandblasted glazing to the study room and kitchen windows of Unit 1 to a height of at least 1.5m from finished floor level.
 - Each inward opening door within the garage is to be replaced by a sliding door.
- d. The vehicular crossing at the kerb must not be more than 5.9m in width at the kerb. The driveway may taper over the footpath. Details are to be included with the Construction Certificate to the satisfaction of the principal certifying authority.

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 to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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 21 April 2015, based on the development cost of \$828,919 the following applicable monetary levy must be paid to Council: \$8,289.19.

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:

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

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

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

Security Deposits

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

- \$2,000.00 - Damage / Civil Works Security Deposit

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

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

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

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 be as follows:

50mm below the existing Council footpath level opposite the driveway entrance and pedestrian entrances.

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

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$792.00 calculated at \$52.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Sydney Water

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

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

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

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

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

Stormwater Drainage

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

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

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

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of the Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.

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- b) The stormwater must be discharged (by gravity) either:
- i. Council's drainage system located in Anzac Parade via a private drainage easement through adjoining land/premises; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system),

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

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

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

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

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

- d) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

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

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

- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in

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parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- h) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- i) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- j) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

- l) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- m) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
 - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.9

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

- n) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- o) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- p) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- q) Mulch or bark is not to be used in on-site detention areas.
- r) Seepage waters are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.
- s) 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.

Landscaping

13. Landscaping is to be provided to the site in accordance with the following requirements:

Detailed landscape drawings and specifications are to be submitted to and approved by the certifying authority with the construction certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). If Council is not the certifying authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the construction certificate.

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The landscaping plans/specifications are required to include the following components:

- a) A site plan at an appropriate scale showing: existing site boundaries; existing trees within the property (clearly identified as being retained or removed); existing street trees (clearly identified as being retained or removed); features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc); council's footway; existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained; proposed building envelope; proposed areas of pavement; and proposed landscaped areas.
- b) The position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- c) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- d) The landscape plan must include the provision of a minimum of 2 x 45 litre broad canopied tree/s (not palms) suitably located within the site. The tree/s selected shall be of a species that attain a minimum height of 6 metres at maturity.
- e) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- f) Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

Planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.

- g) Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- h) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc.

Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.

- i) Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- j) An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.

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REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE
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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

14. 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.

(Compliance with EP&A Act & Regulations – Include on all DA's)

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

Design Alignment levels

16. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

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

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

BASIX Requirements

17. 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.

18. 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.

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

Stormwater Drainage

(Site sloping away from street i.e. to rear of site)

19. 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 (via a sediment/silt arrestor pit) to:
 - i. Council's kerb and gutter (or underground drainage system) via a private drainage easement/s to; or
 - ii. A suitably sized infiltration area to the satisfaction of the Certifying Authority. As a guide, infiltration areas which do not have a formal overflow to the street should be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area draining to the infiltration area.
- d) The design and construction of the 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 the site or ground conditions preclude the construction of an infiltration pit (i.e. due to rock) and the owner/applicant is unable to obtain a private drainage easement to dispose of the stormwater, consideration may be given to the installation of a suitably designed pump-out system,

- e) 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,

- f) Any pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter,

Details of the design and construction of the stormwater drainage system, sediment site arrestor pit/s and infiltration area/s must be submitted to and approved by Council's Engineering Department prior to obtaining a Construction

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Certificate. All works are to be carried to the satisfaction of the Principal Certifying Authority.

Landscaping

20. 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 Director of City Planning, in accordance with section 80A (2) of the Environmental Planning & Assessment Act 1979, prior to a construction certificate being issued.
21. 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.
22. The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.
23. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.

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

24. Prior to the commencement of any building works, 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* and *Environmental Planning & Assessment Regulation 2000*.

A copy of the construction certificate, the approved plans and development 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

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

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

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

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

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

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

Home Building Act 1989

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

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

Dilapidation Reports

27. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

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

Construction Noise & Vibration Management Plan

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

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

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented

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throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

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

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

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

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

Demolition Work Plan

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

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

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

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

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

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- *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

31. 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

32. 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.
33. 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.

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.

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Inspections During Construction

34. 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

35. 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

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

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

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

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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be

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provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

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

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) 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

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

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

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

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

42. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
- as may be required by the *Principal Certifying Authority*.

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

Road/Asset Opening Permit

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

- A *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.

Drainage

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

Ausgrid

45. 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 between the mains distribution pole in Meehan Street and the development site to an underground (UGOH) connection.

Tree Management

46. 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 the approved landscaping which shall include the planting of 2 x 45 litre broad canopied replacement trees (not palm/s) within the site. The species selected shall be one/those that will attain a minimum height of 6 metres at maturity.
47. The owner is given the responsibility to remove the Council street tree located within the Council driveway construction zone. All costs associated with this work are to be at the owners expense.

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

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

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

Council's Infrastructure, Vehicular Crossings & Road Openings

49. Prior to the issuing of an occupation certificate the applicant must meet the full cost for a Council approved contractor to:
- a) Construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrances to the site, to Council's specifications and requirements.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
50. 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.

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51. 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.
52. 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.

Sydney Water

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

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

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

Ausgrid

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

Stormwater Drainage

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

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

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

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

Landscaping

58. The landscaping shall be installed in accordance with the approved plans and specifications prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

Waste Management

59. The owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services to the additional premises.
60. Detailed landscape drawings and specifications are to be submitted to and approved by the principal certifying authority with the construction certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). If Council is not the certifying authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the construction certificate. The landscape design should include:
- Screen planting adjacent to the rear north-east corner, along the northern side boundary.

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- Screen planting at the rear south-east corner in a similar location to the existing Frangipani Tree.
- Screen planting along the southern side boundary, directly adjacent to the balcony steps of Unit 2.
- One (1) mature canopy tree be provided per dwelling.

A planting schedule listing the plants by botanic and common names, plant numbers, pot sizes, estimated size of the plant at maturity (height and spread) shall be provided on the detailed plans. The tree/s selected shall be of a species that are evergreen and attain a minimum height of 12m at maturity in the case of the screen planting to the northern side boundary and 3m in the case of the screen planting at the south-east corner and southern side. Details of the selected species and locations shall be submitted to Council for approval prior to submitting a Construction Certificate.

The landscaping plans/specifications are required to also include the following components:

- a) A site plan at an appropriate scale showing: existing site boundaries; existing trees within the property (clearly identified as being retained or removed); existing street trees (clearly identified as being retained or removed); features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc); council's footway; existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained; proposed building envelope; proposed areas of pavement; and proposed landscaped areas.
- b) The position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- c) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- d) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- e) Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

Planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.
- f) Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- g) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc.

Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.

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- h) Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- i) An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.

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.

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.

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

Plant & Equipment

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

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

Air Conditioners

63. 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

64. 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.

65. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.

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ADVISORY NOTES

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

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

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

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

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

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

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

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

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

For further information please contact Council on 9399 0944.

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

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

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- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

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

- A10 Demolition work and removal of asbestos materials:

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

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

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

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

- A13 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

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

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