



**Randwick City  
Council**  
a sense of community

**DA COMPLIANCE REPORTS**

**ORDINARY COUNCIL MEETING  
TUESDAY, 26 JULY, 2016**

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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/140/2016
<b>PROPERTY:</b>	1/54A Bream Street, COOGEE NSW 2034
<b>Proposal:</b>	Alterations to utility lot at ground level in existing residential flat building and conversion to 1 bedroom dwelling (Variation to floor space ratio control).
<b>Recommendation:</b>	Deferred Commencement Approval

## Relevant Environment Planning Instruments:

### 1. SEPPs

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) operates in conjunction with the Environmental Planning & Assessment Regulation 2000 to ensure the effective attainment of the NSW Government sustainability targets in NSW. The development is defined as BASIX affected development under the provisions of the SEPP involving a construction works estimated at \$50,000 or more. In accordance with the provisions of clause 6 (1)(a) the Development Application was accompanied by a BASIX Certificate, prepared by Philip Perrie Architect and the plans annotated with the required commitments. Accordingly the application is consistent with the requirements of the SEPP and has satisfactorily demonstrated that the energy and water efficiency targets can be met.

Standard conditions of consent have been imposed to ensure that the BASIX commitments are incorporated into the final built development.

#### 1.2 State Environmental Planning Policy NO. 65 – Design Quality of Residential Flat Development

SEPP No. 65 aims to promote the quality design of Residential Flat Buildings. The proposal is subject to the policy as it involves substantial alterations to the existing residential flat building to facilitate the conversion of a utility lot into a 1 bedroom apartment. The proposal has been considered by Council's Design Review Panel. An extract of the Panel Comments are provided below:

##### *Principle 1: Context and Neighbourhood Character*

The existing three-storey strata titled apartment building (one of a group) is located on the corner of Bream and Mount Streets. It enjoys an easterly aspect and a fine view over parklands to its east. The location is served by a local bus route and is not far from shops, amenities and the beach – an excellent location for a small apartment.

The proposed works would appear to have no adverse impact on their surroundings

##### *Principle 2: Built Form and Scale*

Mount Street falls fairly steeply to the south and although the entrance to the proposed apartment space is slightly above ground level, the floor of most of it is below ground level. A small excavation of the space between the site boundary and the building is proposed to form

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a small out-door patio.

The applicant has recognised that it would be necessary to provide an inner-skin wall founded on a new concrete slab floor and separated by a cavity to seal the space from rising damp, however separation has not been provided for the central internal walls and particularly where the internal wall meets the external wall on the east. No provision for draining the exterior wall cavity has been shown. These works (which would reduce the size of the apartment) would appear to be feasible, but should be fully illustrated in the DA or required as conditions of consent.

The opinion of a fire engineer should be sought on the protection of the proposed window to the west and on the protection of the apartment above.

#### *Principle 3: Density*

The Panel does not consider that the additional density that would be generated by this proposal should be of concern.

#### *Principle 4: Sustainability*

The proposal is energy efficient as an outcome of it using an existing space. Reasonable cross ventilation is provided and ceiling fans are shown on the plans.

Window operation of the sidelights should be confirmed. Secure ventilation during the night will be important for this ground floor unit.

#### *Principle 5: Landscape*

The Proponent intends to discuss the provision of additional planting within the wide median strip to the east of the building. This initiative is supported by the Panel. Drainage from this sunken courtyard also needs to be shown, and there should be other overall improvements included in the DA, such as new water tanks for irrigating the gardens and the like.

#### *Principle 6: Amenity*

The proposed apartment is likely to be slightly below the area and ceiling height standards of the ADG, but it is the Panel's view that in the circumstances of an existing building, the proposal could be acceptable.

Preferably both the bedroom and the living room would enjoy full height doors to the new courtyard as their major openings. The small and high level windows on the side should only be there for secondary light and air to the main rooms, and to serve the service rooms. Such windows would all be better as obscure glass.

Alternate internal planning arrangements could be investigated. If the central wall was replaced by a concrete column the space may be more useful. As views are available on the east and option for the bedroom and bathroom to be on the west could be considered. This would make the entry into the unit more generous as it would open into a living space. Should the bathroom window be more shielded from the entry?  
Acoustic separation details will need to be verified.

#### *Principle 7: Safety*

Having a good view of the street, the proposal would be likely to enhance public safety. The BCA issues need to be fully investigated and reported on in the DA.

#### *Principle 8: Housing Diversity and Social interaction*

As a small addition that has virtually no adverse impacts in a neighbourhood suitable for a

wide range of purchasers, the proposal is supported by the Panel.

*Principle 9: Aesthetics*

The existing building is of sufficient quality to warrant concern about ensuring that the design is consistent with the existing design. The proposed kitchen and bathroom windows should be in located in line with and of the same proportions as those above it and any modifications to the balconies above the new openings used for fire isolation should be as consistent as possible in their design with the other balconies on the building. The making of new openings needs to be considered in much more detail with regard to amenity, environment and construction detail.

**SUMMARY AND RECCOMENDATIONS**

Subject to the inclusion of details that demonstrate that the issues of rising damp and the other above recommendations have been satisfactorily addressed in the DA, the Panel is happy to support this application.

**Planner’s comments**

The panel has reviewed the proposed development and a number of minor recommendations have been made in relation to the finer design details.

In particular, the panel recommends that the windows on both the east and west elevation should be positioned to match that of the apartments above and be of obscure glazing.

Appropriate conditions have been included to address these recommendations and those associated with the rising damp.

**APARTMENT DESIGN GUIDE**

An assessment has been carried out in accordance with Part 3: Siting the Development and Part 4: Designing the Building of the Apartment Design Guide against the design criteria requirements. Any non-compliance to the design criteria includes a merits based assessment as per the design guidance of the Apartment Design Guide.

**Part 3 – Siting the development**

The location and siting of the building, including vehicular and pedestrian access and entry points already exist on the site. The proposed apartment is located wholly within the footprint of an existing apartment and therefore, a detailed assessment of the proposal against this section is not required.

**Part 4 – Designing the building**

Description	Design Criteria	Proposed	Compliance (Yes / No / Na)
<b>4A – Solar and daylight access</b>			
<b>Solar Access</b>	Living rooms and private open space of at least 70% of apartments receive 2 hours direct sunlight between 9am and 3pm at mid-winter.	The east facing living area will receive 2 hours of solar access between 9am and 3pm on June 21.	Yes
<b>Overshadowing</b>	Living rooms and private open space to 70% of apartments receive 2 hours between 9am to 3pm.	The proposed apartment is located within an existing building envelope and therefore will not be responsible for any	Not Applicable

Description	Design Criteria	Proposed	Compliance (Yes / No / Na)
		additional shadow impacts.	
<b>4B – Natural Ventilation</b>			
<b>Cross ventilation</b>	All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated.	Yes
	60% of apartments are natural cross ventilated in the first 9 storeys	The apartment is naturally cross ventilated	Yes
	Overall depth of crossover or cross-through apartment does not exceed 18m, glass line to glass line.	The cross-through apartment has a maximum depth of 8.6m	Yes
<b>Part 4C – Ceiling heights</b>			
<b>Floor to ceiling height</b>	Habitable rooms – 2.7m Non-habitable – 2.4m	The proposed development utilises the existing utility room. The utility lot currently has varying head heights and minor excavation is proposed to allow for a floor to ceiling height of 2.4m across the entire apartment. Whilst this falls short of the 2.7m floor to ceiling heights recommended by the ADG, it is considered that the proposed floor to ceiling heights will not result in reduced amenity impacts, given the open plan nature and provision of full height double glass doors along the eastern elevation. Furthermore, the proposed floor to ceiling heights are consistent with the existing apartments within the building.	No. However this is considered acceptable.
<b>Part 4D – Apartment size and layout</b>			
<b>Minimum size for 1 bedroom apartment</b>	Internal area > 50m <sup>2</sup>	The internal area of the apartment is approximately 65.5m <sup>2</sup>	Yes
<b>Bedroom configuration</b>	Master bedrooms have a minimum area of 10m <sup>2</sup> (excluding wardrobe space).	Bedroom is 11.7m <sup>2</sup> excluding wardrobe	Yes
<b>Living room configuration</b>	Habitable rooms have a maximum depth of 2.5m x ceiling height	The maximum depth of a room is 6.2m, which is 200mm greater than the maximum 6m depth. This is considered acceptable.	No. However this is considered acceptable
	In open plan layouts, the maximum depth	Maximum depth from a window is approximately	Yes

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Description	Design Criteria	Proposed	Compliance (Yes / No / Na)
	from a window is 8m.	4m	
	Living rooms or combined living / dining rooms have a minimum width of: 3.6m for 1 bedroom apartments	Living room and dining room are separate but both comply	Yes
<b>Part 4E - Private open space and balconies</b>			
<b>Minimum size for 1 bedroom apartment</b>	For apartments at ground level, a private open space is to be provided instead of a balcony. This must have a minimum 15m <sup>2</sup> with a depth of 3m.	The proposal seeks to convert the utility lot, being Lot 1 of SP63221, into a 1 bedroom apartment. Given the existing building is strata titled, the provision of private open space would require the applicant to purchase part of the common property and privatise this area.  As such, a condition has been imposed that restricts the private open space to two (2) 1m <sup>2</sup> juliette balconies that are located directly off the living room and bedrooms. Such balconies result in a consistent building façade whilst also adding both privacy and security to the ground floor unit	No
<b>Part 4G - Storage</b>			
<b>1 bedroom apartment</b>	6m <sup>3</sup>	The proposed unit is capable of providing 6m <sup>3</sup> of storage.	Complies

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**2. Randwick LEP 2012**

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

- *To provide for the housing needs of the community within a medium density residential environment*
- *provide a variety of housing types within a medium 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 following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.9:1	0.98:1	No. Refer to Executive Summary Report
Height of Building (Maximum)	12m	12m (as existing)	Not Applicable
Lot Size (Minimum)	no minimum lot size	Site area = 381.1m <sup>2</sup>	Not Applicable

### 3. Randwick Comprehensive DCP

#### 3.1 C2 Table: Medium Density Residential

##### Randwick Development Control Plan

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

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

#### B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
<b>4.</b>	<b>On-Going Operation</b>		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	The new unit will utilise the existing on-site waste facilities located along the western side of the building.	Complies
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.		
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.		
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection		

DCP Clause	Control	Proposal	Compliance
	personnel and have step-free and unobstructed access to the collection point(s).		
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.		
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.		
<b>B7</b>	<b>Transport, Traffic, Parking and Access</b>		
<b>3.</b>	<b>Parking &amp; Service Delivery Requirements</b>		
	Car parking requirements: 1 space per 2 studios 1 space per 1-bedroom unit (over 40m <sup>2</sup> ) 1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom unit 1 visitor space per 4 dwellings	The proposed 1 bedroom unit generates the demand for 1 additional car space.  The applicant does not propose to provide onsite parking.	No. Refer to Executive Summary Report
	Motor cycle requirements: 5% of car parking requirement	Nil	No.
<b>4.</b>	<b>Bicycles</b>		
	Residents: 1 bike space per 2 units Visitors: 1 per 10 units	Nil. The proposed 1 bedroom apartment is of a sufficient size, (being 65.5m <sup>2</sup> ) to accommodate a bicycle within the apartment.	No.
<b>C2</b>	<b>Medium Density Residential</b>		
<b>2</b>	<b>Site Planning</b>		
<b>2.1</b>	<b>Site Layout Options</b> Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> <li>• Two block / courtyard example</li> <li>• T-shape example</li> <li>• U-shape example</li> <li>• Conventional example</li> </ul>	The proposed 1 bedroom apartment is located within the existing building envelope.	Not Applicable.
<b>2.2</b>	<b>Landscaped open space and deep soil area</b>		
<b>2.2.1</b>	<b>Landscaped open space</b>		
	A minimum of 50% of the site area (190.55m <sup>2</sup> ) is to be landscaped open	The proposed development will	Yes

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DCP Clause	Control	Proposal	Compliance
	space.	result in a 2m <sup>2</sup> reduction in the overall landscaped open space, resulting in 191m <sup>2</sup> of landscaping.  The proposed works therefore continue to comply with the DCP control.	
<b>2.2.2</b>	<b>Deep soil area</b>		
	(i) A minimum of 25% of the site area (95.27m <sup>2</sup> ) should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	Existing deep soil = 135m <sup>2</sup>  Proposed deep soil = 133m <sup>2</sup>	Yes
	(ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures.	The proposal does include excavation of the north eastern setback to provide for a level courtyard area however this will not result in a reduction in the deep soil area.  It is condition that this courtyard be landscaped with appropriate species that continue to allow for natural light to enter the apartment.	Yes
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting.		
	(iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.		
	(v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.		
<b>2.3</b>	<b>Private and communal open space</b>		
<b>2.3.1</b>	<b>Private open space</b>		
	Private open space is to be: (i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas.	It has been condition that the applicant provide 1m <sup>2</sup> juliette balconies off both the living area and bedroom.	No. See Executive Summary Report

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DCP Clause	Control	Proposal	Compliance
	<p><b>For residential flat buildings:</b></p> <p>(vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from with the dwelling.</p> <p>(vii) Private open space for apartments has a minimum area of 8m<sup>2</sup> and a minimum dimension of 2m.</p>	<p>The original development proposal included 15m<sup>2</sup> of private open space within the north eastern setback however given the building is strata titled, this would require the owner of Lot 1 to purchase and privatise this portion of the common property before undertaking any works.</p> <p>It is therefore conditioned that two 1m<sup>2</sup> juliette balconies be provided along the eastern elevation to match the balconies of the units above.</p>	<p>No. See Executive Summary Report</p>
<b>2.3.2</b>	<b>Communal open space</b>		
	<p>Communal open space for residential flat building is to be:</p> <p>(a) Of a sufficient contiguous area, and not divided up for allocation to individual units.</p> <p>(b) Designed for passive surveillance.</p> <p>(c) Well oriented with a preferred northerly aspect to maximise solar access.</p> <p>(d) adequately landscaped for privacy screening and visual amenity.</p> <p>(e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.</p>	<p>As existing – Communal open space is provided at the rear of the site and within the eastern setback of the property.</p>	<p>Yes</p>
<b>3</b>	<b>Building Envelope</b>		
<b>3.1</b>	<b>Floor space ratio</b>		
	<p>RLEP 0.9:1</p>	<p>The proposed development is for the conversion of the existing utility lot into a 1 bedroom apartment. There will be no changed beyond the existing building envelope and therefore, the</p>	<p>No. Refer to Executive Summary Report</p>

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DCP Clause	Control	Proposal	Compliance
		applicant will utilise existing floor space. Nonetheless, this results in an exceedance in the allowable maximum FSR, with the proposed FSR being 0.98:1.	
<b>3.2</b>	<b>Building height</b>		
	RLEP 12m	12m – no change	Not Applicable
<b>3.3</b>	<b>Building depth</b>		
	For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	The apartment has a depth of 8.6m from window line to window line	Yes
<b>3.4</b>	<b>Setbacks</b>		
3.4.1	<p><b>Front setback</b></p> <p>(i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries.</p> <p>(ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis.</p> <p>(iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings.</p> <p>(iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.</p>	No Change	Not Applicable
<b>3.4.2</b>	<b>Side setback</b>		
	<p><b>Residential flat building</b></p> <p>(i) Comply with the minimum side setback requirements</p>	The applicant seeks to convert the existing utility room into a 1	Not applicable

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DCP Clause	Control	Proposal	Compliance
	<p>stated below:</p> <ul style="list-style-type: none"> <li>- 14m ≤ site frontage width &lt; 16m: 2.5m</li> </ul> <p>(ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to:</p> <ul style="list-style-type: none"> <li>- Create articulations to the building facades.</li> <li>- Reserve open space areas and provide opportunities for landscaping.</li> <li>- Provide building separation.</li> <li>- Improve visual amenity and outlook from the development and adjoining residences.</li> <li>- Provide visual and acoustic privacy for the development and the adjoining residences.</li> <li>- Ensure solar access and natural ventilation for the development and the adjoining residences.</li> </ul> <p>(iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.</p>	<p>bedroom apartment. As such there will be no changes to the existing building envelope.</p>	
<b>3.4.3</b>	<b>Rear setback</b>		
	<p>For residential flat buildings, provide a minimum rear setback of 15% (9.06m) of allotment depth or 5m, whichever is the greater.</p>	<p>No change – the unit is located within the existing building envelope.</p>	<p>Not Applicable</p>
<b>4</b>	<b>Building Design</b>		
<b>4.1</b>	<b>Building façade</b>		
	<ul style="list-style-type: none"> <li>(i) Buildings must be designed to address all street and laneway frontages.</li> <li>(ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout.</li> </ul>	<p>The proposed development involves minor works to the external building façade to facilitate the construction of two new timber framed doors with sidelights,</p>	<p>Yes</p>

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DCP Clause	Control	Proposal	Compliance
	(iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. (iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes. (vi) Conceal building services and pipes within the balcony slabs.	as well as a highlight bathroom window.  The proposed location and placement of the windows and doors have been designed to match and align with the units above.  The proposal is therefore consistent with the existing building façade.	
<b>4.4</b>	<b>External wall height and ceiling height</b>		
	(ii) Where the site is subject to a 9.5m building height limit under the LEP, a maximum external wall height of 8m applies.	The proposed development does not alter the existing building heights	Not Applicable
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	The proposed apartment will have floor to ceiling heights of 2.4m which do not meet the minimum floor to ceiling height requirements.  However, the opening plan layout and provision of large openings along the eastern elevation provides adequate opportunities for daylight and ventilation.	No
<b>4.5</b>	<b>Pedestrian Entry</b>		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	There will be no changes to the pedestrian and vehicular access	Not Applicable
	(ii) Present new development to the street in the following manner: <ul style="list-style-type: none"> <li>- Locate building entries so that they relate to the pedestrian access network and desired lines.</li> <li>- Design the entry as a clearly identifiable element in the façade composition.</li> <li>- Integrate pedestrian access ramps into the overall building and</li> </ul>	The proposed development is located within an existing residential flat building.  A new mailbox will be provided in the same location as the existing mailboxes. Such mailbox is to meet the requirements of the	Yes

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DCP Clause	Control	Proposal	Compliance
	<p>landscape design.</p> <ul style="list-style-type: none"> <li>- For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible.</li> <li>- Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary).</li> <li>- Provide weather protection for building entries.</li> </ul> <p>Postal services and mailboxes</p> <ul style="list-style-type: none"> <li>(i) Mailboxes are provided in accordance with the delivery requirements of Australia Post.</li> <li>(ii) A mailbox must clearly mark the street number of the dwelling that it serves.</li> <li>(iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street.</li> </ul>	<p>Australian Post</p>	
<b>4.6</b>	<b>Internal circulation</b>		
	<ul style="list-style-type: none"> <li>(i) Enhance the amenity and safety of circulation spaces by:                             <ul style="list-style-type: none"> <li>- Providing natural lighting and ventilation where possible.</li> <li>- Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors.</li> <li>- Allowing adequate space for the movement of furniture.</li> <li>- Minimising corridor lengths to give short, clear sightlines.</li> <li>- Avoiding tight corners.</li> <li>- Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor.</li> </ul> </li> </ul>	<p>The proposal relates to an existing building.</p> <p>Internal circulation is maintained.</p>	<p>Not Applicable</p>

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DCP Clause	Control	Proposal	Compliance
<b>4.7</b>	<b>Apartment layout</b>		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> <li>- Providing corner, cross-over, cross-through and double-height maisonette / loft apartments.</li> <li>- Limiting the depth of single aspect apartments to a maximum of 6m.</li> <li>- Providing windows or skylights to kitchen, bathroom and laundry areas where possible.</li> </ul> Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	The proposed cross-through apartment has been designed to maximise opportunities for natural light and ventilation, with each room fitted with an operable window or double width door.	Yes
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	The open plan nature of the apartment encourages the flexible use of rooms	Yes
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.	A condition has been imposed that requires the construction of two small (1m <sup>2</sup> ) juliette balconies to be constructed off the bedroom and living areas.	Yes
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.	The kitchen is built along the western wall of the apartment, away from the main circulation space.	Yes
<b>4.8</b>	<b>Balconies</b>		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m <sup>2</sup> and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	The original development proposal included 15m <sup>2</sup> of private open space within the north eastern setback however given the building is strata titled, this would require the owner of Lot 1 to purchase and privatise this portion of the common property before undertaking any works.	No. See Executive Summary Report

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DCP Clause	Control	Proposal	Compliance
		It is therefore conditioned that two 1m <sup>2</sup> juliette balconies be provided along the eastern elevation to match the balconies of the units above.	
	(ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12m <sup>2</sup> . All ground floor apartments are to have direct access to a terrace.	See above.	No. See Executive Summary Report
<b>4.9</b>	<b>Colours, materials and finishes</b>		
	(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: <ul style="list-style-type: none"> <li>- Changes of colours and surface texture</li> <li>- Inclusion of light weight materials to contrast with solid masonry surfaces</li> <li>- The use of natural stones is encouraged.</li> </ul> (v) Avoid the following materials or treatment: <ul style="list-style-type: none"> <li>- Reflective wall cladding, panels and tiles and roof sheeting</li> <li>- High reflective or mirror glass</li> <li>- Large expanses of glass or curtain wall that is not protected by sun shade devices</li> <li>- Large expanses of rendered masonry</li> <li>- Light colours or finishes where they may cause adverse glare or reflectivity impacts</li> </ul> (vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration.	The proposed development occurs within an existing residential flat building.	Not Applicable

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DCP Clause	Control	Proposal	Compliance
	(vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.		
<b>4.12</b>	<b>Earthworks Excavation and backfilling</b>		
	(i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification. (ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site. (iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.	Minor excavation is proposed within the building footprint to accommodate floor to ceiling heights of 2.4m.  This is limited to the north western portion of the lot and will not exceed 1m in depth.  The proposed development seeks to excavate a portion of the north eastern setback, in front of the utility lot. Such excavation is minimal and will allow for a level gradient as well as allowing sufficient space for the opening of the proposed doors.	Yes
	<b>Retaining walls</b> (iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries. (v) Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain. (vi) Where it is necessary to construct retaining walls at less than 900mm from the side or rear boundary due to site conditions, retaining walls must be stepped with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing).	The proposal includes a new retaining 1.5m high retaining wall. The retaining wall is appropriately located to provide a step in the natural land form and will support a level courtyard along both the northern portion of the site and the eastern portion, where the land slopes to the south.	Yes
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		

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DCP Clause	Control	Proposal	Compliance
<b>Solar access for proposed development</b>			
	(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.	The proposed apartment with their main living area orientated towards the east, therefore capturing 2 hours of morning sunlight. This is considered to be an acceptable outcome which achieves compliance with the apartment design guide.	Complies
	(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.		
	(iii) Limit the number of single-aspect apartments with a southerly aspect to a maximum of 10 percent of the total units within a residential flat building.		
	(iv) Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.		
<b>Solar access for surrounding development</b>			
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June.  (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June.  (iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.	The proposed works are contained within the existing building envelope.  There will be no additional overshadowing as a result of the proposed development.	Not Applicable
<b>5.2 Natural ventilation and energy efficiency</b>			
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	The proposed apartment is naturally cross ventilated.  Each of the rooms are naturally ventilated.	Yes

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DCP Clause	Control	Proposal	Compliance
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.		
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.		
	(iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.		
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.		
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.		
	(vii) Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.		
<b>5.3</b>	<b>Visual privacy</b>		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance. (iv) Locate and design areas of	Given the location of the apartment, there are no external privacy issues, in terms of overlooking into neighbouring properties.  The combination of the existing fence and provision of landscaping within the eastern side setback will assist in maintaining privacy to the occupants of the unit, whilst it is also noted that such	Yes

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DCP Clause	Control	Proposal	Compliance
	<p>private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.</p> <p>(v) Incorporate materials and design of privacy screens including:</p> <ul style="list-style-type: none"> <li>- Translucent glazing</li> <li>- Fixed timber or metal slats</li> <li>- Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings</li> <li>- Screen planting and planter boxes as a supplementary device for reinforcing privacy protection</li> </ul>	<p>relationship is consistent with that of Lot 4, being the north eastern ground floor apartment fronting Bream Street.</p>	
<b>5.4</b>	<b>Acoustic privacy</b>		
	<p>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</p> <p>(ii) Separate "quiet areas" such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.</p> <p>(iii) Utilise appropriate measures to maximise acoustic privacy such as:</p> <ul style="list-style-type: none"> <li>- Double glazing</li> <li>- Operable screened balconies</li> <li>- Walls to courtyards</li> <li>- Sealing of entry doors</li> </ul>	<p>Satisfactory</p>	<p>Yes</p>
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>Fencing</b>		
	<p>(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering.</p> <p>(ii) Sandstone fencing must not be rendered and painted.</p> <p>(iii) The following materials must not be used in fences:</p> <ul style="list-style-type: none"> <li>- Steel post and chain wire</li> <li>- Barbed wire or other dangerous materials</li> </ul> <p>(iii) Expansive surfaces of blank</p>	<p>As existing</p>	<p>Not Applicable</p>

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DCP Clause	Control	Proposal	Compliance
	rendered masonry to street frontages must be avoided.		
<b>7.6</b>	<b>Storage</b>		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: (a) Studio apartments – 6m <sup>3</sup> (b) 1-bedroom apartments – 6m <sup>3</sup> (c) 2-bedroom apartments – 8m <sup>3</sup> (d) 3 plus bedroom apartments – 10m <sup>3</sup>	The 1 bedroom apartment comprises a GFA of approximately 65.5m <sup>2</sup> .  This is of an adequate size to provide additional storage.	Yes
<b>7.7</b>	<b>Laundry facilities</b>		
	(i) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.	Laundry facilities are providing within the lineal kitchen along the western side of the apartment.  Communal clothes lines currently exist within the rear setback of the property.	Yes
	(ii) Provide internal laundry for each dwelling unit.		
	(iii) Provide a separate service balcony for clothes drying for dwelling units where possible. Where this is not feasible, reserve a space for clothes drying within the sole balcony and use suitable balustrades to screen it to avoid visual clutter.		
<b>7.8</b>	<b>Air conditioning units:</b>		
	<ul style="list-style-type: none"> <li>Avoid installing within window frames. If installed in balconies, screen by suitable balustrades.</li> <li>Air conditioning units must not be installed within window frames.</li> </ul>	Air conditioning units are not provided	Not Applicable

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**4. 79C Matters for consideration**

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The proposed residential apartment is permissible within the R3 Medium Density Residential zone and satisfies the objectives of the zone.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no draft environmental planning instruments that apply to the assessment of this application.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The provisions of the Randwick Comprehensive DCP 2013 have been considered in Section 3 of this report and the proposal is consistent with all relevant controls.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	There are no planning agreements associated with this development application.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

**5. Referral Comments**

The application was referred to Council’s Development Engineer. No objections to the proposal were raised, subject to the following comments and additional conditions of consent.

**5.1 Development Engineer**

**Parking Comments**

The proposed 1 bedroom unit will generate an additional parking demand of 1 space.

This has not been provided for within the site and so the proposed development will be relying

on the availability of on-street parking to accommodate this demand.

The non-provision of off-street parking is generally not supported by Development Engineering. Development Engineering has included a condition which advises the new unit may not qualify for a residential parking permit should Council implement a residential parking scheme for this area.

### Service Authority Comments

As the number of habitable dwellings is increasing the applicant will be required with any future consent for the subject proposal to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

The Section 73 Compliance Certificate will be required to be submitted to the Principal Certifying Authority prior to occupation of the development.

### Groundwater Comments

Given the unit is below ground level the applicant is advised that any future consent will likely include conditions that require the walls of the unit to be adequately water proofed.

### Strata Plan Comments

The proposed additional unit will likely require amendments to the existing strata scheme operating on the site under SP 63221. It is noted that no application has been included to amend the subject Strata Plan.

## 6. DEVELOPMENT CONSENT CONDITIONS

### GENERAL CONDITIONS

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

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

### Approved Plans & Supporting Documentation

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
Sheet 101	Philip Perrie Architect	November 2014	11 March 2016
Sheet 102	Philip Perrie Architect	November 2014	11 March 2016
Sheet 103	Philip Perrie Architect	November 2014	11 March 2016
Sheet 104	Philip Perrie Architect	November 2014	11 March 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
A201044	9 March 2016	11 March 2016

### Amendment of Plans & Documentation

- The approved plans and documents must be amended in accordance with the following requirements:

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- a. The courtyard is to be retained as part of common property. Juliette balconies that match those of the units above are to be provided at the ground floor level, in the location of the bedroom door and the living room door.
- b. Laundry facilities are to be provided within the apartment.
- c. The bathroom window is to be of obscure glazing.
- d. Appropriate landscaping is to be provided within the north eastern courtyard.
- e. The kitchen window on the western elevation is to align with the windows above.

#### 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.

#### Section 94A Development Contributions

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$112,200 the following applicable monetary levy must be paid to Council: \$559.88.

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

#### Long Service Levy Payments

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

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

### **Security Deposits**

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

- \$600.00 - Damage / Civil Works Security Deposit

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

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

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

### **Sydney Water**

7. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.  
The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

### **Site Seepage**

8. Site seepage/groundwater drainage must comply with the following requirements:
- a) Seepage/ground water must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
  - b) Adequate provision is to be made for the ground water to drain around the exterior walls of the proposed unit.
  - c) The exterior walls of the proposed unit are to be waterproofed/tanked to restrict the entry of any seepage/groundwater into the unit.

Details for the above requirements are to be to the satisfaction of the Certifying Authority.

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**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**

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

**Structural Adequacy**

10. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the conversion of the ground floor utility lot into a 1 bedroom apartment.

**BASIX Requirements**

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

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

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

**Stormwater Drainage**

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

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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**

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

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

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

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

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

#### **Home Building Act 1989**

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*, 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**

15. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the

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Principal Certifying Authority prior to commencement of any demolition, excavation or building works, detailing the current condition and status of the existing building on the subject site.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure, 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**

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

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

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

#### **Construction Site Management Plan**

17. 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**

18. 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):

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

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

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

**Notes**

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

**Public Utilities**

19. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
20. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

**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**

21. 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

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*Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

**Site Signage**

22. 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**

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

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

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

**Demolition Work Requirements**

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

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

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

**Removal of Asbestos Materials**

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

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

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

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

26. 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**

27. 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.

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- 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.

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

- 28. 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.
- 29. 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.
- 30. 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**

31. 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**

32. 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.

33. The applicant must amend the existing Strata Plan consistent with the proposed conversion of the utility lot into an additional apartment and denotes the Juliette balconies for private use by Lot 1.

**Occupation Certificate Requirements**

34. 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**

35. 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**

36. The applicant must meet the full cost for Council or a Council approved contractor to repair / replace any damaged sections or 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.
37. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage

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works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

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

#### **Sydney Water**

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

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

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

40. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

#### **Residential Parking Permits**

41. Should Council implement a residential parking scheme for this area then the prospective owners and tenant of this unit (the new unit on the ground floor level) may not be issued any residential parking permits.

42. The Body Corporate shall notify tenants/occupiers of the subject unit that they may not qualify for on-street resident parking permits if a residential parking scheme is implemented.

#### **External Lighting**

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

#### **Plant & Equipment**

44. 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**

45. 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**

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

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

#### **ADVISORY NOTES**

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

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

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

- A2 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.

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- 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](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- 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](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/142/2016
<b>PROPERTY:</b>	29 Baird Avenue, MATRAVILLE NSW 2036
<b>Proposal:</b>	Ground and first floor alterations and additions to the existing dwelling, construction of a double garage with first floor storage above fronting laneway (Heritage item).
<b>Recommendation:</b>	Refusal

## Relevant Environment Planning Instruments:

### 1. SEPPs

#### 1.1 SEPP No. 55 – Remediation of Land

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*.
- Should the application be approved, 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.

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**1.2 SEPP (Building Sustainability Index: BASIX) 2004**

The plans are accompanied by an amended BASIX Certificate (Certificate No.: A243825).

Should the application be approved, standard conditions of consent are recommended to ensure the commitments of the certificate are adopted and a compliance certificate is submitted to Council verifying this prior to obtaining an occupation certificate.

**2. Randwick LEP 2012**

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

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 proposal will not represent a desirable addition given the existing pattern of built forms on site and in the immediate site context. The treatment will add unsympathetically to the bulk and scale of the existing heritage item and provide an inconsistent massing. The massing is not characteristic of the surrounding built forms or desired future character. In this regard, the proposal will be contrary to the third objective of the zone.

The proposal will have an adverse impact on the surrounding amenity in terms of privacy and visual bulk. As such, the amended proposal does not achieve the fourth objective of the zone. The above issues are discussed further in this report.

The following Clauses of RLEP 2012 apply to the proposal:

<b>Description</b>	<b>Council Standard</b>	<b>Proposed</b>	<b>Compliance (Yes/No/NA)</b>
Floor Space Ratio (Maximum)	0.75:1 (276sqm) (site area = 369sqm)	0.44:1 (163sqm)	Yes
Height of Building (Maximum)	9.5m	5.93m (existing RL 26.44)	Yes

Clause 5.10 Heritage Conservation

The subject site comprises part of Local Heritage Item I233, being a group of three bungalows at 27-31 Baird Street.

Clause 5.10(4) of RLEP 2012 requires that *the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the*

effect of the proposed development on the heritage significance of the item or area concerned.

The proposal will have an adverse effect on the heritage significance of the item for the following reasons:

- The rear, two storey addition will be excessive in scale and bulk and inconsistent in form and character with the existing single storey heritage bungalow on the subject site and with those on both adjoining sites.
- The proposal contains major or prominent design elements which will compete with the architectural features or detailing of the existing building. In particular, the upper floor of the rear addition is inconsistent with the existing building.
- The single storey common elements and features of the streetscape (particularly the group of three heritage bungalows) are not incorporated into the design. The upper floor of the rear, two storey addition will be readily visible from the street.
- The rear garage will have an adverse impact in the heritage setting of the property at 31 Baird Street as it will present a blank wall with insufficient setback from that property, with resulting overshadowing and visual massing.

The objectives of Clause 5.10 are:

- (a) to conserve the environmental heritage of Randwick,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

For the reasons set out above, the proposal will have an adverse impact on the heritage significance of the existing heritage items at 27-31 Baird Street and will therefore not achieve objectives (a) and (b) above.

### 3. Randwick Comprehensive DCP

#### 3.1 C1 Table: Low Density Residential

#### Randwick Development Control Plan

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

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

DCP Clause	Controls	Proposal	Compliance
<b>2.3</b>	<b>Site coverage</b>		
	301 to 450 sqm = 55%	Site = 369sqm Existing = 33% (123sqm) Proposed = 45% (169sqm)	Yes
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) 301 to 450 sqm = 25% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to	Site = 369sqm Existing = 53% site area (195sqm)	Yes

DCP Clause	Controls	Proposal	Compliance
	front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones.	Proposed = 36% site area (134sqm)	
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	301 to 450 sqm = 6m x 6m	Site = 369sqm Existing = 12m x 11.8m Proposed = 9m x 5.2m-11.85m	Partial non-compliance (but satisfactory as any non-compliance in dimension is minor and overall area is adequate)
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1 (276sqm)</b>	Site area = 369sqm Existing FSR = 0.33:1 (123sqm) Proposed FSR = 0.44:1 (163sqm)	Yes
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Existing = 5.8m Proposed = 5.93m	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Existing = 3.2m Proposed = 5.93m	Yes
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b>	Minimum = 4.2m Existing = 4.2m Proposed = 4.2m	N/A (no change to front setback)
	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"> <li>- 900mm for allotments with primary frontage width of less than 7m</li> <li>- 1500mm for all other sites</li> </ul> iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front		
<b>3.3.2</b>	<b>Side setbacks:</b> Dwellings: <ul style="list-style-type: none"> <li>• Frontage b/w 9m and 12m = 900mm (Gnd &amp; 1<sup>st</sup> floor)</li> </ul>	Minimum = 900mm Existing = 900m Proposed = 1038m	Yes

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DCP Clause	Controls	Proposal	Compliance
	Refer to 6.3 and for parking facilities		
<b>3.3.3</b>	<p><b>Rear setbacks</b></p> <ul style="list-style-type: none"> <li>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</li> <li>ii) Provide greater than aforementioned or demonstrate not required, having regard to:                             <ul style="list-style-type: none"> <li>- Existing predominant rear setback line - reasonable view sharing (public and private)</li> <li>- protect the privacy and solar access</li> </ul> </li> <li>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.</li> <li>iv) For irregularly shaped lots = merit assessment on basis of:-                             <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> </li> </ul> <p>Refer to 6.3 for parking facilities</p>	<p>Minimum = 7.78m Existing = 12m Proposed = 9m</p>	Yes
<b>4</b>	<b>Building design</b>		
<b>4.4</b>	<b>Roof Design and Features</b>		
	<ul style="list-style-type: none"> <li>i) Rooftop terraces on dwelling (not roof)</li> <li>ii) Roof terraces above garages (low side)</li> </ul>	i) Rooftop terrace on dwelling	i) Yes
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	<ul style="list-style-type: none"> <li>i) Schedule of materials and finishes</li> <li>ii) Finishing is durable and non-reflective.</li> <li>iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration)</li> <li>iv) Articulate and create visual interest by using combination of materials and finishes.</li> <li>v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration.</li> <li>vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)</li> </ul>	iv) Rear addition insufficiently articulated	No
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		

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DCP Clause	Controls	Proposal	Compliance
	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.	i) The north-facing living room windows will receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June (subject to overshadowing from 27 Baird Street). ii) A useable portion of the rear private open space will receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	i) Satisfactory ii) Yes
	<p><b>Solar access to neighbouring development:</b></p>		
	iii) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	iii) North-facing living room windows will not be significantly impacted by the proposal. The existing level of solar access between 8am and 4pm on 21 June will be maintained. iv) POS (passive recreational activities) receives less than 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) Some additional impact on northern roof planes on neighbouring dwelling.	iii) Satisfactory iv) Yes v) Yes

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DCP Clause	Controls	Proposal	Compliance
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	Internalised areas within the rear addition will receive adequate daylight	Yes
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	i) Minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> ii) Orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	i) Proposed kitchen window has sill of 0.9m above floor level but is on the ground floor. ii) Dining room windows oriented to rear, have minimum sill height >1600mm, or treated with external privacy louvres	i) Yes ii) Yes
	<b>Balcony</b>		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	The proposed first floor terrace and first floor southern and northern windows will cause significant overlooking of the rear yards of both 27 and 31 Baird Street.	No
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows	The proposed first floor terrace subject to	

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DCP Clause	Controls	Proposal	Compliance
	Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each other.</li> <li>- Locate less sensitive areas adjacent to the party wall to serve as noise buffer.</li> </ul>	a redesign would minimise its impacts.	
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	No change	N/A
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	The proposal will not adversely affect significant views.	Yes
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; <ul style="list-style-type: none"> <li>- Consistent with pattern in the street;</li> </ul>	i) 1 vehicular access ii) Located off rear lane iii) Located behind front façade iv) Double width garage v) No excavation vi) No driveway	i) Yes ii) Yes iii) Yes iv) No (but satisfactory given requirement to provide two parking spaces) v) Yes vi) Yes

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- Landscaping provided in the front yard.</li> <li>v) Minimise excavation for basement garages and scale of the front elevation</li> <li>vi) Avoid long driveways (impermeable surfaces)</li> </ul>		
<b>6.3</b>	<b>Setbacks of Parking Facilities</b>		
	<ul style="list-style-type: none"> <li>i) Garages and carports comply with Sub-Section 3.3 Setbacks.</li> <li>ii) 1m rear lane setback</li> <li>iii) Nil side setback where:                             <ul style="list-style-type: none"> <li>- nil side setback on adjoining property;</li> <li>- streetscape compatibility;</li> <li>- safe for drivers and pedestrians; and</li> <li>- Amalgamated driveway crossing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>i) 0.3m to southern side setback at Ground and First Floor</li> <li>ii) Entry to garage off rear lane setback 0m from lane boundary</li> <li>iii) 0.3m side setback is incompatible with nearby street character (of heritage items)</li> </ul>	<ul style="list-style-type: none"> <li>i) No</li> <li>ii) No</li> <li>iii) No</li> </ul>
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: <ul style="list-style-type: none"> <li>- Single driveway – 3m</li> <li>- Double driveway – 5m</li> </ul> Must taper driveway width at street boundary and at property boundary	Double driveway – 4.8m	Yes
<b>6.5</b>	<b>Garage Configuration</b>		
	<ul style="list-style-type: none"> <li>i) recessed behind front of dwelling</li> <li>ii) The maximum garage width (door and piers or columns):                             <ul style="list-style-type: none"> <li>- Single garage – 3m</li> <li>- Double garage – 6m</li> </ul> </li> <li>iii) 5.4m minimum length of a garage</li> <li>iv) 2.6m max wall height of detached garages</li> <li>v) recess garage door 200mm to 300mm behind walls (articulation)</li> <li>vi) 600mm max. parapet wall or bulkhead</li> <li>vii) minimum clearance 2.2m AS2890.1</li> </ul>	<ul style="list-style-type: none"> <li>i) Recessed behind front of dwelling</li> <li>ii) Garage width (door and piers or columns): 6m</li> <li>iii) 5.6m length</li> <li>iv) 3.4m wall height</li> <li>v) Garage door not recessed 200mm behind walls</li> </ul>	<ul style="list-style-type: none"> <li>i) Yes</li> <li>ii) Yes</li> <li>iii) Yes</li> <li>iv) No</li> <li>v) No</li> </ul>
<b>8</b>	<b>Area Specific Controls</b>		
<b>8.1</b>	<b>Development in Laneways</b>		
	<ul style="list-style-type: none"> <li>i) Max. 6m height. Max. 4.5m external wall height. Mass and scale to be secondary to primary dwelling and upper level contained within roof form (attic storey).</li> <li>ii) 1 operable window to laneway elevation (casual surveillance)</li> <li>iii) Aligns with consistent laneway setback pattern (if no consistent setback then 1m rear setback). (Refer to Sub-Section 6 for controls relating to setback to garage entry.)</li> </ul>	<ul style="list-style-type: none"> <li>i) 3.6m max height and 3.4m max external wall height</li> <li>iii) There is no consistent setback pattern, but building is aligned to laneway.</li> <li>iv) The rear garage has a 0.3m setback from the southern side boundary,</li> </ul>	<ul style="list-style-type: none"> <li>i) Yes</li> <li>iii) No</li> <li>iv) No</li> </ul>

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DCP Clause	Controls	Proposal	Compliance
	iv) Nil side setback allowed subject to: <ul style="list-style-type: none"> <li>- adjoining building similarly constructed</li> <li>- no unreasonable visual, privacy and overshadowing impacts</li> </ul> v) Screen or match exposed blank walls on adjoining properties (ie on common boundary).	which will contribute to significant overshadowing and unarticulated visual massing to the rear yard of 31 Baird Street.	

**3.2 B2 Table: Heritage**

DCP Clause	Control	Proposal	Compliance
<b>1.12</b>	<b>Development in the vicinity of a heritage item</b>		
	All new development adjacent to or in the vicinity of a heritage item or heritage conservation area needs to be considered for its likely effect on heritage significance and setting.	The proposed rear addition will be have an adverse impact on heritage bungalow on the subject site and those on either adjoining site.	No
<b>1.13</b>	<b>Heritage Management Documents</b>		
	A Heritage Impact Statement considers the extent to which a proposal would affect the heritage significance of a heritage item or heritage conservation area. A Heritage Impact Statement establishes the heritage significance of a place, makes an assessment of the impact of the development on this significance, and proposes measures to minimise impact. For major changes or demolition, the required Heritage Impact Statement should be prepared by a specialist heritage consultant able to advise on options to minimise heritage impact.	The Heritage Impact Statement is silent on the internal demolition and modifications as well as the proposed garage, and does not provide any internal images of the bungalow or the rear yard of the site.	No
<b>2</b>	<b>Development Controls</b>		
<b>2.2</b>	<b>Design and character</b>		
i)	Development must demonstrate how it respects the heritage values of the heritage item	For the reasons set out above, the proposal will not respect the heritage values of the existing heritage item (including all three adjoining heritage bungalows)	No
ii)	Common elements and features of the streetscape are to be identified in a	The single storey common elements and	No

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DCP Clause	Control	Proposal	Compliance
	streetscape analysis and incorporated into the design	features of the streetscape (particularly the group of three heritage bungalows) are not incorporated into the design. The upper floor of the rear extension will be readily visible from the street.	
iii)	New development should be consistent with important horizontal lines of buildings in the streetscape, in particular ground floor levels and eaves lines, where appropriate	The single storey common elements and features of the streetscape (particularly the group of three heritage bungalows) are not incorporated into the design. The upper floor of the rear extension will be readily visible from the street.	No
iv)	Large blank areas of brick or rendered walls should be avoided.	Rear garage will present a blank wall to the south with insufficient setback from the southern side boundary	No
v)	Street elevations and visible side elevations must not be significantly changed. Additions must be located to the rear or to one side of the building to minimise impact on the streetscape.	Proposed first floor will be inconsistent with streetscape presentation of the group of three heritage items.	No
vi)	Any proposed additions or alterations must complement the existing building in its scale, form and detailing.	The rear, two storey addition will be excessive in scale and bulk and inconsistent in form and character with the existing single storey heritage bungalow on the subject site and with those on either adjoining site.	No
<b>2.3</b>	<b>Scale and Form</b>		
i)	In streetscapes where development is of a consistent single storey height, upper floor additions are appropriate only if not readily visible from the street. However, ground floor rear addition remains the preferred option.	The rear, two storey addition will dominate and be excessive in scale and bulk and inconsistent in form and character with the existing single storey heritage bungalow on	No

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DCP Clause	Control	Proposal	Compliance
		the subject site and with those on either adjoining site. The upper floor of the rear extension will be readily visible from the street.	
iv)	Additions must not visually dominate, compete with or conceal the original form and massing of the existing buildings.	The rear, two storey addition will dominate and be excessive in scale and bulk and inconsistent in form and character with the existing single storey heritage bungalow on the subject site and with those on either adjoining site.	No
v)	Additions to heritage items must not contain any major or prominent design elements which compete with the architectural features or detailing of the existing building.	The proposal contains major or prominent design elements which will compete with the architectural features or detailing of the existing building. In particular, the upper floor of the rear addition is inconsistent with the existing building.	No
<b>2.4</b>	<b>Siting and setbacks</b>		
i)	Development must conform to the predominant front setbacks in the streetscape.	Proposed works are located to the rear of the existing dwelling	Yes
ii)	Development must respect side setbacks and rear alignments or setbacks of surrounding development.	Rear garage will present a blank wall to the heritage item to the south with insufficient setback from the southern side boundary	
iii)	Front and rear setbacks should be adequate to ensure the retention of the existing landscape character of the heritage item or conservation area and important landscape features.	Existing landscaping in the rear yards of the heritage group is limited. While no landscaping plan is provided, the proposal will allow for landscaping in the north-eastern corner of the site.	Yes
<b>2.9</b>	<b>Garages</b>		
i)	Existing rear lane access or side street access (where available) must be utilised for carparking in preference to	Rear lane access for car parking	Yes

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DCP Clause	Control	Proposal	Compliance
	front access.		

**3.3 B7: Transport, Traffic, Parking and Access**

<b>B7: Transport, Traffic, Parking and Access</b>			
<b>2 Sustainable Transport</b>			
	All development in addressing transport, parking and access requirements must consider and integrate transport measures that provide for greater use of public transport, walking and cycling.	1. On site bicycle parking will be available within the garage to cater for both occupants and visitors. 2. The surrounding area consists of a well-established pedestrian network.	Satisfactory
<b>3.2 Parking Requirement:</b>			
	Development must comply with the vehicle parking rates a 1 Vehicle Parking Rates. Parking Requirement: 2 car parking spaces	Proposed: 2 car spaces	Yes
<b>3.7 - Parking layout, configuration &amp; dimensions</b>			
	Minimum car space dimensions: 2.4m x 5.4m	Proposed car space dimensions: 2.4m x 5.5m (for each car space only)	Yes

**4. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The relevant provisions have been discussed above.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no draft instruments applicable in this case.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The relevant provisions have been discussed above.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 79C(1)(a)(iv) –	The relevant clauses of the Regulations have been satisfied.

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Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Provisions of the regulations	
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, are addressed in this report, are discussed in the paragraphs above and are considered to be adverse. The proposed development is inconsistent with the dominant residential character in the locality. The proposal is not considered to result in detrimental social or economic impacts on the locality.
Section 79C(1)(c) – The suitability of the site for the development	The related impacts discussed above indicate the site is not suitable for the 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 is contrary to objectives of the zone and will result in adverse environmental impacts. Accordingly, the proposal is considered not to be in the public interest.

**5. Referral Comments**

Council’s Heritage Consultant has provided the following comments:

**Heritage Comments**

*The subject residence at 29 Baird Avenue, Matraville is a brick Californian Bungalow located on the eastern side of Baird Avenue towards the southern end of the street block. The subject site is listed as a group heritage item which includes three neighbouring bungalows located at 27-31 Baird Avenue Item no. I233). The site is not located within proximity to any other heritage items and is not located within a Heritage Conservation Area. It is a single storey dwelling with a tiled roof and later additions to the rear. The residence features a symmetrical façade with a veranda towards the western elevation surmounted by a gable end. Alike neighbouring properties 27 and 31 Baird Avenue, the subject site is set back from the street and includes a small front garden. The street boundary of the property is defined by a brick dwarf fence with a metal gate.*

*The surrounding neighbourhood of the subject site is dominated by single and double storey residential development with the majority of the houses featuring high pitched roofs and intact facades.*

*The following description and statement of significance has been extracted from the Randwick Heritage Study form for group heritage item (Perumal Murphy, October 1987): An excellent group of three later style Bungalows with some very good detailing, c. 1935. Liver brick, tuck pointed. Hipped terra cotta roofs with projecting central gables over large front porch areas. Recessed doorway flanked by small diamond-shaped windows with original leadlight. Decorative brick balustrades with heavy piers and stub columns.*

*Decorative 1930’s style render over windows. All retain original front fence. Most impressive. All almost intact, but for minor alterations, down to original garden and gates. In need of some repair. Some of the better surviving examples of Bungalow design in the area. Good streetscape grouping.*

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### **Heritage Status and Significance**

The site of the subject house at 29 Baird Avenue, Matraville is listed as a group heritage item as identified under Schedule 5 of the Randwick LEP 2012. As detailed above, the heritage item encompasses the bungalows located at 27-31 Baird Avenue. The subject bungalow and its group enhances the streetscape of Baird Avenue.

### **The Proposal**

The proposal is for alterations and additions to the subject bungalow and is limited to the rear of the subject site. The proposal includes:

- Demolition of the existing rear addition;
- Construction of a two storey rear addition;
- Construction of a new garage towards the rear.

### **Background**

No previous consultation has been noted. Following provision of comments on the preliminary assessment of the proposed development, a site inspection has been carried out on 6th June 2016. The inspection provided an opportunity to discuss the proposed works in particular the rear two-storey extension, the location of the garage and the conservation / reinstatement works to the main dwelling. Subsequently, the recommendations of the Heritage referral dated 3 May 2016 have been amended in this report.

### **Submission**

The documentation provided by Randwick City Council for this application included a Heritage Impact Statement prepared by John Robert Boers (February 2016) and a set of drawings (floor plans and elevations) prepared by Moshonis Building, Designers and Engineers. Drawings of the existing house and its elevations as it currently stands have not been provided. Limited detail regarding finishes and colours has been provided.

### **Comments**

Following review of the submitted documentation including the Heritage Impact Assessment, the proposed drawings and the immediate neighbourhood of the subject dwelling, the proposed works are assessed for their impact on the subject site as a group heritage item. As detailed above, the documentation submitted to Council provides limited information regarding the proposed development and the existing dwelling in particular its internal features and rear yard. The Heritage Impact Statement is silent on the internal demolition and modifications as well as the proposed garage, and does not provide any internal images of the bungalow or the rear yard of the site. Notwithstanding, due to the previous additions to the rear of the subject bungalow, the proposed works to the ground floor including modifications to insert bathroom, laundry and pantry in association with new dining, living and kitchen extension is considered acceptable. However, the first floor addition at the rear is excessive and will affect the consistency between the group of three heritage items. Neither one of the properties in this group of heritage item has a first floor addition. Therefore, any new first floor addition should be made in a more sympathetic manner in order to ensure no impact occur to the streetscape presentation of the group heritage item.

The Heritage Impact Statement notes that the first floor addition's height will be lower than the ridge height of the existing bungalow; however, the drawings clearly indicate that the new addition will be more than 1 metre higher than the existing ridge height. The new addition is not considered to be a subservient to the existing bungalow. The proposed first floor addition will, in fact, adversely affect the heritage significance of the subject site as part of a group of heritage item, identified as being of an excellent group of three later style bungalows. As such, it is recommended that a site inspection is organised and consultation with the applicant is conducted onsite to refine the design.

### **Recommendation**

Provided that the following design modifications have been made and additional information submitted to the Council, the proposed development **can be supported** in its new form. In the case of the changes are not made, and additional information noted below is not

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incorporated into the drawings and provided to the Council, the proposed development, in particular the design of the first floor addition, **is not supported** in relation to the heritage matters, in its current form.

Any consent should be subject to the following design modifications and requirements:

1. The height of the rear two-storey addition to be reduced at least by 700mm.
2. The garage is to be shifted to the other side of the rear yard/boundary. The layout of the rear addition could be shifted accordingly if required.
3. Missing façade elements should be reinstated to match existing original details. Such as the window awning above the right hand side window of the front façade is to be replaced with a flat rendered hood to match the left hand side window hood (similar to the no. 31 Baird Avenue) with the decorative rendered detailing around. Existing chimney is to be included on the elevation drawings and noted as to be retained.
4. All restoration and reinstatement works should either be noted on the drawings (plans and elevations) or written as notes on the drawings or as a separate letter.
5. All internal original detailing where no modifications are proposed to be retained and reinstated to match existing.
6. The applicant should provide additional information on the proposed materials, finishes and colours. Repointing should be done to match existing original dark (black) colour mortar joints with the timber elements of the front gable and bargeboard are painted in shades of grey (similar to the colour sample currently applied), window frames and painted sections of the façade and the veranda elements painted in off-white or crème colours. The front fence should be repointed to match the mortar colour of the neighbouring house at 31 Baird Avenue.

The above comments were issued by Council's external heritage consultant in response to the original set of plans lodged by the applicant with the DA on 14 March 2016. Following discussions with Council's external planning consultant and comments received from Council's heritage consultant, the applicant lodged an amended set of plans on 3 July 2016. The amended proposal involved:

- Reduction in the height of the rear, two storey addition to the dwelling house by 0.7m
- Reduction in the height of the rear garage structure by 2.2m and removal of the storage space within the roof form.

This report addresses those amended plans. Notwithstanding the heritage consultant's support of the amended plans (subject to further conditions), it is nonetheless considered that the amended proposal does not satisfy the controls and objectives pertaining to heritage conservation in Clause 5.10 of the RLEP 2012 or Part B2 of the RDCP 2013, for the reasons set out below:

Reason for refusal:

1. The proposed development does not comply with the objectives of the R2 "Low Density Residential" zone of Randwick Local Environmental Plan 2012 in that the two storey rear addition will be inconsistent with the single storey presentation of the existing bungalow and of adjoining properties and will have an adverse impact on the amenity of adjoining properties in terms of privacy, overshadowing and visual massing.
2. The proposed development does not comply with the relevant objectives and controls of Clause 5.10 of the Randwick Local Environmental Plan 2012 in that the two storey rear addition will be inconsistent with and will dominate the single storey common elements and features of the group of three heritage bungalows at 27-31 Baird Avenue and the garage setback will adversely impact the heritage setting of 31 Baird Avenue.
3. The proposed development does not comply with Part B2, Clause 1.13 of the Randwick Comprehensive Development Control Plan 2013 in that the Heritage Impact Statement is

silent on the internal demolition and modifications as well as the proposed garage, and does not provide any internal images of the bungalow or the rear yard of the site.

4. The proposed development does not comply with the relevant objectives and controls of Part B2, Clauses 2.2 and 2.3 of the Randwick Comprehensive Development Control Plan 2013 in that the excessive scale and unsympathetic form of the proposed rear two storey addition will not respect the heritage values of the group of three heritage bungalows at 27-31 Baird Avenue and will have an adverse impact on the streetscape.
5. The proposed development does not comply with the relevant objectives and controls of Part B2, Clause 2.4 of the Randwick Comprehensive Development Control Plan 2013 in that the insufficient setback of the rear garage will adversely affect the heritage setting of the adjoining heritage bungalow at 31 Baird Avenue in terms of visual massing and overshadowing.
6. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 5.1 of the Randwick Comprehensive Development Control Plan 2013 in that the excessive scale of the proposed rear addition and inadequate setback of the garage from the southern side boundary will result in the neighbouring property at 31 Baird Avenue not receiving adequate solar access.
7. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 5.3 of the Randwick Comprehensive Development Control Plan 2013 in that the proposed first floor terrace will adversely impact on the visual privacy of the rear yards of both adjoining properties.
8. The proposed development does not comply with Part C1, Clause 6.3 of the Randwick Comprehensive Development Control Plan 2013 in that the garage entry off Baird Lane has a zero setback from the lane boundary and the garage has an inadequate side setback.
9. The proposal is not in the public interest. The proposal is contrary to objectives of the zone; will result in adverse environmental impacts and will set a poor precedent with regard to the treatment of the rear yard of neighbouring properties (i.e. siting, design, location and relationship with the existing topography and neighbouring properties).

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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/34/2016
<b>PROPERTY:</b>	6 McMaster Place, LITTLE BAY NSW 2036
<b>Proposal:</b>	Integrated development for construction of a part 2/part 3 storey dwelling with garage and associated works (Heritage Conservation Area). Approval from the NSW Office of Environment and Heritage is also required for this application.
<b>Recommendation:</b>	Approval

## Relevant Environment Planning Instruments:

### 1. SEPPs

#### 1.1 SEPP (Building Sustainability Index: BASIX) 2004.

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

### 2. Randwick LEP 2012

#### R1: General Residential

The subject site is zoned R1: General Residential under Randwick LEP 2012. The proposal development is classified as a dwelling house and is permissible in the zone. The zoning objectives are addressed as follows:

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

#### Assessment:

The proposal is for the purpose of a 'dwelling house' which is considered to be a permissible form of development within the R1: General Residential zoning. The development will generally comply with the objectives of the R1 Residential zoning in that the dwelling house will continue to accommodate for the housing needs within the local community and allows for the comprehensive redevelopment of land for a residential use. Finally, the new dwelling house is expected to result in a reasonable level of amenity to the neighbouring premises with particular regard given to solar access and overshadowing, visual privacy, view corridors and visual bulk and scale. The development is acceptable in complying with the objectives of the R1: General Residential zone and is permissible, subject to Council consent.

The following Clauses of RLEP 2012 apply to the proposal:

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Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.5:1	0.48:1	Yes
Height of Building (Maximum)	9 metres		
Lot Size (Minimum)	Not applicable	Not applicable	Not applicable

**Clause 5.10: Heritage Conservation**

The subject site is located within the Prince Henry Heritage Conservation Area as shown within the heritage map of the Randwick Local Environmental Plan 2012. The objectives of Clause 5.10: Heritage Conservation reads as follows:

- a) To conserve the environmental heritage of Randwick,
- b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c) To conserve the archaeological sites,
- d) To conserve Aboriginal objectives and Aboriginal places of heritage significance.

**Assessment:**

The new dwelling house is expected to fully comply with the objectives of Clause 5.10: Heritage Conservation. The application has been referred to Council’s Heritage Planning officer and the NSW Heritage Office in which no objections have been received and advised that the proposal will not result in any adverse impacts to identified built or landscape elements, or to the significance of the heritage conservation area. The new dwelling house is expected to retain the heritage significance of the views and vistas from the Flowers Ward which is preserved given the extensive side setbacks at 6 metres from the north-western (side) boundary and that the curved roof form will enhance through site views and result in less bulk than a conventional roof form.

Notwithstanding the above, whilst there is a general anonymity with the location of historical and aboriginal archaeological items of heritage significance, suitable conditions of consent have been included to ensure appropriate measures have been carried out to minimise the disturbance of any relics or Aboriginal cultural material that may exist. The proposal is acceptable in complying with the above objectives for heritage conservation as prescribed by the RLEP2012.

**3. Randwick Comprehensive DCP**

**3.1 E4 Table: Prince Henry Site, Little Bay**

**Randwick Development Control Plan**

The Prince Henry Site DCP applies to the developable land within the Prince Henry Hospital site, and contains precinct-specific built form controls. The subject site is referred to as “Lot D53” within Precinct P4 according to the maps of the DCP.

The following provides an assessment against the precinct-specific controls contained in the DCP:

Control	Required	Proposed	Comments
<b>Density</b>			
Maximum FSR	0.5:1 (or 331.15m <sup>2</sup> GFA)	0.48:1 (323.09m <sup>2</sup> )	The new dwelling house will result in an FSR of less than 0.5:1. Complies.
<b>Height</b>			
Number of storeys	2	2-3 storeys	The proposal adopts a split-level

			<p>design that follows the contours of the site. The front portion of the dwelling will present as a 3-storey building as viewed across the side boundaries, for a distance of approximately 10.1 metres, with the lower ground floor addition to the living area, bedroom and laundry/bathroom.</p> <p>However, the street elevation of the development will maintain a 2-storey appearance. In relation to the rear elevation, the rear building alignment is setback substantially from the eastern boundary by approximately 8 metres.</p> <p>The proposed built form is suitably articulated and respects the natural topography of the site. Therefore, the proposal is considered satisfactory in this regard. The proposal will align with other similar developments in particular the adjoining dwellings at nos. 4 McMaster Place, Little Bay.</p>
Maximum wall height	8m	7.2m	Complies
Maximum building height	9m	9.5 metres	Does not comply.
<b>Setbacks</b>			
Western, street setback	3m	3.9m	Complies
Northern, side setback	3m	6.3m	Complies
Southern, side setback	3m	3m	Complies
Eastern, rear setback	8m	8.7m - 10.2m	<p>There is a minor non-compliance with the required rear setback of a maximum of 400mm. The above breach is minor in nature and is attributed to the skewed alignment of the rear boundary against the side boundaries of the allotment.</p> <p>The building footprint will not obstruct the significant view corridors identified in Figure 2 of the DCP. Therefore, the non-compliance with the rear setback control is considered acceptable.</p>
<b>Landscape Provision</b>			
Minimum Landscaped Area	40% site area or 265m <sup>2</sup>	77.0% (509.94m <sup>2</sup> )	Complies

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Minimum Soft Landscaping	20% site area or 132.5m <sup>2</sup>	>20%	Complies
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Other relevant controls contained in the DCP are assessed as follows:

Control	Required	Proposed	Comments
<b>4.2 Height</b>			
Floor to ceiling height	Minimum 2.7m	The lower ground and ground floor level consists of a floor to ceiling height of 2.7 metres above the finished floor level.  The first floor level has a minimum floor to ceiling height of 2.7 metres.	Complies.
<b>4.6 Building Articulation</b>			
Maximum articulation length must not exceed 9 metres.	23 metres	The northern external wall at the ground floor level consists of an external wall length of 23 metres which does not comply with Council's controls.	Refer to Executive Summary Report for further details.
Building must be parallel to the street		The new dwelling house will remain parallel to the street boundary.	Complies.
Building Articulation	Minimum of 30% and maximum of 60% of the building articulation	Building is appropriately articulated at the first floor level which incorporates a spherical design which will comply with this requirement in the building being approximately 50% articulation.	Complies.
	Up to 20% of the articulation of any floor on any façade may comprise glazed stairwells and lobby space.	20% of the articulation of any floor will comprise of vertical glazed wall elements visible from the existing streetscape and the neighbouring dwellings	Complies.
<b>4.7 Landscaped Area and Private Open Space</b>			
Landscape Plan	A landscape plan must be provided as part of any development application.	A landscape plan has been submitted as part of the development application and has been reviewed by Council's Landscape Officer. No objections received.	Complies.
Minimum contiguous private open space	60m <sup>2</sup>	Rear garden area exceeds the minimum 60sqm with 173sqm provided for private open space.	Complies
Minimum dimension of private open space / gradient	4m and gradient less than 1 in 10.	The proposed rear garden area will have a minimum dimension of 8m x 17.3 metres and will have a gradient of less than 1 in 10.	Complies
Private open space should be directly accessible from a living space.		Private open space directly accessible from the rear deck area.	Complies.
<b>4.11 Solar Access</b>			
Solar access to dwelling	Principal living room receives minimum 3 hours sunlight between 9am and 3pm on 21 June	The immediate northern neighbour at no. 4 McMaster Place will cast additional overshadowing to the north-facing windows of the subject	Complies.

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		premises. However, the extent of overshadowing is considered to be nominal given the extensive building separation between the two buildings at 9 metres. The first floor north-facing window to the living/dining room will maintain more than the required three hours of solar access between the hours of 9am – 3pm on the 21 June.	
Solar access to adjoining dwellings	Minimum 3 hours sunlight between 9am and 3pm on 21 June to at least 50% of private and communal open space	The subject and adjoining sites are oriented in a north-west to south-east direction. It is anticipated that a portion of the north-facing windows of the neighbouring dwelling at no. 8 McMaster Place will be overshadowed during different periods of the day. At present, the southern neighbour is currently vacant with an expired development application.	Complies
<b>4.13 Visual Privacy</b>			
	<p>Direct overlooking of main internal living areas and private open space of adjoining dwellings is to be minimised by building layout, location and design of windows and balconies, screening devices, high window sills or obscured glass</p> <p>Habitable room windows with a direct outlook to the habitable room windows of any floor above ground floor in an adjacent dwelling within 12m:</p> <ul style="list-style-type: none"> <li>- Are to be offset by a distance sufficient to limit views into the adjacent windows;</li> <li>- Incorporate appropriate permanent privacy screening;</li> <li>- Have sill heights of 1.6m above floor level;</li> </ul> <p>or</p> <p>Have fixed obscured glazing in any part of the window below 1.6m above floor level</p>	Refer to Executive Summary Report for detailed assessment.	Refer to Executive Summary Report for detailed assessment.
	The outlook from windows, balconies, stairs landings, terraces and decks or other private or communal areas within a development is to be screened where a direct	Refer to discussions above	Complies, subject to conditions

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	view is available into the private open space of an existing or proposed dwelling		
<b>4.15 Roof Design</b>			
Roof Design	Roof design should minimise bulk and overshadowing.	The dome-like roof feature is wholly contained within the maximum permissible height of buildings and it does not contribute to any adverse visual bulk and scale impacts. The profiled roof form is of a high quality architectural merit and creates both a visually interesting roof element to the streetscape setting. Notwithstanding the above, the roof element is substantially setback from the neighbouring dwellings with extensive side setbacks at 6 metres from the north-eastern side boundary and 3.2 metres from the south-western boundary. The overall compliance with the relevant building envelope controls reflects a typical built form that is commiserate with the streetscape character.	Complies.
	Roof design must relate to the size and scale of proposed development. Domestic roof forms may not be appropriate on larger buildings.	The roof form will be in keeping with the anticipated size and scale of the proposed development and will remain compatible with the building height plane as the neighbouring dwellings along McMaster Place.	Complies.
	The profile and silhouette of parapets, eaves and roof top elements must be considered in the roof design.	The roof silhouette will not comprise of any dominating roof features that would compromise the overall roof form.	Complies.
	Roof materials and roof gardens are encouraged where the privacy of adjoining properties can be maintained.	The roof material includes a zinc sheet to plywood on steel frame roof finish and will not be out of character to the roof elements and materials of the neighbouring dwellings.	Complies.
	Trafficable flat roofs must be paved or finished with gravel ballasts. Large flat roof areas should not be covered with metal decking or exposed membrane roof systems.	No trafficable roof forms are proposed as part of this development application.	Complies.
	Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building and do not significantly affect the views enjoyed by	The proposal does not involve any elements that may contribute to additional visual bulk from the building or additional view loss impacts to the neighbouring dwelling.	Complies.

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	neighbouring properties.		
	Roof top solar heating panels should be installed so as not to be visible from the street.	No roof top solar panels are proposed as part of this consent.	
	All new service elements such as aerials, vent pipes, hot water services, solar collectors, plant equipment, air-conditioning units, telecommunications and satellite equipment and the like are to be integrated into the design of the building and concealed from public view.	No service roof elements are located on top of the roof feature and will not be visible from the existing streetscape.	Complies.
	Lift over-runs and service plant equipment must be contained within roof structures and within the maximum building height stipulated by the precinct controls.	No lift over-runs and service plant equipment are visible from the streetscape or exceed the maximum height of buildings as prescribed within the precinct controls.	Complies.
	Where gable or hipped roofs are proposed, the angle of the pitch should be compatible with adjacent/nearby heritage buildings, and shall have a minimum pitch of 30 degrees and a maximum pitch of 36 degrees.	No gable or hipped roof forms proposed as part of this development application.	Complies.
<b>4.16 Fences</b>			
Maximum height for solid front fencing	1.2m	The proposed front boundary fencing immediately adjacent to the new swimming pool is 1.5 metres in height and does not comply with Council's controls. A condition of consent has been included that the height of the new swimming pool fence be reduced to a maximum of 1.2 metres as measured from the ground level (existing).	Complies
Maximum height for side fencing	1.8m	The proposal includes a new 1.5 metre high boundary fencing.	Complies.
<b>4.17 Safety and Security</b>			
	Buildings must be designed to enable occupants to overlook streets and public open spaces in order to provide casual surveillance	The proposed dwelling has incorporated living room windows and terraces which overlook the access driveway, public footpaths and parkland areas.	Complies
	Entrances to dwellings and buildings must be clearly visible from the street	The main entrance to the dwelling is clearly visible from the street.	Complies

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5.3 BASIX			
	Development applications for new single dwellings are to be in accordance with SEPP: BASIX and must be accompanied by a BASIX Certificate.	A BASIX certificate has been accompanied with the development application.	Complies

**4. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to Section 2: Randwick Local Environmental Plan 2013 for further details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to Section 3: Randwick Development Control Plan 2013
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Refer to Executive Summary Report for submissions.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

**5. Referral Comments**

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## 5.1 Internal Referrals

### 5.1.1 Heritage Planning Officer

#### Background

The subject site is located within the Prince Henry Hospital Site heritage conservation area under Randwick Local Environmental Plan 2012. The site and a number of buildings on it are listed on the State Heritage Register for its Aboriginal, natural, landscape and built heritage values.

The site has been the subject of a Conservation Management Plan (CMP), Archaeological Management Plan (AMP) and Heritage Impact Assessment carried out by Godden Mackay Logan (GML) in conjunction with the preparation of a Master Plan and Development Control Plan for residential use of the previous hospital site.

#### The Subject Site

The site is in the south eastern part of the development area, on the eastern side of Mc.Master Place. The site has an eastern boundary an open space area, and northern and southern boundaries to adjacent residential lots. The subject site is located within Precinct P4 as identified in the Prince Henry Site section of Randwick Development Control Plan 2013.

Heritage element	Applies
Built elements in the vicinity	<ul style="list-style-type: none"> <li>Flowers Wards</li> <li>Pine Cottage</li> </ul>
Landscape elements in the vicinity	<ul style="list-style-type: none"> <li>Avenue of coral trees and date palms</li> <li>3 clumps of relocated <i>Phoenix reclinata</i></li> <li>Views to Little Bay, Headlands and Coastline</li> </ul>
Aboriginal archaeological zone	Zone 2- High Sensitivity
Aboriginal identified site	No
Historical archaeological zone	Former Prince Henry Hospital complex
Historical identified site	No
Little Bay Geological site	No
Remnant native vegetation in the vicinity	ESBS

#### History

DA/649/2008 for a detached dwelling was approved in March 2009. Due to the fall of the site the dwelling had a part two storey and part three storey scale.

#### The Proposal

The site slopes away from the street and the current proposal has a two storey scale to the street, and steps down the side with a two to two and half storey scale wall height to the side elevations and a three storey scale to the golf course elevation. The building has a sculptural zinc sheeted roof, and external wall materials include cement render, timber cladding, timber louvres, aluminium louvres, and clear glass balustrades.

#### Submission

The application has been accompanied by a Heritage Impact Statement prepared by Godden Mackay Logan. The HIS addresses the impact on the proposal on views and Vistas from the Flowers Ward group, the impact on the sitting of the Historic Precinct ant Flowers Ward group, the impact on the Setting of the former Nurses Lecture Hall and Pine Cottage, as well as Historical and Aboriginal Archaeology.

In relation to impact on the proposal on views and Vistas from the Flowers Ward group which are identified as being of Exceptional significance, the HIS notes that the site is on the central axis view corridor associated with Flowers Ward 3. The HIS notes that the proposal complies with the required 6m setback from the northern boundary of the site which is identified in the DCP and that the curved roof form will enhance through site views and result in less bulk than

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a conventional roof. In relation to the impact on the setting of the Historic Precinct and Flowers Ward group, the HIS notes that this setting and the Flowers Wards themselves have been identified as being of Exceptional significance. The HIS considers that there will be negligible impact on this setting due to the physical and visual separation. The HIS also notes that the proposal is consistent with the policies contained in the CMP, the Flowers Ward SECP and the heritage provisions of the DCP. In relation to the impact on the Setting of the former Nurses Lecture Hall and Pine Cottage, the HIS notes that the setting of these buildings have been identified as being of Exceptional significance. The HIS considers that there will be negligible visual impact on this setting due to the fall in topography and recently constructed intervening dwellings.

In relation to historical and Aboriginal archaeology, the HIS notes that the site is within both historical and aboriginal archaeology zones, but that no items have been identified on the site. As the site is located on an area covered by introduced fill, the HIS considers that there will be minimal disturbance of natural ground levels and no impact on the historical and aboriginal archaeological resources. The HIS concludes that there would be no adverse impacts arising from the proposed development and provides recommended consent conditions in relation to archaeology.

### **Approvals**

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

### **Consistency of the proposal with LEP, CMP and AMP**

Subject to consent conditions, it is considered that the proposal will not result in any adverse impacts to identified built or landscape elements, or to the significance of the heritage conservation area, has low potential for the identification of unknown archaeological material, and potential impacts on the geological site are manageable. It is considered that the proposed dwelling is generally consistent with the CMP, the AMP, the Amended Master Plan (August 2003), the LEP and the DCP.

## **5.2 External Referrals**

### **5.2.1 NSW Heritage Office**

**INTEGRATED DEVELOPMENT APPLICATION  
HERITAGE COUNCIL OF NSW—GENERAL TERMS OF APPROVAL**

**RE:** Prince Henry site, NSW State Heritage Register item no.1651

**Proposal:** 6 McMaster Place, Little Bay: Lot 9: construct a part-2, part 3 storey 5 bedroom dwelling with garage and associated works on vacant land in Heritage Conservation Area

**IDA Application No:** 2016/IDA/16, received 11 February 2016

**Information received:** as mentioned in condition 1 below

**Additional information requested:** yes, 16 February 2016

**Date received:** 18 May 2016

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the following terms of approval are proposed to be granted:

**1. Development must be in accordance with:**

A: Architectural drawings, prepared by Richard Goodwin Art Architecture, as listed below:

Dwg. No.	Drawing Title	Date	Rev
<b>Project Name: Cuttlefish Shell House, 6 McMaster Place, Little Bay</b>			
01	Lower Ground Floor Plan	5/1/2016	D
02	Ground Floor Plan	5/1/2016	D
03	First/Upper Ground Floor Plan	5/1/2016	D
04	Sections	5/1/2016	D
05	Sections	5/1/2016	D
06	Elevations	5/1/2016	D
07	Elevations	5/1/2016	D

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08	Site Plan	5/1/2016	D
09	Site Analysis Plan	5/1/2016	D
10	Drainage Plan	5/1/2016	D
11	Shadow Diagram	5/1/2016	D
14	Colours / Materials	5/1/2016	D

B: Landscape Plan L-001 Sketch Design, Revision A, prepared by Oculus P/L, dated 27 July 2015;

C: Report entitled Residential Development on Lot 9 (DP286017), 6 McMaster Place, Little Bay (former Prince Henry site) - Heritage Impact Statement, prepared by Godden Mackay Logan P/L, undated;

D: Report titled Statement of Environmental Effects (SEE): 6 McMaster Place, Little Bay, prepared by Richard Goodwin P/L, undated.

**EXCEPT AS AMENDED by the conditions of this approval:**

**2. HISTORICAL ARCHAEOLOGY:**

The Applicant must ensure that:

- a) Site contractors should be advised of their obligations under the Heritage Act with regard to potential archaeological relics;
- b) if historic archaeological deposits/relics are discovered, the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act 1977 (NSW). Work must cease in the affected area(s) and a suitably qualified and experienced archaeologist must be contacted to assess the archaeological material. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

**3. SECTION 60 APPLICATION:**

An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

It should be noted that an approval under the Heritage Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any questions regarding the above matter please contact Stuart Read at the Heritage Division, Office of Environment and Heritage, on telephone (02) 9873 8554 or by e-mail, [stuart.read@environment.nsw.gov.au](mailto:stuart.read@environment.nsw.gov.au).

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**5.2.1 Urban Growth NSW**

The following comments were received from Urban Growth NSW:

*They appear to be the essentially the same as the drawings that were endorsed. I can't see any differences at first glance.*

**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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
01 (Issue D)	Richard Goodwin Architecture	January 2016
02 (Issue D)	Richard Goodwin Architecture	January 2016
03 (Issue D)	Richard Goodwin Architecture	January 2016
04 (Issue D)	Richard Goodwin Architecture	January 2016
05 (Issue D)	Richard Goodwin Architecture	January 2016
06 (Issue D)	Richard Goodwin Architecture	January 2016
07 (Issue D)	Richard Goodwin Architecture	January 2016
08 (Issue D)	Richard Goodwin Architecture	January 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
690936S	13 January 2016	22 January 2016

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- The proposed roof form may not be amended in terms of materials and finishes that would otherwise compromise the overall design of the roof shape from the existing streetscape.
  - Photomontages must be submitted to Council which illustrates the proposed dwelling house in context of the neighbouring buildings from McMaster Place and the public pathway at the rear of the subject site.
  - A privacy screen having a height of 1.6m is to be provided along the full north-eastern edge of the balcony and details of compliance are to be provided in the construction certificate plans. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen.
  - The ground floor ensuite windows (W15 and W16) are to be provided with translucent, obscured, frosted or sandblasted glazing to maintain a reasonable level of privacy to the occupants of the dwelling.
  - The louvres located on the ground floor north-east facing window openings must be fixed and be tilted in an angle that does not result in any direct overlooking into the private open space and habitable room windows of the north-eastern neighbour.

### Heritage

3. The applicant must ensure that:
- Site contractors should be advised of their obligations under the Heritage Act with regard to potential archaeological relics.
  - If historic archaeological deposits/relics are discovered, the Heritage Council must be notified in writing in accordance with Section 146 of the Heritage Act 1977 (NSW). Work must cease in the affected area(s) and a suitably qualified and experienced archaeologist must be contacted to assess the archaeological material. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

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4. An application under Section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.
5. Prior to the commencement of the proposed works, site contractors should be made aware of the possibility that historical or Aboriginal items may survive on the site.
6. Site contractors should be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.
7. Site contractors should be advised of their obligations under the Heritage Act and notification procedures in the event that any cultural material such as archaeological relics is disturbed or exposed during site works.

**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**

8. 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**

9. The colours, materials and finishes of the external surfaces are to be implemented in accordance with the materials and finishes numbered Sheet no. 14 dated January 2016 and received by Council on 22 January 2016.

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. This detail must include a façade and roof sections at a scale of 1:50 to ensure the material quality of the building.

**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 \$2,439,116 the following applicable monetary levy must be paid to Council: \$24,391.16.

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

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

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

Where:

**IDC** = the indexed development cost

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

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

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

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

### **Long Service Levy Payments**

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 Deposit**

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

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

### **Design Alignment levels**

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

**Match the back of the existing Council footpath levels along the full site frontage.**

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

14. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$903.00 calculated at

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\$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.

#### **Garage Slab Level Amendments**

15. So as to provide satisfactory internal driveway gradients for the proposed dwelling the applicant is to amend the plans to show the garage slab with a level of RL 28.37 (raised 200mm). The amendments are to be shown on the plans submitted for the Construction Certificate. The Certifying Authority is to ensure compliance with this requirement.

#### **Sydney Water**

16. 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 the Sydney Water **Tap in™** online service, 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.

*The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015*

The **Tap in™** service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

#### **Stormwater Drainage**

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

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

18. A site stormwater drainage system is to be provided in accordance with the following requirements (as applicable):
- a) The stormwater drainage system must be designed and constructed to satisfy the relevant requirements in the Building Code of Australia,
  - b) Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling,

- c) The overflow from the rainwater tank and other surface stormwater must be directed to the stormwater pit located near the northeastern corner of the site.
- d) Details of the design and construction of the stormwater drainage system must be submitted to and approved by the Certifying Authority with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifying Authority.

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

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

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

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

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

#### **BASIX Requirements**

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

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

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

#### **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**

- 21. 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*.

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

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

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

#### **Home Building Act 1989**

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**

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.

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

### **Construction Site Management Plan**

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

27. 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.

### **Tree Management**

28. The applicant shall submit a total payment of \$107.25 to Council,

- a. Being the cost for Council to supply and install 1 x 25 litre street trees at the completion of all works (\$97.50) + GST.

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

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

**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**

- 29. 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**

- 30. 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**

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

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

*An application to vary the abovementioned hours may be submitted to Council’s Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited*

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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**

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

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

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

### **Removal of Asbestos Materials**

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

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

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

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

34. 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**

35. 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**

36. 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.

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37. 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.

**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. 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.

**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.

#### **Swimming Pool Safety**

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

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

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

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

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

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

#### **Swimming Pool & Spa Pool Requirements**

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

- c) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

#### **Notification of Swimming Pools & Spa Pools**

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

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

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

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

45. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Extend/reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.
- Note: The works are to be to Council's specifications and requirements and the driveway will require the development sites specification for the exposed aggregate mix.
46. 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.
47. 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.
48. 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.

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**Landscaping**

49. The PCA must ensure that landscaping at this site is installed substantially in accordance with the *Landscape Plan by Oculus, Drwg No L-001, Job No S08-000, and dated 31/01/13*, prior to issuing a Final (or any other type of Interim) Occupation Certificate/s, with the owner/s to ensure it is maintained in a healthy and vigorous state until maturity.
50. 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.

**OPERATIONAL CONDITIONS**

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

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

**Use of premises**

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

**External Lighting**

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

**Plant & Equipment**

53. 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.

**Swimming/Spa Pools**

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

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

**Air Conditioners**

55. 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**

56. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.

**ADVISORY NOTES**

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

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

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

- A2 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.

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

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

- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A11 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).
- For further information about preventing falls from windows and balconies refer to [www.health.nsw.gov.au/childsafety](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.
- A12 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is

the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A13 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

**CP49/16**