



**Randwick City
Council**
a sense of community

DA COMPLIANCE REPORTS

**PLANNING COMMITTEE MEETING
TUESDAY 8 NOVEMBER 2016**

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Development Application Compliance Report



Folder /DA No:	DA/701/2016
PROPERTY:	341 Bunnerong Road, MAROUBRA NSW 2035
Proposal:	Alterations and additions to existing outbuilding and conversion to secondary dwelling.
Recommendation:	Approval

D95/16

Relevant Environment Planning Instruments:

1. SEPPs

Division 2, State Environmental Planning Policy (Affordable Rental Housing) 2009 applies to this development application. A secondary dwelling is defined as a self-contained dwelling that is;

- a) *Is established in conjunction with another dwelling (the principle dwelling) and*
- b) *Is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- c) *Is located within, or is attached to, or is separate from, the principal dwelling.*

The proposed development is designed in accordance with this definition.

Division 2 of the Affordable SEPP applies to this development as it relates specifically to secondary dwellings. In accordance with Clause 20 of the SEPP the site is located within land zoned R2 – Low Density Residential. Clause 22 requires the proposal to satisfy a number of development criteria including;

- *Subclause (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

Comment:

The proposed development complies with this provision. The site comprises of the semi-detached dwelling house (principal dwelling) and a detached self-contained dwelling at the rear (secondary dwelling).

- *Subclause (3) A consent authority must not consent to development to which this Division applies unless:*
 - (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
 - (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

Comment

The maximum permissible floor space ratio for the site in accordance with the RLEP 2012 is 0.75:1. The proposed FSR for the development is 0.37:1 which is well within the control.

The secondary dwelling has an internal floor space of 52sqm which is also within the 60sqm maximum floor space permitted.

- *Subclause (4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*
 - (a) **site area if:**
 - (i) *the secondary dwelling is located within, or is attached to, the principal dwelling, or*
 - (ii) *the site area is at least 450 square metres,*
 - (b) **parking**
 - if no additional parking is to be provided on the site.*

Comment

The site area of 334sqm is below the preferred minimum of 450sqm, however in accordance with Subclause 5 below the proposal can still be assessed on its merits by the consent authority despite this non-compliance.

Given the site's accessible location immediately adjoining a key retail precinct and the provision of regular public transport services to the CBD and adjoining suburbs this is a good location for the proposal. There are other outbuildings within the streetscape and at the rear of adjoining properties so this form of development is consistent with the character and nature of development in the area. The proposal will provide and retain adequate areas of open space to both the principal dwelling and secondary dwelling. The proposal will not adversely affect adjoining properties in terms of noise, privacy or overshadowing. The smaller site area will not compromise the existing amenity of the dwelling on site.

- *Subclause (5) a consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).*

Comment

This subclause permits the consent authority to conduct a merit based assessment on any proposal that deviates from the provisions stipulated in subclause 4 above.

No subdivision is proposed as part of this proposal in accordance with Clause 24. The proposed development complies with the purpose, intentions and overall objectives of the Affordable SEPP in respect to the siting, location and design of secondary dwellings.

2. Randwick LEP 2012 (RLEP)

The subject site is zoned **R2 - Low Density Residential** pursuant to Randwick LEP 2012. The proposed development is classified as a secondary dwelling and is not permissible in the zone according to the Randwick LEP 2012. However, SEPP (ARH) allows for secondary dwelling development in the R2 zone and Part 1, Clause 8 of the SEPP states that "if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency". As such the SEPP overrides the RLEP and permits this form of development within the zone.

The R2 zoning objectives include:

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

- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

The proposed development satisfies these objectives.

The following Clauses of RLEP 2012 apply to the proposal:

Table 1 – Compliance with the RLEP provisions

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Clause 4.4 - Floor Space Ratio (Maximum)	0.75:1	0.37:1 Total floor area of 127sqm	Yes
Clause 4.3 - Height of Building (Maximum)	9.5m	3.25m	Yes
Clause 4.1 - Lot Size (Minimum)	400m ²	No change proposed	NA
Clause 5.9 – Preservation of trees	Retain significant vegetation and trees	Existing outbuilding on site being extended and there is no loss of any significant trees or vegetation.	Yes
Clause 5.10 – Heritage Conservation	Retain and preserve heritage items and areas of conservation significance.	No items or areas of significance adjoining the site	N/A
Clause 6.1 – Acid Sulphate Soils	Limit and reduce potential disturbance of ASS	The site is not identified within an area of ASS	N/A
Clause 6.2 - Earthworks	Limit the amount of excavation	No excavation or earthworks are proposed. Works are to be located on the existing ground level.	Yes
Clause 6.3 – Flood planning	Design around the potential for flooding.	The subject site is not located within a designated flood prone area	N/A

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 or are superseded by SEPP (ARH) have been deliberately omitted.)

Table 2 – RDCP compliance

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2 zone	Yes
2.3	Site coverage		
	301 to 450 sqm = 55%	Proposed = 137m ² (41% coverage by the existing and proposed structures)	Yes
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.75:1	Proposed FSR = 0.37:1	Yes
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 3.25m	Yes
3.3	Setbacks		
3.3.2	Side setbacks: Semi-Detached Dwellings: <ul style="list-style-type: none"> • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: <ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. Refer to 6.3 and 7.4 for parking facilities and outbuildings	Minimum = 0.9m Proposed new work = 0.9m from the side boundaries. Refer to detailed discussion below	Yes
3.3.3	Rear setbacks i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.	Minimum = 8m Proposed = 2.75 – 4m Refer to a detailed assessment below. The rear setback provides ample separation between the proposed secondary dwelling and the rear dwelling’s living and habitable areas. The siting and location of the secondary dwelling is similar to and consistent with other such outbuildings in the immediate locality and streetscape.	No
4	Building design		

DCP Clause	Controls	Proposal	Compliance
4.1	General		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	The proposal has been designed appropriately in accordance with the DCP and reflects a diversity of building materials and finishes that contribute positively to the locality.	Yes
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	The proposal utilises an appropriate schedule of materials and finishes that are suitable to the locality. Opaque glass windows, fascia and scyon line cladding will suit the local climatic conditions and create an appropriate visual interest. The proposed finishes and materials are simple and aim to blend in with the existing environment and provide longevity of materials for the future in order to reduce the need for maintenance.	Yes
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	The section the secondary dwelling has been setback 900mm from the southern boundary with a reduced ceiling height that allows solar access to the southern window. Solar access is satisfactory as the proposed building will receive a minimum of 3 hours direct sunlight.	Yes
	Solar access to neighbouring		

DCP Clause	Controls	Proposal	Compliance
	development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.I 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.	The proposal is not expected to cause any unreasonable effects on adjoining properties in terms of solar access. It is a small single storey structure with a flat roof which aims to minimize the impact of overshadowing. There will be no shadows cast over the property to the north (339 Bunnerong Road) and there will be some shadowing to the south. However given that this neighbour, 343 Bunnerong Road has a similar outbuilding the impact will be to this structure. The new work should still allow for this structure to obtain solar access from the west and should not affect the main living and dining areas of the principal dwelling.	Yes
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas 	The proposal provides adequate windows to allow for natural ventilation to occur. These are located along the north to obtain maximum solar access from this orientation. The powder coated framed windows are openable and well located throughout the secondary dwelling to provide substantial ventilation.	Yes
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing habitable of proposed and neighbours habitable	The proposed powder coated framed window	Yes

DCP Clause	Controls	Proposal	Compliance
	room windows by one or more of the following measures: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	scheme does not create any overlooking or opportunity for negative impacts on the visual privacy of residents or neighbours. Much of the secondary dwelling will be screened by the adjoining boundary fences which reach a height of some 1.8m.	
7.4	Controls	Proposal	Compliance
	Outbuildings		
	i) locate behind the alignment of the front building façade. ii) Position to optimise backyard space and must not be located within the required permeable surfaces. iii) Except for laneway development, outbuildings must be single storey only, and must not exceed a maximum height of 3.6m and a wall height of 2.4m. iv) Outbuildings may be constructed to the side and rear boundaries where: <ul style="list-style-type: none"> - The external walls are finished and do not require frequent maintenance; - There are no windows or openings facing the adjoining 	The proposed outbuilding is positioned in a suitable location at the rear of the site that optimises the backyard space. It will no be visible from the street as it will be largely screened by the existing dwelling and front fence. The proposal retains sufficient soft landscaped area at the rear. The proposal is single storey only, and does not exceed the maximum building or wall height. The maximum height of the structure is between 3.05m and 3.25m. The wall height exceeds 2.4m however this is quite difficult to achieve and will restrict the internal amenity of the dwelling. While the outbuilding is positioned close to the southern boundary, the external walls are finished and will not require frequent	Yes Yes Yes Yes

DCP Clause	Controls	Proposal	Compliance
	allotments; and - Adequate solar access to the adjoining dwellings is maintained. vi) Outbuildings may be used as habitable space, but must not be used as a separate business premises.	maintenance. All new work is setback 900mm which is considered to be an adequate setback and generally what is required for a dwelling house at the ground floor level. In addition, there are no windows or openings facing the adjoining allotment to the south where the building wall is 440mm from the boundary. This is the existing structure. The proposal is not intended to be used as a business premises.	Yes

Site area

Division 2, Clause 22(4) of the State Environmental Planning Policy (Affordable Housing) 2009 states that the consent authority must not refuse consent to development if the secondary dwelling is located within, or is attached to, the principal dwelling or the site area is at least 450sqm and no additional parking is provided on site.

Given that the site area is less than the preferred 450sqm (or greater) area that is stipulated in the Affordable Housing SEPP the non-compliance needs to be considered and assessed on its merits. Clause 22(5) of the Affordable SEPP states that "a consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4)". The proposed floor space of 0.37:1 is well within the maximum FSR control (0.75:1) stipulated by the Randwick Local Environmental Plan 2012 (RLEP), the proposal is also small scale and single storey in form and will not be visible from the front of the property as it will be predominantly screened by the main dwelling house.

The property currently includes outbuildings of a similar scale and adjoining properties also have similar separate structures at the rear (i.e 343 Bunnerong Road) so the proposed development is not inconsistent with the established building form. The site is well located within close proximity to Eastgardens Shopping Centre and is very accessible with regular public transport services along Bunnerong Road to the CBD and surrounding suburbs.

The design and location of the secondary dwelling will retain sufficient areas of open space. Currently there is a large rear deck and associated soft landscaped area adjoining the semi at the rear most of which will be retained. There is no change proposed to the private front yard area.

The design, size and layout of the proposed secondary dwelling is considered acceptable and will not create any unreasonable amenity impacts.

Setbacks

Part C1, 3.3 of the Randwick Development Control Plan 2013 outlines the minimum setback requirements for proposals. The minimum side setback required at the ground floor level is 900mm.

The proposed secondary dwelling satisfies Council's setback control along the northern side being setback 900mm. Along the southern side the existing outbuilding is setback some 440mm from the common boundary. The new addition is setback 900mm however the small recessed entry is only setback 440mm which is in line with the existing structure. Given that all the new building work is setback 900mm the entry area is not habitable and will not create any adverse amenity impacts (no additional bulk, overlooking or overshadowing) to the adjoining, southern neighbour. The proposed development will be generally in keeping and in line with the scale, form and location of a similar single storey outbuilding at No.343 Bunnerong Road.

The structure is setback between 2.750m and 4m from the rear boundary. The required rear setback is 8m. The existing rear outbuilding is setback about 5m. The new structure is in keeping with other similar rear outbuildings and sheds which are scattered within the rear yards of adjoining properties. This form of development at the rear and its siting is not uncommon. The rear setback is considered to be satisfactory as the secondary dwelling is stepped in form and maintains adequate separation between the main dwelling at the rear (26 Cobham Street) and their main living areas.

It is not expected that the proposal will lead to any adverse impacts on neighbouring properties.

Height

Part C1, section 7.4 relates to general planning controls and provisions for outbuildings. Subsection (iv) states that "*Except for laneway development, outbuildings must be single storey only, and must not exceed a maximum height of 3.6m and a wall height of 2.4m*".

The proposed secondary dwelling is single storey and includes a flat roof to reduce the bulk and scale of the structure. It has an overall height of between 3.05m to 3.25m at the highest point. The proposal is well within the required overall height of 3.6m however the DCP requires that the wall height of the building is to have a maximum of 2.4m. The maximum external wall height is between 2.9m and 3.1m which exceeds this control. It is very difficult to achieve a 2.4m wall height as this generally does not take into account a roof slab that is required for insulation and any associated electrical services. The internal floor to ceiling height of the structure is 2.4m which is at the minimum for habitable spaces in accordance with the BCA.

The floor to ceiling height could be reduced but this would severely limit and restrict the internal amenity of the dwelling. This is after all a small dwelling with a floor space of some 52sqm and it is important that the general liveability and internal amenity that is to be provided is at an acceptable level. Given that the structure is setback 900mm from the side boundaries and between 2.75m – 4m from the rear there is a reasonable degree of physical separation from surrounding developments and the existing 1.8m boundary fences will assist in screening much of the structure.

By way of the design and layout of the structure it is unlikely that the development will be highly visible or a dominating structure. It should generally blend in with the character of development in the street and adjoining sites, many of which have similar outbuildings and ancillary structures.

4. Referral Comments

The application and all supporting information was referred to Council's Development Engineers for comment. In principle no objection was raised in respect to the proposed works however there were a few issues regarding the drainage easement at the rear and the potential for flooding that were addressed in more detail through the referral comments and

adequately conditioned if consent is granted.

The following comments were made;

"Drainage Easement Comments

The application is situated in close proximity to a 3.05m wide Council drainage easement and it is noted that no part of the proposed structure is proposed to encroach into the easement. Standard conditions requiring the footings to extend below the zone of influence have been included in this report.

Flooding Comments

Council's GIS system appears to indicate there is an overland flow path located within the adjacent properties at 24-26 Cobham Street which flows in a south easterly direction & eventually intersects with Cobham Street near the intersection of Parer Street. The flow path may extend into the subject property and drainage easement during major storm events.

The site is not located within a catchment where Council has undertaken flood studies and so Council does not currently have any definitive information about the depth of floodwaters or extent of the flow path although it is noted that Council has not received any neighbouring reports of flooding in association with this flow path, either upstream or downstream of the subject site. The following is also noted in regards to the subject proposal;

- *The secondary dwelling is to be constructed as a slab on piers*
- *The floor level appears to be at least 0.5-0.6m above the surrounding ground surface closes to the flow path.*
- *The full width of the drainage easement remains available for overland flow.*

These aspects should provide a reasonable level of flood protection and ensure that any overland flow will not be impeded by the proposed development. To ensure there is no variation to the above aspects however, suitable conditions have been included in this report.

In addition a positive covenant and restriction shall be placed on the title of the subject property to ensure that the area underneath the ground floor slab shall not be enclosed or used for the storage of goods and there shall be no change to natural surface levels. This is to ensure any overland flow path is maintained through the subject property into the future. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Landscape Comments

There are no existing trees, covered by Part B5 (Preservation of Trees and Vegetation) in Council's DCP 2013, that will be affected by this proposal."

5. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
Drawing No.54/16	Peter Banfield Building/Design/Plan Service	21 September 2016	29 September 2016

BASIX Certificate No.	Dated	Received by Council
95897024384	28 September 2016	29 September 2016

D95/16

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

2. 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

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

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

Long Service Levy Payments

4. 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.

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

5. 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

6. 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

7. Detailed drainage plans, 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.

8. Stormwater runoff from the (redeveloped portion) site shall be discharged either:
- a) To the kerb and gutter along the site frontage by gravity (a charged system may be permitted); OR
 - b) To Council's underground drainage pipe located within the 3.05m wide drainage easement via a council approved connection point; OR
 - c) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

9. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

Note: A maximum of 1m water depth is permitted within the charged line.

10. Should stormwater be discharged to Council's underground drainage line located within the 3.05m wide drainage easement the design of the proposed connection point must be approved by Council's Development Engineers prior to the issuing of a construction

certificate. Inspection of the completed connection point must also be undertaken by Council's Engineers prior to an occupation certificate being issued.

Flooding

11. To minimise the potential for flooding, plans submitted for the construction certificate shall demonstrate compliance with the following requirements/amendments;
- a) The secondary dwelling must be constructed as a slab on piers as indicated on the approved plans.
 - b) The proposed floor level must not be lower than indicated on the approved plans without the prior consent of the Council
 - c) Natural Surface levels must not be raised in the vicinity of the proposed development.
 - d) The area underneath the floor slab must not be enclosed or used for the storage of goods.

Footings adjacent to drainage easements.

12. All proposed footings located adjacent to the existing drainage easement shall either be:
- A. Founded on rock, or;
 - B. Extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

Sydney Water

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

The approved plans must be submitted to 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.

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

14. 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

15. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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

16. 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

17. 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

18. 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

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

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

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

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

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

Notes

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

Public Utilities

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.

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

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

22. 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

23. 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

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

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

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

Demolition Work Requirements

25. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:
- Work Health & Safety Act 2011 and Regulations
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - WorkCover NSW Guidelines and Codes of Practice
 - Australian Standard 2601 (2001) – Demolition of Structures

- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

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

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

27. 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

28. 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.

29. 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*.

Footings adjacent to drainage easements

30. Any footings adjacent to the drainage easement/s must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to certifying authority, prior to proceeding to the subsequent stages of construction.

Road/Asset Opening Permit

31. 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.

Council's Infrastructure, Vehicular Crossings, street verge

32. 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.
33. Any 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 Pre-paid 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.

34. That part of the naturestrip 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.

Overland Flow Path

35. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the area underneath the ground floor slab shall not be enclosed or used for the storage of goods and there shall be no change to natural surface levels. This is to ensure any overland flow path is maintained through the subject property. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

- The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

Stormwater Drainage

36. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

NOTE: If connecting to Council's underground drainage pipe within the 3.05m wide drainage easement, inspection of the completed connection point must be undertaken by Council's Engineers prior to an occupation certificate being issued.

Occupation Certificate Requirements

37. 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

38. 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.

OPERATIONAL CONDITIONS

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

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

External Lighting

39. 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

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

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

Rainwater Tanks

41. 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.

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

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

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

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

A10 Demolition work and removal of asbestos materials:

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

- A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).
- For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.
- A13 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A14 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

Development Application Compliance Report



D96/16

Folder/DA No:	DA/189/2016
Property:	5-7 Stark Street, Coogee
Proposal:	Demolition of the existing structures, construction of a part 3/part 4 storey residential flat building containing 11 dwellings, semi-basement car parking for 20 vehicles, landscaping, strata subdivision and associated works (variation to floor space ratio control).
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. State Environmental Planning Policy (BASIX) 2004

In accordance with the SEPP BASIX all new housing in NSW is required to meet a designated target for energy and water reduction. A BASIX Certificate was submitted with the application, which indicates that the proposal meets the required reduction targets. Amended plans were received and no updated BASIX certificate supplied, a condition is recommended requiring the submission of a new BASIX Certificate. The proposal therefore satisfies the requirements of the SEPP.

2. State Environmental Planning Policy No. 65 – Apartment Design Guide

SEPP No. 65 aims to promote quality design of Residential Flat Buildings. The proposal is subject to the policy as it involves the development of a residential flat building being 3 storeys and more in height. The proposal has been considered by Council’s Design Review Panel. The Panel’s comments are included in Section 6. 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.

Furthermore, written confirmation from a registered Architect is also required to be provided to Council confirming that the design is in accordance with the design quality principles of the SEPP.

A Design Verification Statement in accordance with the requirements of SEPP 65 has been received from Brian Meyerson of MHN Design Union, a registered Architect.

The Design Review Panel provided comments in May 2016 for the application. The applicant has made amendments to their design to generally response to the Design Review Panel comments.

Clause	Requirement	Proposal	Compliance
Part 3: Siting the Development			
3A-1	Site Analysis		
	Each element in the Site Analysis Checklist should be addressed	The submitted development application addresses each relevant section of the site analysis	Complies.

Clause	Requirement	Proposal	Compliance
		checklist.	
3B-1	Orientation		
	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)	The building has been orientated to the street frontage and direct access is provided.	Complies.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Refer to orientation comments below.	N/A
3B-2	Overshadowing of Neighbouring Property		
	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	Submitted shadowing diagrams demonstrate that adjoining development will received a minimum of 2 hrs solar access on 21 June.	Complies.
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered.		
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy		
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks	Properties to the south of the development will still achieve solar and daylight access in accordance with 4A of the AGD.	Complies.
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	Not practical on the site.	Complies.
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	The proposal will not impact any existing solar collectors.	Complies.
3C-1	Public Domain Interface		
	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate	Front apartment has direct street entry.	Complies.

Clause	Requirement	Proposal	Compliance
	Upper level balconies and windows should overlook the public domain	Balconies have been positioned and orientated to overlook the street and rear reserve.	Complies.
	Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m	Front fencing is excessively high (solid fence up to 3.06m high).	Condition for compliance – 1.8m max. height and upper-two thirds 30% open.
	Length of solid walls should be limited along street frontages	Excessive lengths of solid walls proposed. Condition recommended to ensure openness.	Condition for compliance.
	Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets	Interactions between the front balconies/terrace and the public domain are possible.	Complies.
	In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: <ul style="list-style-type: none"> • architectural detailing • changes in materials • plant species • colours 	Separate entrances are provided on both sides of the development. The entrances are clearly identifiable due to the incorporation of pathways and street numbering.	Complies.
	Opportunities for people to be concealed should be minimised	Opportunities for concealment are minimised due to building layout and landscape design.	Complies.
Objective 3C-2	Amenity of the public domain is retained and enhanced		
	Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking	Planting is proposed to minimise amenity impacts arising from the proposed basement level.	Complies.
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Letterboxes are provided in the front fence.	Complies.
	The visual prominence of underground car park vents should be minimised and located at a low level where possible	No vents associated with the basement are visible from the public domain.	Complies.
	Substations, pump rooms, garbage storage areas and other	All utilities have been provided within the	Complies.

Clause	Requirement	Proposal	Compliance												
	service requirements should be located in basement car parks or out of view	basement.													
	Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	Ramping is provided for access units from the rear entry of the site.	Complies.												
	Durable, graffiti resistant and easily cleanable materials should be used	The proposal complies with the requirements	Complies.												
	On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking	The proposal includes a semi-basement car park. Screen planting and podium landscaping is proposed to blend the car park into its context. The above ground portions of the car park will not generally be visible from the street due to the slope of the site and landscape planting.	Complies.												
3D-1	Communal and Public Open Space														
	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	Proposed = 26.4%	Complies												
	Developments achieve a min. of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3 pm on 21 June (mid-winter).	Achieved – communal open spaces with access to northern sunlight proposed.	Complies												
3E-1	Deep Soil Zones														
	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Site area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td><650m²</td> <td>0m</td> <td rowspan="4">7%</td> </tr> <tr> <td>650-1500m²</td> <td>3m</td> </tr> <tr> <td>>1500m²</td> <td>6m</td> </tr> <tr> <td>>1500m² with sig. existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum Dimensions	Deep Soil Zone (% of site area)	<650m ²	0m	7%	650-1500m ²	3m	>1500m ²	6m	>1500m ² with sig. existing tree cover	6m	<p>Proposed = 25.7%</p> <p>Minimum dimensions achieved.</p>	Complies
Site area	Minimum Dimensions	Deep Soil Zone (% of site area)													
<650m ²	0m	7%													
650-1500m ²	3m														
>1500m ²	6m														
>1500m ² with sig. existing tree cover	6m														
3F-1	Visual Privacy														

Clause	Requirement	Proposal	Compliance												
	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="309 465 756 925"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>>25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	>25m (9+ storeys)	12m	6m	<p>The proposal is two storeys and provides separation from both side boundaries of 3.05m and 4.715m. Notwithstanding the inadequate building separation it is considered that the proposal satisfactorily addresses visual privacy by way of side window orientation (towards the front of the site), privacy screens and fencing.</p> <p>Where privacy mitigation is required conditions have been included in the development consent to address this.</p>	<p>Complies on merit and through privacy conditions.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
>25m (9+ storeys)	12m	6m													
3J-1	Bicycle and Car Parking														
	<p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors are set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>See Engineers comments</p>	<p>See Engineers comments</p>												

Clause	Requirement	Proposal	Compliance										
	The car parking needs for a development must be provided off street												
Part 4: Designing the Building													
4A	Solar and Daylight Access												
	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	It is proposed that 72% of apartments and POS will receive a minimum of 2 hours sunlight.	Complies.										
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All apartments achieve sunlight access due to their orientation and multi-aspect design.	Complies.										
4B	Natural Ventilation												
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	All apartments achieve cross ventilation.	Complies.										
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	All apartments achieve cross-ventilation within the required 18m.	Complies.										
4C	Ceiling Heights												
	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Minimum Ceiling height for apartment and mixed use buildings</td> </tr> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree</td> </tr> </table>	Minimum Ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree	All apartments will achieve the minimum floor to ceiling height of 2.7 metres	Complies
Minimum Ceiling height for apartment and mixed use buildings													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree												

Clause	Requirement	Proposal	Compliance										
	<table border="1"> <tr> <td></td> <td>minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use.</td> </tr> </table> <p>These minimums do not preclude higher ceilings if desired.</p>		minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.								
	minimum ceiling slope												
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.												
4D	<p>Apartment Size and Layout</p> <p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3bedroom</td> <td>90m²</td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3bedroom	90m ²	All apartments comply with the minimum size requirements under the ADG.	Complies.
Apartment Type	Minimum Internal Area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3bedroom	90m ²												
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms feature a window opening that will not comprise with less than 10% of the floor area of the room.	Complies.										
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	The habitable rooms meet this requirement.	Complies.										
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	The proposed open plan layouts of the apartments have depths of between 5.6m to 7.3m. All apartments have three aspects and windows are provided on all aspects for sufficient cross ventilation and access to light.	Complies.										
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	All bedrooms exceed min. size requirements.	Complies										

Clause	Requirement	Proposal	Compliance										
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms have minimum dimensions exceeding 3m.	Complies.										
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 	All living dining rooms have a minimum width in excess of 4m.	Complies.										
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All cross-through apartments are greater than 4m wide.	Complies.										
4E	Private open space and balconies												
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	All terraced areas at ground floor level meet the minimum dimension requirements.	Complies.										
4G	Storage												
	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m3</td> </tr> <tr> <td>1 bedroom</td> <td>6m3</td> </tr> <tr> <td>2 bedroom</td> <td>8m3</td> </tr> <tr> <td>3bedroom</td> <td>10m3</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage Size Volume	Studio	4m3	1 bedroom	6m3	2 bedroom	8m3	3bedroom	10m3	The proposal meets the minimum storage volume sizes; this is spread between storage units in the basement and within the apartment.	Complies
Dwelling Type	Storage Size Volume												
Studio	4m3												
1 bedroom	6m3												
2 bedroom	8m3												
3bedroom	10m3												

3. Randwick LEP 2012

The subject site is zoned R3 Medium Density Residential under Randwick LEP 2012. The proposal development is classified as a residential flat building and is permissible in the zone.

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
Height of Building (Maximum)	12m	11.3	Yes
Lot Size (Minimum)	N/A	N/A	N/A

4. Randwick Comprehensive DCP

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

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

B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	The waste storage area is in the basement.	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.	The waste storage area is in the basement.	Complies
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.	The waste storage area is in the basement.	Complies
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).	Accessible via lift to the basement.	Complies
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.	Storage available in kitchen.	Complies
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.	Capable of complying	Condition to comply.
B7	Transport, Traffic, Parking and Access		
3.	Parking & Service Delivery Requirements		
	Car parking requirements: 15 spaces 1space per 2 studios 1 space per 1-bedroom unit (over 40m2)	Proposed = 20 spaces	Complies

DCP Clause	Control	Proposal	Compliance
	1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom unit 1 visitor space per 4 dwellings		
	Motor cycle requirements: 1 Space 5% of car parking requirement	Proposed = 1 space	Complies
4.	Bicycles		
	Required = 7 spaces Residents: 1 bike space per 2 units Visitors: 1 per 10 units	Proposed = 11 spaces	Complies
C2	Medium Density Residential		
2	Site Planning		
2.1	Site Layout Options Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> • Two block / courtyard example • T-shape example • U-shape example • Conventional example 	Site analysis provided with DA	Complies
2.2	Landscaped Open Space and Deep Soil Area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area is to be landscaped open space.	49.8%	Non-compliant – refer key issues discussion.
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	26%	Complies
	(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.	Proposed deep soil areas proposed to be raised and covered by a slab. Condition that slab be deleted and areas match existing ground levels.	Condition for compliance -
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting.	Variety of planting proposed.	Complies
	(iv) Deep soil areas cannot be located on structures or facilities	Proposed over deep soil only.	Complies

DCP Clause	Control	Proposal	Compliance
	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.	Deep soil areas adjoin deep soil on adjoining sites.	Complies
2.3	Private and communal open space		
2.3.1	Private open space		
	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.	All proposed POSs are to be directly accessible from the living areas of the dwelling. Northerly aspect (where possible). Consideration given to privacy of users. Passive surveillance of common areas achieved.	Complies
	For Residential Flat Buildings: (vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from with the dwelling. (vii) Private open space for apartments has a minimum area of 8m ² and a minimum dimension of 2m.	All units to have POS. All exceed 8m ² and dimensions of 2m.	Complies
2.3.2	Communal Open Space		
	Communal open space for residential flat building is to be: (a) Of a sufficient contiguous area, and not divided up for allocation to individual units. (b) Designed for passive surveillance. (c) Well oriented with a preferred northerly aspect to maximise solar access. (d) Adequately landscaped for privacy screening and visual amenity. (e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.	Area of 213m ² proposed. Well designed in terms of usability – flat spaces, decks and landscaped gardens areas.	Complies
3	Building Envelope		
3.1	Floor Space Ratio		
	0.9:1	0.98:1	Non-compliant – refer key

DCP Clause	Control	Proposal	Compliance
			issues discussion.
3.2	Building Height		
	12m	11.3m	Complies
3.3	Building Depth		
	For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	Maximum window line to window line depth of 10.3m	Complies
3.4	Setbacks		
3.4.1	<p>Front Setback</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>	<p>Proposed setback consistent with the prevailing setback line along Stark Street.</p> <p>Landscaping proposed within the front setback.</p>	Complies
3.4.2	Side Setback		
	<p>Residential Flat Building</p> <p>(i) Comply with the minimum side setback requirements stated below:</p> <ul style="list-style-type: none"> - 20m and above: 4m <p>(ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to:</p> <ul style="list-style-type: none"> - Create articulations to the building facades. 	<p>3.05m side setback proposed.</p> <p>Articulation proposed.</p>	Non-compliant – refer key issues discussion.

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. <p>(iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.</p>		
3.4.3	Rear Setback		
	For residential flat buildings, provide a minimum rear setback of 15% of allotment depth or 5m , whichever is the greater.	Setback of 1.95m	Non-compliant – refer key issues discussion.
4	Building Design		
4.1	Building Façade		
	<ul style="list-style-type: none"> (i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. (iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into 	<p>Building design to address Stark Street frontage and rear greenway.</p> <p>Front wall alignment proposed to be parallel with the street.</p> <p>Façade articulation proposed and form reflects use of building.</p> <p>Building services not conspicuous.</p>	Complies

DCP Clause	Control	Proposal	Compliance
	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.		
4.2	Roof Design		
	(i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building. (ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access. (iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape. (iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms. (v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape. (vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain. (vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if: <ul style="list-style-type: none"> - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. 	Roof form generally flat with clerestory window projections for improved solar admission to the interior of the upper-level dwellings. Roof forms not particularly consistent along the street. Massing of roof form broken into two sections. Services not generally proposed to project. Green roof proposed by landscape architect.	Complies

D96/16

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street. - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. <p>(viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>		
4.3	Habitable Roof Space		
	<p>Habitable roof space may be considered, provided it meets the following:</p> <ul style="list-style-type: none"> - Optimises dwelling mix and layout, and assists to achieve dual aspect or cross over units with good natural ventilation. - Has a maximum floor space of 65% of the storey immediately below. - Wholly contain habitable areas within the roof space. - When viewed from the surrounding public and private domain, the roof form has the appearance of a roof. A continuous flat roof with habitable space within it will not satisfy this requirement. - Design windows to habitable roof space as an integrated element of the roof. - Submit computer generated perspectives or photomontages showing the front and rear elevations of the development. 	None proposed.	N/A
4.4	External Wall Height and Ceiling Height		
	(i) Where the site is subject to a	Proposed = 11.7m	Non-compliant

DCP Clause	Control	Proposal	Compliance
	12m building height limit under the LEP, a maximum external wall height of 10.5m applies.		– refer key issues.
	(ii) The minimum ceiling height is to be 2.7m for all habitable rooms.	Proposed = 2.7m (min.)	Complies
4.5	Pedestrian Entry		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	Separate pedestrian entries proposed.	Complies
	(ii) Present new development to the street in the following manner: <ul style="list-style-type: none"> - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible. - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary). - Provide weather protection for building entries. Postal services and mailboxes <ul style="list-style-type: none"> (i) Mailboxes are provided in accordance with the delivery requirements of Australia Post. (ii) A mailbox must clearly mark the street number of the dwelling that it serves. (iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street. 	Pedestrian entries related to footpaths. Entries clearly identifiable and integrated within building design. Direct entry proposed to ground level front unit. Mailboxes integrated into fence design. Street numbering to be conditioned.	Complies
4.6	Internal circulation		
	(i) Enhance the amenity and safety	Natural lighting and	Complies

DCP Clause	Control	Proposal	Compliance
	of circulation spaces by: <ul style="list-style-type: none"> - Providing natural lighting and ventilation where possible. - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors. - Allowing adequate space for the movement of furniture. - Minimising corridor lengths to give short, clear sightlines. - Avoiding tight corners. - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor. 	ventilation of circulation spaces proposed. Corridors and lobbies generously sized. Excessive corridor lengths and tight corners avoided.	
	(ii) Use multiple access cores to: <ul style="list-style-type: none"> - Maximise the number of pedestrian entries along a street for sites with wide frontages or corner sites. - Articulate the building façade. - Limit the number of dwelling units accessible off a single circulation core on a single level to 6 units. 	N/A	N/A
	(iii) Where apartments are arranged off a double-loaded corridor, limit the number of units accessible from a single core or to 8 units.	Maximum of four units per level off the double-loaded circulation core.	Complies
4.7	Apartment Layout		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and	No single aspect apartments are proposed. Clerestory windows proposed for daylight admission to upper-level. At least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms	Complies

DCP Clause	Control	Proposal	Compliance
	ventilation.		
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	Layout accommodates flexibility with room arrangement.	Complies
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.	Proposed.	Complies
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.	Avoided for all units.	Complies
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m ² and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	All balconies and courtyards proposed to exceed 8m ² and 2m.	Complies
	(ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12m ² . All ground floor apartments are to have direct access to a terrace.	Three ground level apartments to feature compliant terraces.	Complies
4.9	Colours, Materials and Finishes		
	(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of light-weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. (v) Avoid the following materials or treatment: <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sun shade 	Schedule provided. Selection of materials complements the architectural elements of the building and provide articulation. Further details to be provided post-approval. Expanses of glass to be shaded by balcony roofs Low reflectivity finishes proposed.	Condition for compliance – colour schedule to be supplied to and approved by council.

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts <p>(vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration.</p> <p>(vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.</p>	<p>No rendered masonry proposed.</p>	
4.12	Earthworks Excavation and Backfilling		
	<p>(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.</p> <p>(ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site.</p> <p>(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.</p>	<p>The site gradient prevents compliance with this requirement.</p> <p>Landforms generally preserve outside of building footprint.</p> <p>Split-level design proposed.</p>	<p>Complies</p>
	<p>Retaining Walls</p> <p>(iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</p> <p>(v) Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain.</p> <p>(vi) Where it is necessary to construct retaining walls at less than 900mm from the</p>	<p>Piling to be setback 0mm from rear boundary. Piling a min. of 1.5m from side boundaries.</p> <p>Retaining within 900mm of the boundaries stepped and does not exceed a height of 2.2m above existing ground level.</p>	<p>Non-compliant rear excavation and retaining setback – refer key issues discussion</p>

DCP Clause	Control	Proposal	Compliance
	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).		
5	Amenity		
5.1	Solar Access and Overshadowing		
	Solar Access for Proposed Development		
	(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.	Southern units will not receive a minimum of 3 hours sunlight to living areas and 50% of their POS on 21 June.	Non-compliant – refer (iv) below.
	(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.	Proposed that 72% of units and POS will received direct sunlight for 3 hours between 8am to 4pm.	Complies
	(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.	No apartments have a single southerly aspect	Complies
	(iv) Any variations from the minimum standards due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.	Variation to minimum standard (i) due to site orientation. Solar access to southern units have been maximised by clerestory windows, window projections to the side. Solar access during other parts of the year.	Complies
	Solar Access for Surrounding Development		
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June. (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June.	Submitted shadowing diagrams show that neighbouring dwellings and their landscaped areas will receive over 3 hours of sunlight on 21 June.	Complies

DCP Clause	Control	Proposal	Compliance
	(iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.		
5.2	Natural Ventilation and Energy Efficiency		
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	Appropriate amount and positioning of windows/skylights for daylight admission.	Complies
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.	Screening measures proposed in line with BASIX requirements	Complies
	(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.	Achieved.	Complies
	(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.	Achieved.	Complies
	(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.	Achieved.	Complies
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.	All kitchens have access to natural ventilation.	Complies
	(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.	N/A	N/A
5.3	Visual Privacy		
	(i) Locate windows and balconies of habitable rooms to minimise	Balconies to street front and rear	Complies

DCP Clause	Control	Proposal	Compliance
	<p>overlooking of windows or glassed doors in adjoining dwellings.</p> <p>(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.</p> <p>(iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.</p> <p>(iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.</p> <p>(v) Incorporate materials and design of privacy screens including:</p> <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection. 	<p>greenway only – preserve privacy.</p> <p>Windows generally oriented to the front and rear.</p> <p>Raised deep soil areas adjoining side boundaries could enable overlooking. Condition for these deep soil areas to match existing ground levels and to delete paved seating area in the west of the site. Communal open spaces to the east and west will then be adequately screened by 1.8m high standard side boundary fencing.</p> <p>Privacy louvres proposed to side elevations windows and openings.</p>	<p>Complies</p> <p>Condition for compliance.</p> <p>Complies</p>
5.4	Acoustic Privacy		
	<p>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</p> <p>(ii) Separate “quiet areas” such as bedrooms from common recreation areas, parking areas, vehicle access ways and other</p>	<p>Quiet areas appropriately positioned.</p> <p>Majority of bedrooms do not adjoining driveways or noise sources.</p>	<p>Complies</p>

DCP Clause	Control	Proposal	Compliance
	noise generating activities. (iii) Utilise appropriate measures to maximise acoustic privacy such as: <ul style="list-style-type: none"> - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors. 		
5.5	View Sharing		
	(i) The location and design of buildings must reasonably maintain existing view corridors and vistas to significant elements from the streets, public open spaces and neighbouring dwellings. (ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas should be given a priority over those obtained from the bedrooms and non-habitable rooms. (iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain. (iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain. (v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain. (vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.	No view corridors have been identified as impeded.	Complies
5.6	Safety and Security		
	(i) Design buildings and spaces for safe and secure access to and within the development.	Achieved.	Complies
	(iii) For residential flat buildings,	Achieved – lift	Complies

DCP Clause	Control	Proposal	Compliance
	provide direct, secure access between the parking levels and the main lobby on the ground floor.		
	(iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed insufficient.	Achieved	Complies
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.	Development not obscured by high structures.	Complies
	(vi) Resident car parking areas must be equipped with security grilles or doors.	Proposed.	Complies
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	Proposed.	Complies
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	Not detailed.	Condition
	(ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies / foyers, hallways, open space and car parks.	Living areas of front and rear units to overlook public road and rear greenway.	Complies
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	Not detailed.	Condition
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	Not detailed	Condition
6.1	Location		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	No secondary frontage or laneway.	N/A
	(ii) The location of car parking and access facilities must minimise the length of driveways and	Driveway extent minimised.	Complies

DCP Clause	Control	Proposal	Compliance
	extent of impermeable surfaces within the site.		
	(iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.	Setback of 5.1m and landscaping within setback proposed.	Complies
	(iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.	N/A	N/A
	(v) For residential flat buildings, comply with the following: (a) Car parking must be provided underground in a basement or semi-basement for new development. (b) On grade car park may be considered for sites potentially affected by flooding. In this scenario, the car park must be located on the side or rear of the allotment away from the primary street frontage. (c) Where rear lane or secondary street access is not available, the car park entry must be recessed behind the front façade alignment. In addition, the entry and driveway must be located towards the side and not centrally positioned across the street frontage.	Basement car parking proposed. Car park entry/driveway located towards the side of the frontage. Entry recessed behind the front façade.	Complies
6.2	Configuration		
	(i) With the exception of hardstand car spaces and garages, all car parks must be designed to allow vehicles to enter and exit in a forward direction. (ii) For residential flat buildings, the maximum width of driveway is 6m. In addition, the width of driveway must be tapered towards the street boundary as much as possible. (iv) Provide basement or semi-basement car parking consistent with the following requirements: (a) Provide natural ventilation. (b) Integrate ventilation grills	Forward exit possible. 3.6m wide driveway proposed. Natural ventilation through duct. The car park level does not generally	Complies

DCP Clause	Control	Proposal	Compliance
	<p>into the façade composition and landscape design.</p> <p>(c) The external enclosing walls of car park must not protrude above ground level (existing) by more than 1.2m. This control does not apply to sites affected by potential flooding.</p> <p>(d) Use landscaping to soften or screen any car park enclosing walls.</p> <p>(e) Provide safe and secure access for building users, including direct access to dwellings where possible.</p> <p>(e) Improve the appearance of car park entries and avoid a 'back-of-house' appearance by measures such as:</p> <ul style="list-style-type: none"> - Installing security doors to avoid 'black holes' in the facades. - Returning the façade finishing materials into the car park entry recess to the extent visible from the street as a minimum. - Concealing service pipes and ducts within those areas of the car park that are visible from the public domain. 	<p>protrude above ground level.</p> <p>Direct lift access from car parking.</p> <p>Carpark entry generally integrated within overall design of building.</p> <p>Landscaping to the sides of driveway, which will partly screen the entry.</p>	
7	Fencing and Ancillary Development		
7.1	Fencing		
	<p>(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering.</p> <p>(ii) Sandstone fencing must not be rendered and painted.</p> <p>(iii) The following materials must not be used in fences:</p> <ul style="list-style-type: none"> - Steel post and chain wire - Barbed wire or other dangerous materials <p>(iii) Expansive surfaces of blank rendered masonry to street frontages must be avoided.</p>	<p>Durable materials proposed. No sandstone existing or proposed.</p> <p>Blank rendered masonry not proposed.</p>	<p>Complies</p>
7.2	Front Fencing		
	(i) The fence must align with the	Aligned.	Complies

DCP Clause	Control	Proposal	Compliance
	<p>front property boundary or the predominant fence setback line along the street.</p> <p>(ii) The maximum height of front fencing is limited to 1200mm, as measured from the footpath level, with the solid portion not exceeding 600mm, except for piers. The maximum height of front fencing may be increased to 1800mm, provided the upper two-thirds are partially open, except for piers.</p> <p>(iii) Construct the non-solid portion of the fence with light-weight materials that are at least 30% open and evenly distributed along the full length of the fence.</p> <p>(iv) Solid front fence of up to 1800mm in height may be permitted in the following scenarios:</p> <ul style="list-style-type: none"> - Front fence for sites facing arterial roads. - Fence on the secondary street frontage of corner allotments, which is behind the alignment of the primary street façade. <p>Such solid fences must be articulated through a combination of materials, finishes and details, and/or incorporate landscaping, so as to avoid continuous blank walls.</p> <p>(v) The fence must incorporate stepping to follow any change in level along the street boundary. The height of the fence may exceed the aforementioned numerical requirement by a maximum of 150mm adjacent to any stepping.</p> <p>(vi) The preferred materials for front fences are natural stone, face bricks and timber.</p>	<p>Solid fence up to 3.1m proposed – height excessive unprecedented along street.</p> <p>Small amount of lightweight materials proposed.</p> <p>N/A</p> <p>Proposed fencing materials consistent with design of building.</p>	<p>Condition for compliance – Max. height 1.8m (except adjoining stepping where a 150mm variance can occur), upper two-thirds 30% open. Additional condition to ensure visual privacy for front terrace – screen planting behind fence.</p>

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DCP Clause	Control	Proposal	Compliance
	(vii) Gates must not open over public land. (viii) The fence adjacent to the driveway may be required to be splayed to ensure adequate sightlines for drivers and pedestrians.		
7.3	Side and Rear Fencing		
	(i) The maximum height of side, rear or common boundary fences is limited to 1800mm, as measured from the ground level (existing). For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing). (ii) In the scenario where there is significant level difference between the subject and adjoining allotments, the fencing height will be considered on merits. (iii) The side fence must be tapered down to match the height of the front fence once pasts the front façade alignment. (iv) Side or common boundary fences must be finished or treated on both sides.	Side fencing up to 3.3m high proposed to the western side, and 2.27m for the eastern side (based on top of wall levels on sheets 10.2_A and 10.3_A). Height of eastern side conditioned due to visual privacy to be 2.62m high (see sub-section 5.3, above). Rear fence up to 1.3m proposed (adjoining greenway).	Non-compliant side fencing – refer key issues discussion. Rear fencing compliant.
7.6	Storage		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: (a) Studio apartments – 6m ³	Storage contained within the basement. Will not obstruct operation of the basement. All units substantially exceed minimum storage sizes.	Complies

DCP Clause	Control	Proposal	Compliance
	(b) 1-bedroom apartments – 6m ³ (c) 2-bedroom apartments – 8m ³ (d) 3 plus bedroom apartments – 10m ³		
7.7	Laundry facilities		
	(i) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.	Not possible/practical	Complies on merit – adequate space for clothes drying.
	(ii) Provide internal laundry for each dwelling unit.	Provided.	Complies
	(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.	Not possible/practical	Complies on merit – adequate space for clothes drying.
7.8	Air Conditioning Units:		
	<ul style="list-style-type: none"> Avoid installing within window frames. If installed in balconies, screen by suitable balustrades. Air conditioning units must not be installed within window frames. 	No air conditioning proposed to windows or balconies.	Complies

5. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012 (Consolidation)</p> <p>The site is zoned Residential R3 Medium Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. See table below for compliance with development standards.</p> <p>The proposal is consistent with the specific objectives of the zone in that the proposal will be compatible with the existing and future desired character of the locality. It will contribute to providing for the housing needs of the community, while generally protecting the amenity of local residents.</p> <p>Relevant SEPPs are discussed in the “Key Issues” section, above.</p>

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

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6. Referral Comments

Design Review Panel Comments

This is a DA and the first time that the Panel has seen a scheme for this site. The proposal is for the demolition of the pair of existing buildings on the site and construction of a three storey flat building comprising 11 apartments over basement parking.

The Panel is familiar with the site and the broader area.

The Panel considers that this is an excellent application, very thorough in its presentation, and demonstrating good design as required by SEPP 65 and the ADG.

Relationship to the Context of the Proposal

The area is a very privileged one, given the proximity to Coogee Beach and the foreshore parklands, nearby local parks including the former tramway corridor along the site's southern boundary, the school opposite, shopping, community buildings and shops. The streets in the vicinity already have many 3 and 4 storey apartment buildings as the norm, which is an

excellent example of allying higher densities with higher amenity. Accordingly the Panel in principle supports higher density housing in such distinctive places, particularly where the buildings can positively frame public spaces such as the greenway along the former tramway corridor.

Excellent site information has been provided with the application, and the Panel considers that the proposal could fit in very well.

Given the frontage, excellent public transport and local facilities, and the many precedents in the area that have zero parking, the Panel supports the ADG provisions of having less than code car parking on such a site as good public policy. The use of stackers in the compact basement seems a sensible approach that is becoming increasingly common.

Built Form and Scale

Stark Street is a short street already dominated by a mix of apartment buildings. The wider area is also characterised by dwellings that generally range from 3 to 4 storeys, as confirmed in the architects' context analysis. A new three storey building would be appropriate in scale.

The Panel recognises the following positive characteristics of the scheme;

- the site planning is thoughtfully considered to provide a fine sequence of common and garden spaces
- the site planning ensures that all units are cross ventilated and receive northern sun – most enjoy 3 orientations
- on a challengingly sloping site, the cross section is carefully calibrated to relate to the LEP height and stepping of the floor plate.
- if anything, the Panel recommends that the building be lifted 300-450mm so that the ground floor units to each frontage are above the level of the public frontages – this could readily be achieved within the LEP height control, while the building appears to be almost wholly below the DCP wall height control, which the Panel considers is unnecessary and indeed undesirable
- a good variety of unit types and configurations is proposed, each tailored to its particular site condition
- the 2 storey unit facing Stark Street provides a suitable residential face to the street, screening the car park behind
- the facades feature good materials, artfully combined
- the open façades to both Stark Street and the Greenway create positive frontages
- by contrast, the facades to the side boundaries are relatively more solid, with shuttered openings.
- While the side setbacks marginally depart from the DCP, the angled walls and screened openings well consider the neighbours amenity and privacy – this is a better solution than just an unrelieved 4metre setback, or indeed the existing lower scale houses that are close to the boundaries
- the open stair, lift porch and bridge connections are open to an east west slot of gardens, which could provide a delightful and welcoming homecoming for future residents
- the units have a good range of outdoor spaces
- the deep soil area complies with the 25% DCP requirements (it takes account of realistic basement perimeter wall construction, but not the boundary walls and their footings)
- the cross section and roof profile create opportunities for top light and characterful interior volumes

The Panel considers that the following elements could be further developed or improved;

- some minor floor space reductions should occur where they reduce the apparent bulk of the building, for example the shower in the ensuite only needs to match the width of the bathroom.
- the area in front of the common stair could be a little more compact

- the dividing wall in the entry of the northern units should be deleted (to match the ground floor) and a more open central space achieved on all levels
- there should be a clearer connecting path and external staircase between level path off the Greenway and the Stark Street entry
- the carpark could open more generously to the two side gardens to better admit some daylight and air
- the private courtyards on the south side of the ground floor units are likely to be on the dark and damp side, and bedroom 1 of Unit 1.04 will never see the sun. It would benefit from at least an additional east-facing window
- the angle of the splay on the eastern side could be slightly more open (aligning to the n-w corner of the adjacent apartment building) to slightly increase direct sunlight and outlook to the s-e units
- the exhaust duct seems oversized, and would be better relocated into the centre of the plan rather than occupying an external corner. This would allow the s-e units to gain more morning sun and outlook
- some of the external planters on the upper levels may be difficult to safely maintain – are they all necessary, or could drop in planter boxes be adopted?
- the butterfly roof section seems unnecessarily complex – it would be better if it was raised to match the rear roof. In the Panel's experience, the south facing clerestorey windows should have a height of at least 1.2m to allow for flashing, structure and the like
- the northern apartment layouts have a lot of circulation space
- the heights of walls and gates on the boundaries need to be verified in relation to the neighbouring levels
- drawings showing wall areas and windows that are currently shown behind fences should be submitted to Council

Overshadowing and view loss have been reasonably documented in the application and seem to have adequately been addressed – however the Panel leaves it to the Council planners on-site inspections to determine these issues. The shadow diagrams should show any properties affected on the south side of the Greenway.

Assessing Officer's Comments

The applicant has made the following the changes to the proposal to address some of the DRP's concerns:

1. *The front butterfly roof was amended and simplified to be a flat concrete roof on the northern side and steps up at south to allow a larger clerestory window now 900mm high, as suggested by the SEPP 65 panel.*
2. *Changed the materiality of this upper level to black cladding.*
3. *Deleted the entry dividing walls between the upper floors.*
4. *Added the additional east facing window to unit 1.04.*
5. *Additional sections North Elevation 02 and South Elevation 02 were added to show the windows and doors hidden behind the boundary walls.*

The application is generally compliant with the Apartment Design Guide and generally respects and responds to the physical and planning constraints of the site.

Density

The density proposed is 0.98:1, or 72m² over FSR (0.9:1 is the LEP control) and appears to be appropriate, relative to neighbouring sites, except that some minor reductions of bulk as noted above. The FSR drawings submitted are clear as to what is included. Any argument for increased density needs to be supported by excellent urban design, appropriate response to the context, high quality architectural and landscape design, good amenity to all dwellings and reasonable impacts on neighbours – the Panel considers that this application succeeds in making a reasonable case for the modest additional FSR.

Alternatively a VPA for a quantum of affordable housing, under the appropriate SEPP, could be considered to allow any additional FSR.

Sustainability

The scheme performs well and Panel considers that the following items have been adequately addressed:

- Sun-shading and weather protection appropriate to orientation and degree of exposure
- Good daylighting within all units
- Additional natural ventilation opportunities from the long side elevations, bearing in mind fire regulations. Good window design, with multiple ventilation options for residents. Window operation needs to allow residents to have ventilation with security
- Roof venting and additional daylight for internal bathrooms for the top floor
- Deep soil areas that are able to sustain trees for shade, cooling, privacy and amenity
- Thermomass concrete panels (insulated) where exposed to afternoon summer sun

The following should also be considered;

- Clothes line areas
- Water tanks should be provided, including reuse for garden irrigation
- Photo-voltaics should be investigated to provide common area lighting throughout
 - Ceiling fans to all rooms (and clearly marked on the plans)

The solar access diagrams are helpful. It would be good to create the summer sun access diagrams to check heat loads on the glass areas proposed. The Applicant noted that double glazed Low E fire rated glass is intended. Double glazing does not reduce heat gain but will retain winter heating more efficiently however its performance needs to be verified,

5. Landscape

The landscape design has been well considered in the application, and is an integral part of the site planning. There is a surprising variety of landscape spaces around the site. Deeper soil to the centre, over the cars could be achieved (west section of Section B and middle of the East Elevation).

There is a reasonable provision of communal outdoor space.

Both the overall 50% landscaped area and the 25% Deep Soil area appear to comply.

6. Amenity

Given the challenges of this sloping site, the unit planning has been carefully considered by the architects and a range of units designed that take advantage of their position. In particular, the Panel appreciates the non-standard types put forward that could offer excellent amenity and distinctive character.

Relative to the new ADG standards, the bedrooms and living rooms generally are well-sized.

The Panel notes approvingly that a high percentage of kitchens and bathrooms have openable windows and doors, which will significantly improve amenity and environmental performance.

The sheltered but open air common circulation is distinctive, with high amenity.

Safety

BCA and Access compliance seems to have been well considered throughout.

Only the maintenance of the high level planters are a safety concern to the Panel.

Housing Diversity and Social Interaction

An excellent mix of apartment types and sizes is proposed, which is supported.

Aesthetics

The aesthetics hold the promise of a highly resolved piece of architecture. They embody a positive degree of environmental response, combined with good amenity and an expressive look.

Window operation needs to be further considered and clearly identified on all the elevations, as noted above.

A detailed construction section has been submitted, which adequately shows how the aesthetic intent could reasonably be realised. The Panel raises the concern of safe maintenance to the planters and the finishes and detailing of balcony edges so as to avoid staining. The Panel recommends that the details, materials and finishes should be explicitly referenced in the conditions of approval.

Summary and Recommendations

The Panel considers that the DA package constitutes an outstanding design response to a challenging site. In the Panel's assessment, the application successfully addresses SEPP 65 and ADG requirements.

When the minor issues raised in this report have been addressed, the Panel supports the application and does not need to see it again.

Development Engineering

The Council's development engineer makes the following comments about the proposal

Drainage Comments

On site stormwater detention is required for this development.

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

General Comments

The issues raised in previous engineering memo dated 12th July 2016 have been satisfactorily addressed with the amended plans. There are now no further objections to the proposal subject to the comments and conditions provided in this report.

Parking Comments

Parking Requirements for the development have been assessed as per the rates specified in Part B7 of Randwick Council's Development Control Plan 2013.

Vehicle Parking

Vehicle Parking for multi-unit housing is to be provide at the following rates;

1 space per 1 bedroom unit (over 40m²)

1.2 spaces per 2 bedroom unit

1.5 spaces per 3 bedroom unit

1 visitor space per 4 units (but none where development is less than 4 dwellings)

The subject development is for 11 dwellings comprising of 6 x 1 bedroom, 4 x 2 bedroom & 1 x 3 bedroom units

Parking Required = $(6 \times 1) + (4 \times 1.2) + (1 \times 1.5) + 11/4$ (visitor)
 = $6 + 4.8 + 1.5 + 2.75$ (visitor)
 = 15 spaces

Parking Provided = 20 spaces (complies)

Two visitor spaces have also now been provided including 1 disabled space. The parking provision is therefore considered to be satisfactory.

Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

Motorbike Parking Required = $0.05 \times 15 = 0.75 = 1$ space

Motorbike Parking Provided = 1 space (complies)

Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units

Bicycle Parking Required = $11/2$ (residents) + $11/10$ (visitor) = 6.6 = 7 spaces

Bicycle Parking Provided = 11 spaces within storage areas (complies)

Access Driveway & Carpark Layout

The issues raised in previous engineering memo dated 12th July 2016 in regards to the driveway grades have been satisfactorily addressed with the amended plans. The first 3m of internal driveway does not exceed a grade of 1 in 20 as requested.

Grades across the Council verge between the rear of the new layback and footpath have been determined to be approximately 5% or less. This is compliant and will ensure satisfactory vehicle access can be achieved without scraping.

The remainder of the carpark appears to comply with the minimum requirements of Australian Standard 2890.1:2004 although this has also been conditioned to ensure compliance.

Carstackers

Manufacturer's specifications of the proposed carstacker system have now been provided. A Klaus multi-parking gmbh 2072 model is proposed. It has been satisfactorily demonstrated that the car-stackers system can be accommodated within the design space available.

Site Consolidation Comments

The development site currently comprises of two lots which will be required to be consolidated into one lot via a 'Plan of Consolidation'. As the consolidation plan will redefine the site's boundaries, it is highly recommended (and is common practice) that this be done prior to the commencement of any works on the boundary walls and basement which is located abutting the rear boundary. A suitable condition has been included in this report.

Waste Management Comments

The issues raised in previous engineering memo dated 12th July 2016 have been satisfactorily addressed with the amended plans. The waste bin storage area has been enlarged to accommodate 15 x 240L bins with satisfactory access to all bins. No further objections are raised.

Undergrounding of Site Feed Power Lines

At the ordinary Council meeting on the 27th May 2014 it was resolved that;

Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to

relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.

The subject **is not** located within 15m of a power pole on the same side of the street hence the above clause **is not** applicable.

Landscape Comments

The inspection of 29 August 2016 revealed a mature, 5-6m tall *Callistemon viminalis* (Bottlebrush, T8) on the Stark Street verge, in line with the common boundary between the two Lots, of good health and fair condition, which is covered by Council's DCP due to its location on public property, and needs to be retained as it will assist with integrating the development into the streetscape.

The plans show that the existing vehicle crossing only just to its west will be removed, with the new crossing/basement entry ramp to be provided further to its east, at such a distance that no direct impacts would result from excavations; however, in order to prevent damage from secondary impacts such as from trucks, machinery and similar during the course of works, protection measures and a bond have been imposed.

Its northern aspect displays a bias to the north, over the roadway, so if clearance pruning is needed, this will need to be performed prior to commencement, only by Council, and wholly at the applicant's cost, with relevant conditions provided.

There are several shrubs/small trees throughout the rear setbacks of both no.5 & no.7, fronting Stark Street, none of which are significant or even covered by the provisions of Council's DCP due to a combination of their small size, being weed species or their location within 2m of the existing dwellings, and given their direct conflict with all aspects of the proposal, can be removed as has been shown.

They include the *Lagerstroemia indica* (Crepe Myrtle, T1) in the northeast corner of no.7, then to its south, the *Murraya paniculata* (Murraya, T2), the *Tristaniopsis laurina* (Watergum, T3), and the *Olea europaea subsp. Africana* (Wild Olive, T4) closest to the northeast corner of the existing dwelling, as well as the two *Dyopsis decaryi* (Triangle Palms, T5 & 16) growing in the eastern side setback.

The same also applies to those in the rear of no.5, being a *Mangifera indica* (Mango Tree, T6) on the eastern boundary, between the existing garage and dwelling, then the small *Jacaranda mimosifolia* (Jacaranda, T7) immediately to its south, and the *Schefflera actinophylla* (Umbrella Tree, T9), further to the west, which is listed as an undesirable weed species.

The Frangipani (T10) growing in the western side setback of no.7 can also be removed due to its small size and direct conflict with all works, as can the *Schefflera actinophylla* (Umbrella Tree, T11) in the front setback of no.7 as it is a weed species.

There are two *Corymbia ficifolia* (Flowering Gums, T12-13) in the front setback (facing the Council reserve), with T12 in the southeast corner being about 11m in height, and T13 in the northwest corner being slightly smaller at about 10m in height.

While being the most established vegetation affected by this application, both are in poor health and condition with numerous failures observed throughout their crowns, and are also in direct conflict with all aspects of the development.

As neither have long or useful life expectancies, approval has been given for their removal, with replacement planting shown for this same area as part of the First Floor landscape works.

There are established trees growing in the adjoining Council reserve to the south (T14-15), whose northern aspects encroach slightly into the subject site, but given the physical distance of their trunks from the site and works, there will be no major impact on their root systems, with permission granted for minor clearance pruning away from the piling rig during construction of the southern wall if needed, only by Council, wholly at the applicants cost.

7. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
10.1_A to 10.5_A Rev. B	MHNDUNION	2 August 2016
20.1_A to 20.3_A Rev. B	MHNDUNION	2 August 2016
20.6_A to 20.10_A Rev. B	MHNDUNION	2 August 2016
20.4_A Rev. A	MHNDUNION	24 March 2016
Landscape Plans - Sheets 1-5	F & G Design	8 March 2016

BASIX Certificate No.	Dated
710108M	10 March 2016

Amendment of Plans & Documentation

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

- a. The height of the proposed fencing and gates on the Stark Street boundary shall not exceed 1.8m above footpath level and the upper two-thirds of the fence and the entire gates must be a minimum of 30% open.
- a. A continuous screen planting using a species that will attain either a minimum height of 1.8m at maturity, or one which will be slipped/hedged to this height, shall be provided behind the front fence, for the full width of the terrace of unit 1.01 (except where a splay is required by condition 11). This condition is included in order to maintain reasonable levels of privacy and screening between the terrace of unit 1.01 and the street.

The applicant will be required to demonstrate compliance with this condition through the submission of details of details confirming appropriate species selection, to the satisfaction of the certifying authority, prior to the issue of a construction certificate.

The screen planting shall be maintained as an effective privacy measure for the duration of the approved use on the site.

- b. Slabs above the deep soil zones on both sides of the basement car park shall be deleted.
- c. The finished levels for the landscaped areas including the associated paved areas and pathways/ramps on both sides of the building as shown on drawing No. 10.2_A shall be retained at the existing ground levels.
- d. The paved area to the south-western side of unit 1.01 shall be deleted.
- e. Consent is not granted for the construction of the dividing boundary fences on the side boundaries unless the boundary fences meet the relevant requirements under the Dividing Fences Act 1991 or the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

- f. The glass awning roof structure over the rear pedestrian entrance shall be deleted. The gate associated with the awning structure shall not exceed a height of 1.8m and shall be designed to be a minimal of 30% open. Side fencing shall be in accordance with condition 2(e) above.
- g. All privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
- h. Visitor entry to all units and internal common areas must be provided by intercom and remote locking systems.
- i. Artificial lighting must be provided for all building entries, pedestrian paths and communal open space within the development.

D96/16

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

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

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

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

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$4,622,315 the following applicable monetary levy must be paid to Council: \$46,223.15.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

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

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

Security Deposits

7. The following 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*:

- \$10,000 - Damage / Civil Works Security Deposit

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

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

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

Sydney Water

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

The approved plans must be submitted to 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™ 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.

New Street Tree

9. The applicant must submit a payment of **\$107.25** (incl GST) to cover the costs for Council to supply, plant and maintain 1 x 25 litre street tree, *Callistemon viminalis* (Bottlebrush) on the Stark Street verge, an equal distance between the existing street tree that is remaining and the western site boundary at the completion of all works.

This fee must 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 (allow longer for public holidays or extended periods of rain) to arrange for planting of the new tree.

After this, any further enquiries regarding scheduling/timing are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9399-0858.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

Carpark

11. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should be splayed 1.5 metres by 1.5 metres.

12. Except when varied and approved in writing by Council, the access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

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, shall be:

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

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

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

14. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1365 calculated at \$56.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
15. A longitudinal section of the driveway must be provided with the construction certificate plans, at a scale of 1:20 along the the centreline of the driveway. The long section shall demonstrate compliance with the Council issued alignment level at the property boundary, together with satisfactory ramp grades (and transitions) in accordance with the conditions of this consent to the satisfaction of the Certifying Authority.

Driveway Design

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

BASIX Requirements

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

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

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

Stormwater Drainage

18. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering

calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

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

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

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system in front of the subject site in Stark Street; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of

100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

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

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

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

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

- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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

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

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

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

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

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

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

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

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

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

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) Mulch or bark is not to be used in on-site detention areas.
- o) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- p) Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property.

Site seepage/Groundwater

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

Waste Management

21. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

22. The garbage room shall be sized to contain a total of 14 x 240 litre bins (comprising 6 garbage bins 6 recycle bins & 2 green waste) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
23. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Landscape Plans

24. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by F & G Design, sheets 1-5, dated 08/03/16.

Tree Protection Measures

25. In order to ensure retention of the *Callistemon viminalis* (Bottlebrush, T8) located on the Stark Street verge, in line with the common boundary between no.5 & No.7 in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property along this frontage must be setback a minimum distance of 2 metres, with all plans needing to demonstrate compliance.
 - c. The Recommended Tree Protection Measures contained in section 10 of the Arboricultural Impact Assessment Report by Earthscape Horticultural Services, dated March 2016 ("the Arborists Report"), must be complied with at all times throughout the course of works.
 - d. The Construction Certificate plans must show that the western edge of the new vehicle crossing that is shown to its east will be offset a minimum distance of 3 metres from its trunk, as has been shown on the Ground Floor Plan, dwg 10.1_A.
 - e. Prior to the commencement of any site works, its trunk is to be physically protected by wrapping layers of geo-textile, underfelt or Hessian, from ground level to the underside of its crown/a height of 2m above ground level, whichever is lesser; to which; lengths of 50mm x 100mm hardwood timbers shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
 - f. This protection shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - g. **If clearance pruning is sought so as to avoid damage by trucks, machinery or similar, this will need to be performed prior to the commencement of any site works, only by Council, and wholly at the applicant's cost.**
 - h. At least 4 weeks prior to the commencement of any site works, the applicant must contact Council's Landscape Development Officer on 9399-0613 to arrange a joint site inspection to assess the extent of pruning that is sought.
 - i. If Council agrees to this, the applicant will be notified in writing of the cost, which will need to be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to Council performing the pruning; or; the commencement of works.**
 - j. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble around this tree, with all Site Management Plans needing to acknowledge these requirements.

- k. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools), with the affected area to be backfilled with clean site soil as soon as practically possible.
- l. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.
- m. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$1,500.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the tree.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the tree at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

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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

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

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

- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

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

Home Building Act 1989

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

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

Construction Traffic Management

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

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

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

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

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site

- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

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

Public Utilities

31. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
32. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

Site Consolidation

33. Prior to the commencement of any construction works for the basement and boundary walls the development site shall be consolidated into one lot via a registered 'Plan of Consolidation'. A copy of the "Plan of Consolidation" shall be forwarded to Council's Development Engineer.

Dilapidation Reports

34. 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

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

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

Construction Site Management Plan

36. 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

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

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

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

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

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

Notes

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

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

38. 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

39. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted

Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
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An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

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

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

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

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

43. 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

44. 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

45. 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.
46. 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.

47. 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*.

Building Encroachments

48. 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

49. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Traffic Management

- 50. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 51. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.
- 52. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

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

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

54. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Pruning of Park Trees

55. Should clearance pruning be sought from the northern aspects of those established trees that are growing wholly in the public reserve to the south of the site as to avoid damage/interference with the piling rig during construction of the southern wall of the basement level, this will need to be performed prior to the commencement of site works, only by Council, and wholly at the applicant's cost.
56. At least 4 weeks prior to the commencement of any site works, the applicant must contact Council's Landscape Development Officer on 9399-0613 to arrange a joint site inspection to assess the extent of pruning that is sought.
57. If Council agrees to this, the applicant will be notified in writing of the cost, which will need to be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to Council performing the pruning; or; the commencement of works.**

Tree Removal

58. Approval is granted for removal of the following trees so as to accommodate the approved works in these same areas as shown, subject to full implementation of the approved landscape plans:
- a) Within the rear setback of no.7, fronting Stark Street, the *Lagerstroemia indica* (Crepe Myrtle, T1) in the northeast corner, then to its south, the *Murraya paniculata* (Murraya, T2), the *Tristaniopsis laurina* (Watergum, T3), and the *Olea europaea subsp. Africana* (Wild Olive, T4) closest to the northeast corner of the existing dwelling, as well as the two *Dyopsis decaryi* (Triangle Palms, T5 & 16) in the eastern side setback;
 - b) Within the rear setback of no.5, a *Mangifera indica* (Mango Tree, T6) on the eastern site boundary, between the existing garage and dwelling, the small *Jacaranda mimosifolia* (Jacaranda, T7) immediately to its south, and the *Schefflera actinophylla* (Umbrella Tree, T9), further to the west, which is listed as an undesirable weed species;
 - c) The Frangipani (T10) growing in the western side setback of no.7, and the *Schefflera actinophylla* (Umbrella Tree, T11) in the front setback of no.7;
 - d) The two *Corymbia ficifolia* (Flowering Gums, T12-13) in the rear setback of no.5 (facing the Council reserve), as despite being the most established vegetation affected by this proposal, are both in poor health and condition with numerous failures observed throughout their crowns, and have a low landscape value and short life expectancy.

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

59. 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

60. 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.

An amended BASIX certificate must be consistent with the plans referenced in Condition 1 of this determination and a copy shall be submitted to Council and the Principal Certifying Authority prior to an occupation certificate being issued for the development.

Council's Infrastructure, Vehicular Crossings & Road Openings

61. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Re-construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
 - d) Carry out a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage, to Council's specifications and requirements.
 - e) Re/construct concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
62. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
63. 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.

Sydney Water Requirements

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

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

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

Car Parking

65. The approved Klaus Multiparking car-stackers shall be fully installed and operational prior to the issuing of any occupation certificate.

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
67. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

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

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

69. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.

Landscaping

70. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by F & G Design, sheets 1-5, dated 08/03/16.
71. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
72. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Waste Management

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

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing a 'Subdivision certificate' or 'Strata Certificate'.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

75. A formal application for a strata certificate is required to be submitted to and approved by Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.

- 76. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
- 77. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building.
- 78. If a car-stacker is to be allocated to two different units, it shall be defined as two lots, one above the other with appropriate easements created to allow each lot use of the relevant part of the other lot.

Note: Each lot containing the car-stackers must form part of a residential strata lot. Utility lots are not permitted.

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

The "restriction on the use of land" and "positive covenant" are to be prepared and specified to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's City Services Department.

- 80. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
- 81. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier.
- 82. The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

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 the Premises

- 83. 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.

External Lighting

- 84. 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.

Stormwater Detention/Infiltration System

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

Residential Parking Permits

86. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
87. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

Street Numbering

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

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

Plant & Equipment

89. 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

90. 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

91. 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.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A8 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

A9 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

A10 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the Access to *Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

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

A12 Demolition work and removal of asbestos materials:

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

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

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

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