



**Randwick City  
Council**  
a sense of community

**DA COMPLIANCE REPORTS**

**PLANNING COMMITTEE MEETING  
TUESDAY, 11 APRIL, 2017**

# TABLE OF CONTENTS

## DEVELOPMENT APPLICATION REPORTS

- 1. D32/17 773-775 Anzac Parade, Maroubra (DA/595/2016)**  
**Attachment 1:** DA Compliance Report - 773-775 Anzac Parade,  
 MAROUBRA ..... 3
  
- 2. D34/17 28 Dolphin Street, Randwick (DA/726/2016)**  
**Attachment 1:** DA Compliance Report 28 Dolphin Street, RANDWICK  
 Randwick City Council.....26
  
- 3. D35/17 537 Anzac Parade, Kingsford (DA/905/2016)**  
**Attachment 1:** DA Compliance Report - 537 Anzac Parade, KINGSFORD .....58

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/595/2016
<b>PROPERTY:</b>	773-775 Anzac Parade, MAROUBRA NSW 2035
<b>Proposal:</b>	Demolition of all structures on site and construction of a new part 6 and part 7 storey mixed use development into two building forms comprising of two commercial tenancies at ground floor level, 24 residential dwellings above, basement parking for 31 vehicles, associated site and landscape works and strata subdivision.
<b>Recommendation:</b>	Refusal

D32/17

## Relevant Environment Planning Instruments:

### 1. SEPPs

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65) applies to residential housing development and requires a consent authority to evaluate the design quality of a proposal against the design principles in Schedule 1 of the policy.

The original design was referred to Randwick Council’s Design Review Panel for comment. A written response was provided on 19 September 2016 which raised a series of concerns regarding the original design and non-compliances with the SEPP 65. In summary the Panel raised the following issues:

- *The floor to ceiling heights of the commercial and residential levels do not achieve the minimum requirements.*
- *Some units are oversized as one bedroom apartments.*
- *Many design elements that are required are lacking in detail (e.g location and size of exhausts from the basement are not included, details of the siting of adjoining buildings are lacking to show the relationship of the proposal to its neighbours, plantrooms are not included, cross-sections of the building should be shown, retaining wall thicknesses in the basement need to be provided, soil depths in the courtyards need to be included, stormwater tank details etc).*
- *Internal layouts are considered to be inefficient.*
- *The overall aesthetics of the proposal are considered to be very poor.*

In conclusion the panels opinion is that the proposal “*fails to comply with SEPP 65 principles and standards and requests that it review it again when the above comments have been reviewed with Council’s Officers and acted upon*”.

Amended plans were submitted in November 2016 which partially addressed some of the issues raised by the Panel but the design still does not go far enough in addressing many of the design issues and concerns.

In the amended proposal the floor to ceiling levels have been increased with the ground floor commercial component along Anzac Parade having a height of 3.5m and the upper level residential levels having heights of 3.1m apart from the 5<sup>th</sup> and 6<sup>th</sup> level of the rear building having floor to ceiling levels of 2.7m as part of the upper level is located within a mezzanine.

The plans do not include concrete slab thicknesses between the floor levels so it is unlikely the residential floor to ceiling heights comply with the 2.7m and 3.3m requirement.

While the internal planning and layout of some units has improved, most units still have a poor level of internal amenity as living and dining rooms are centrally located and light and solar access to these spaces is compromised. Dining spaces to most apartments have very limited access to sunlight. Some units include media rooms which could clearly be utilised as bedrooms however these spaces have no windows or natural ventilation and will have poor internal amenity. Apartments could be easily reconfigured to create larger and more spacious living/dining/kitchen spaces in lieu of these additional spaces (study's or media rooms). The internal planning of the development is greatly compromised by the sites narrow and tight configuration and a better outcome would be the provision of one apartment per floor or amalgamation with another site/s.

Balcony sizes for all units (apart from units 4.03 and 4.04) fail to comply with the minimum requirements for balcony sizes for two bedroom units of 10sqm. The proposed balconies are of an odd configuration but have average areas of 7.8sqm which is inadequate given the overall sizes of units.

It is unclear whether a minimum of 70% of the units living spaces (in the amended scheme) achieve the minimum solar access requirements in accordance with the ADG. Also ensuite seem undersized in some apartments. There is also a lack of detail provided regarding the amount of apartments achieving the minimum cross ventilation requirements in accordance with the Apartment Design Guide (a minimum of 60% of apartments should be naturally cross ventilated).

The amended plans still lack attention to detail and fail to provide information regarding the location of the exhaust and associated plant rooms.

The provision of a garbage area and bike storage in the lower basement is considered to be difficult to access and will pose a safety issue in the future as this provides the opportunity for conflict with motor vehicles entering and exiting the site.

The commercial suites are considered to be poor in design. Access to the commercial units off Anzac Parade can only be achieved from the street frontage which is inconvenient for garbage removal or to access other areas within the development like the communal open space. The rear commercial tenancy is only 35sqm in area which is a very small area and this will restrict the type of land use as well as not catering for any internal amenities i.e WC which is unacceptable and will not be able to function without these amenities.

## 2. Randwick LEP 2012

The subject site is zoned **B2 – Local Centre** under Randwick LEP 2012. The proposed development is classified as **shop top housing** development and is permissible in the zone. Shop top housing is defined as *one or more dwellings located above a ground floor retail premises or business premises.*

The design of the development raises the issue of permissibility of the use and whether it can be defined as "shop top housing". The question of permissibility pertains to the part of the development facing Ferguson Street. It is noted that the development is only permissible or can be categorized as of shop top housing when the residential component is located above the commercial component. The definition is informed by the judgement passed down by Justice Sheahan for the matter "Hrsto v Canterbury City Council" ((No.2)[2014] NSWLEC 121). The judgement noted that development comprised of shop top housing only where the residential component is located above the commercial or retail component across the whole of the development. In this case the residential component facing Ferguson Street is not located above the main commercial component facing Anzac Parade and therefore the permissibility of this scheme is questionable and it would appear the proposal does not satisfy the definition of shop top housing. The applicant was provided with formal written advice regarding this issue

as part of the prelodgement process. This advice was provided on 3 February 2016 however does not seem to be addressed in the current design. To achieve compliance the rear building would have to be raised in height which is an undesirable outcome.

The zoning objectives are addressed as follows:

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

The proposed development generally satisfies the majority of the objectives of the zone apart from satisfactorily "*minimizing the impact of development and protect the amenity of residents in the zone*". As mentioned in the assessment report, the inconsistency in the siting and alignment of the building in respect to its neighbour to the north will generate adverse amenity impacts especially as the visual bulk and scale of the development is considered to be excessive.

The following Clauses of RLEP 2012 apply to the proposal:

<b>Description</b>	<b>Council Standard</b>	<b>Proposed</b>	<b>Compliance (Yes/No/NA)</b>
Floor Space Ratio (Maximum)	Refer to DCP	No maximum FSR. RDCP establishes the required built form/envelope	<b>N/A</b>
Height of Building (Maximum)	28m	Approximately 26m (to the lift overrun)	<b>Yes</b>
Heritage Conservation	Respect siting of Heritage items	Items I222 (Maroubra Junction Hotel), I201 (817 Anzac Parade – Art Deco RFB) and I202 (829 Anzac Parade – Cerio House) are the closest heritage items. These properties are not considered to be within the visual catchment or curtilage of the Site.	<b>Yes</b>
Design Excellence	Development that exceeds 15m in height	The proposed development needs to consider Clause 6.11(4).	<b>No – refer to assessment</b>

### **3. Randwick Comprehensive DCP**

#### **3.1 D4 – Maroubra Junction Centre**

##### **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.

Part D4 of the DCP provides a framework for future development in the Maroubra Junction Commercial Centre. It specifies built form controls for each block, outlines requirements to be met to achieve the desired future character for the precinct, and urban design guidelines to help achieve the vision of Maroubra Junction as a vibrant community, a place to live, work and visit.

The following outlines the primary development controls and the controls pertaining to Block 10 as this Site falls within this category.

DCP Clause	Controls	Proposal	Compliance
<b>3.1</b>	<b>Primary Development Controls</b>	Zoning = B2	<b>Yes</b>
<b>3.1.1</b>	<b>Amalgamation</b>		
	<p>i. If a building/development requires vehicular access, then the site should:</p> <ul style="list-style-type: none"> <li>a) have a minimum street frontage of 20m; or</li> <li>b) have dual street frontage, with vehicular access from the secondary street</li> </ul> <p>ii. Minimum lot widths are to be tested against the desired building types for each block to determine where amalgamation is necessary.</p> <p>iii. When development/redevelopment/amalgamation is proposed, sites between and adjacent to developable properties are not to be limited in their future development potential.</p>	<p>The Site has a dual frontage with vehicular access from Ferguson Lane at the rear.</p> <p>The Site has a frontage of 10.97m which is very narrow. It doesn't preclude the potential for redevelopment but it does restrict the development potential for a larger, integrated built form without further consolidation.</p> <p>Although amalgamation would be a preferred option to achieve a better urban design outcome the proposal fails to satisfy the car parking controls and many of the provisions of section 3.1.1 and the block controls (Block 10) within the RDCP which is largely a result of the narrowness of the site.</p> <p>If no further consolidation or amalgamation is to occur the proposal</p>	<b>Yes</b>

DCP Clause	Controls	Proposal	Compliance
		requires a substantial reduction in its scale and density to achieve closer compliance with Council’s controls. Alternatively a redesign that would consider one apartment per level.	
<b>3.1.2</b>	<b>Subdivision</b>		
	i) The following site design issues are to be addressed with any subdivision application:  - Open space provisions (including deep soil zones). - Pedestrian access, vehicular access and parking. - Residential amenity: light, air, and privacy.	No land subdivision is proposed.  Strata subdivision is proposed and this is considered to be acceptable and there are no minimum controls stipulated.	<b>N/A</b>
<b>3.1.3</b>	<b>Building Envelope</b>		
	i) Residential floors: All developments are to demonstrate that the gross floor area achieved occupies not more than 70% of the maximum building envelope for residential floors.  ii) Commercial floors: All developments are to demonstrate that the gross floor area achieved occupies not more than 80% of the maximum building envelope for commercial floors above the ground floor.	The applicant has not included any information or details to justify compliance with both these standards.  Insufficient information provided	<b>Unclear – insufficient information provided</b>
<b>3.1.4</b>	<b>Building Height</b>		
	i) Developments are to be appropriately scaled with consideration to the broader urban structure principles on which the centre is based.  ii) Development is to comply with the building heights shown in colour in the block by block diagrams in 3.2 Block-by-Block Controls.  iv) The maximum allowable height on Anzac Parade is 7 storeys, unless otherwise specified in 3.2 Block-by-Block Controls.  vi) Maximum allowable building heights in metres [calculated as the distance measured vertically from ground level	The development includes two buildings on the Site. The building facing Anzac Parade is 8 storeys in height. This exceeds the 7 storey requirement.  The built form controls for Block 10 intend to achieve a scale of new development along this side of Anzac Parade is to taper down to 7 storeys from the higher building at No.767	<b>No</b>

DCP Clause	Controls	Proposal	Compliance
	<p>taken from each point on the boundary of the site to the underside of the ceiling of the topmost floor] are as follows:                      1 storey 4.5m                      2 storeys 9.0m                      3 storeys 12.0m                      4 storeys 15.0m                      5 storeys 18.0m                      6 storeys 21.0m                      7 storeys 24.0m                      8 storeys 26.7m</p> <p>vii) For existing buildings shown as 9 storeys or more in 3.2: Block-by-Block Controls, any redevelopment of these sites will be limited to the current maximum height of the existing building on the site.</p>	<p>Anzac Parade) and to maintain a consistent 7 storey scale. The proposal fails to satisfy this objective and the proposed scale and form is incongruous with the controls and will establish an undesirable precedent in the precinct.</p> <p>The rear building is 6 storey's in height with a mezzanine level designed to be located within the roof form. The rear building exceeds the 5 storey limit. The scale is inconsistent with adjoining development and will be higher than the immediately adjoining building at No.767 Anzac parade.</p> <p>The applicant has amended the floor to ceiling heights within the development and increased them to 3.1m however this does not seem to include the slab thicknesses between floors so it is unlikely that the ADG floor to ceiling heights will be achieved.</p>	<p><b>No</b></p>
<b>3.1.</b>	<b>Building Depth</b>		
	<p>i) Maximum allowable depth of residential building envelopes is 22m (max 18m glass line to glass line), unless otherwise specified in 3.2 Block by Block Controls.</p> <p>ii) Maximum allowable depth of commercial/retail building envelopes is 25m (max 23m glass line to glass line above the ground floor), unless otherwise specified in 3.2 Block by Block Controls.</p>	<p>Max building depth for the front building facing Anzac Parade is 20.25m</p> <p>The max building depth for the rear building is 15.7m</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>
<b>3.1.6</b>	<b>Building Separation</b>		
	i) Building separation is to increase in	The building	<b>Yes</b>



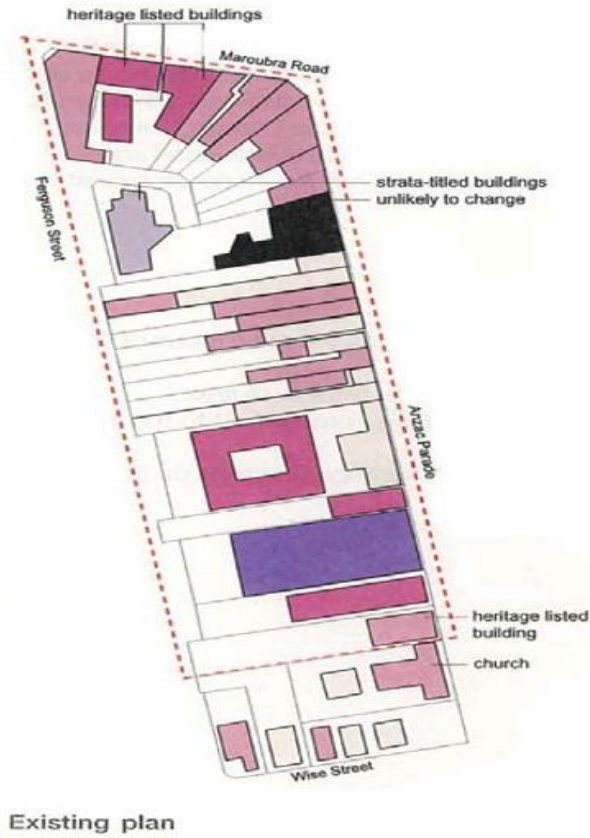
DCP Clause	Controls	Proposal	Compliance
	<p>proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. The following building separation requirements apply to all new development:</p> <p><b>5 to 8 storeys/18-27 metres</b>                      18m between habitable rooms and balconies                      13m between habitable rooms and balconies/non-habitable rooms                      9m between non-habitable rooms</p>	<p>separation between the two buildings is 18.16m which is between habitable rooms and habitable rooms/balconies</p>	
<b>3.1.7</b>	<b>Articulation</b>		
	<p>i) All buildings are to be articulated to a minimum depth of 1m at the rear and the front, above any ground floor commercial/ retail.</p> <p>ii) Balconies may extend beyond the maximum building envelope by a maximum of 600mm (to further encourage facade articulation), but must not extend beyond the property boundaries.</p>	<p>Both buildings are articulated and use differing architectural treatments and materials.</p> <p>The front and rear balconies do not extend beyond the front or rear property boundaries but the rear building line does not satisfy the required setback controls.</p>	<p><b>Yes - satisfactory</b></p>
<b>3.1.8</b>	<b>Street setbacks</b>		
	<p>i) No setback is required from Anzac Parade and Maroubra Road, in order to maintain an urban street edge on the major streets, unless otherwise specified in 3.2 Block-by-Block controls.</p> <p>ii) All development is to comply with the street setbacks outlined in 3.2 Block-by-Block controls.</p>	<p>The front building has its two commercial tenancies fronting Anzac parade with a nil setback to this main street.</p> <p>The rear commercial tenancy off Ferguson Street is setback 2.25m from the street.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>
<b>3.1.9</b>	<b>Side and rear setbacks</b>		
	<p>All development must comply with the building separation requirements in 3.1.6; and the side and rear setback requirements in 3.2: Block-by-Block controls.</p> <p>ii) Development fronting Anzac Parade and Maroubra Road may have a zero side setback unless otherwise specified in the Block-by-Block controls.</p>	<p>The proposal fails to satisfy the Block 10 controls regarding side setbacks at the rear. The rear building requires a 3m setback from the building to the north (No.767 Anzac parade).</p>	<p><b>No</b></p>

DCP Clause	Controls	Proposal	Compliance
		<p>The front building facing Anzac parade can have a nil setback at the front but should be setback from the boundary towards the centre to reduce its bulk and visual dominance and provide some space and separation from the existing windows along the southern elevation of No.767 Anzac Parade.</p> <p>The upper residential levels of the rear building have the balconies located on the rear boundary which is inconsistent with the established rear setback of balconies at No.767 Anzac Parade.</p>	
<b>4.2</b>	<b>Block 10 Controls</b>		
	<p><i>i) Building Envelope Plan</i> Anzac Parade – 5-7 Storey’s Ferguson Street – 3-5 Storey’s</p> <p><i>ii) Building Use</i> Anzac parade – 2 levels commercial, residential above Ferguson Street – 1 level commercial residential above</p>	<p>The proposed development exceeds the number of storeys along the front and rear of the site.</p> <p>Only the ground floor level is designed as commercial/retail off Anzac Parade. No justification is provided to explain why a first floor commercial component is not included within the scheme along the Anzac Parade road frontage. Council has approved first floor residential uses in similar developments however has requested that the floor to ceiling heights be increased to 3.3m at this level which provides flexibility for</p>	<p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p>

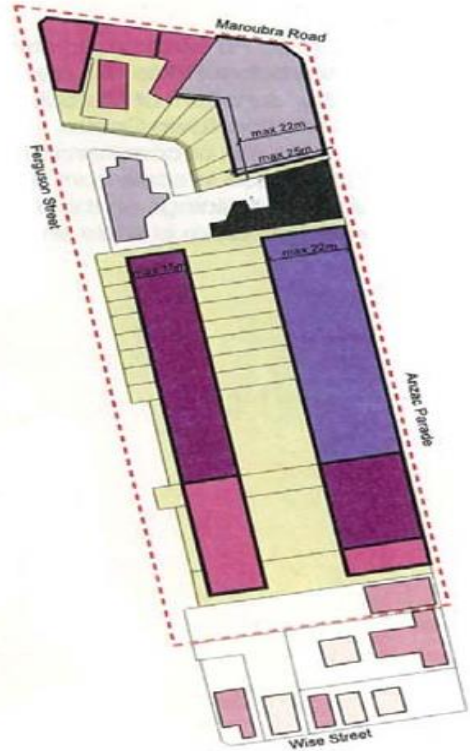
DCP Clause	Controls	Proposal	Compliance
	<p><i>iii) Building Depth</i>                      Anzac Parade (residential uses) - 22m (18m glass line to glass line)                      Anzac parade (commercial) - 22m (20m glass line to glass line)                      Ferguson Street - 15m (12m glass line to glass line)</p> <p><i>iv) Setbacks</i>                      FRONT = Ferguson Street - 3m                      SIDE = Anzac Parade - Nil                      Ferguson - Nil                      Minimum 3m from existing strata titled buildings</p> <p><i>vi) Vehicular access and road widening</i>                      - Road widening: lots on Ferguson Street are to comply with Part B11 Development in laneways nominated for widening</p>	<p>future uses and offers the potential for conversion to commercial uses.</p> <p>20.25m for the residential component along Anzac Parade glassline to glassline</p> <p>18m-19.6m for the residential component along Ferguson Street</p> <p>Nil front setback to Anzac Parade for the commercial component and residential levels are setback 3m (building wall) and 1.5m to balconies. Building wall setback 6m for the upper level and 3m to the balconies.</p> <p>Anzac parade sited at a nil setback to the north however there will be some adverse bulk, scale and amenity issues of the central section of this wall being located on the boundary (to No.767 Anzac Parade).</p> <p>Ferguson Street commercial section setback 2.25m with the residential components setback 1.5m and balconies located on the boundary. This is inconsistent with the front setback of No.767 Anzac Parade. This rear building should have a side setback to the north of 3m and is located on the boundary.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

DCP Clause	Controls	Proposal	Compliance
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**Block 10**



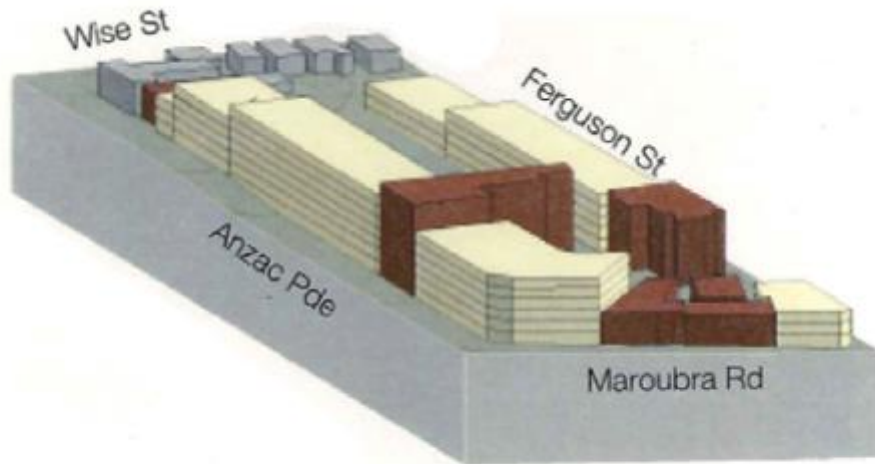
Existing plan



Building envelope plan

**Anticipated Building Envelopes for Block 10**

(courtesy of the RDCP, Part D4)



3D view of building envelopes

**B6 Recycling and Waste Management**

DCP Clause	Control	Proposal	Compliance
<b>4.</b>	<b>On-Going Operation</b>		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	There are two waste storage areas, the area on the ground floor is considered to be partially screened but is located in an unsafe area and is too close to the main entry.	<b>Partial non-compliance</b>
	(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 ground floor waste storage area is not fully screened and its partially exposed location will not minimize odour impacts.	<b>Partial non-compliance</b>
	(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 proposed waste storage areas are not exposed to the public domain.	<b>Yes</b>
	(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).	Both designated waste storage areas are accessible and are step free however the basement area will require bins to be transported up the ramp or via the lift which is inconvenient.	<b>Yes/No</b>
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.	Internal storage is provided within each dwelling.	<b>Yes</b>
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.	The ground floor waste storage area does not seem to facilitate all these requirements.	<b>No</b>
<b>B7</b>	<b>Transport, Traffic, Parking and Access</b>		
<b>3.</b>	<b>Parking &amp; Service Delivery Requirements</b>		
	Residential Car parking requirements: 1space per 2 studios 1 space per 1-bedroom unit (over 40m2) 1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom	Anzac Parade building 2 x 1 bed = 2 spaces 12 x 2bedroom = 14.4 spaces  Ferguson Street building	Total

DCP Clause	Control	Proposal	Compliance
	unit 1 visitor space per 4 dwellings	10 x 2 bedroom = 12 off street spaces  Visitor = 6 visitor spaces  Total of 34.4 off street car parking spaces required for the residential component	
	Commercial 1 Space per 40sqm GFA	A total of 142.7sqm of commercial space is proposed (combined GFA of the three shops) which amounts to 4 (3.6 rounded up) off street car parking spaces which are required.	<b>No</b> There are no car parking spaces allocated to the commercial/retail uses within the basement which is considered to be unacceptable.  See assessment
	Motor cycle requirements: 5% of car parking requirement	A minimum of one motor bike parking space is required just for the residential component. However this could be catered for within the bike storage area in the basement.  No motorbike parking is provided	<b>No</b> but can be accommodated within the development.
<b>4.</b>	<b>Bicycles</b>		
	Residents: 1 bike space per 2 units Visitors: 1 per 10 units	A dedicated bike storage area is provided which satisfies this control.	<b>Yes</b>
<b>4.12</b>	<b>Earthworks Excavation and backfilling</b>		
	(i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification.	The amount and degree of excavation and earthworks required is commensurate with the level and amount for similar mixed use development in the vicinity of the site.  The basement building wall width is 300mm which is considered to be the absolute minimum width and	<b>Yes</b>

DCP Clause	Control	Proposal	Compliance
		this isn't ideal for this scale and form of development.	
	<p><b>Retaining walls</b>                      (iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</p>	There are retaining walls proposed within the central communal area of open space. These are setback from the southern side.	<b>Yes</b>
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access for proposed development</b>		
	(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.	Insufficient information is provided to ensure this standard is met as some of the living and dining areas to apartments are recessed behind bedrooms however from the shadow diagrams submitted it is unlikely these spaces will receive a minimum of 3 hours of solar access and the a minimum of 50% of the communal open space will not achieve the solar access provision due to its centralized location.	<b>No</b>
	(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.	As previously mentioned from the shadow diagrams it is unlikely that 70% of dwellings within the development receive a minimum of 3 hours of sunlight.	<b>No</b>
	(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 are orientated to face south	<b>N/A</b>
	(iv) Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is	Details and information not provided.	<b>No</b>

DCP Clause	Control	Proposal	Compliance
	maximised.		
<b>Solar access for surrounding development</b>			
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June.  (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June.	The main degree of overshadowing is to the south. The existing large scale development at No.767 Anzac parade already substantially overshadows properties to the south however most of these buildings are commercial in nature so the impacts are acceptable and should not affect any habitable areas.	<b>Yes</b>
<b>5.2 Natural ventilation and energy efficiency</b>			
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	As previously mentioned the main dining and living areas will be poorly lit and there are no design measures adopted to improve the amenity of these internal spaces  Inadequate information is provided to ensure compliance is achieved with the ADG regarding cross ventilation.	<b>No</b>
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.	Some of the window treatments along the western elevation to bedrooms are devoid of shading mechanisms however these can be dealt with via a condition if approval is granted.	<b>Yes</b> could be addressed through conditions.
	(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.	Media rooms located within apartments do not include any light or ventilation which will adversely affect the internal amenity of these spaces.	<b>No</b>
	(iv) All new residential units must be designed to provide natural ventilation to all habitable	Not all rooms within apartments are naturally ventilated.	<b>Partial non-compliance</b>



DCP Clause	Control	Proposal	Compliance
	rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.		
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.	Can be addressed through conditions	<b>Yes</b>
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.	No kitchens have natural ventilation	<b>Yes</b>
	(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.	No additional information provided	<b>No</b>
<b>5.3</b>	<b>Visual privacy</b>		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings.	Satisfactory	<b>Yes</b>
	(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.	Balconies orientated to the front and rear of the building, centralised balconies are appropriately screened	<b>Yes</b>
	(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.	Building orientated to face the front and rear as required.	<b>Yes</b>
	(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.	Areas of private open space are suitably located.	<b>Yes</b>
	(v) Incorporate materials and design of privacy screens including: <ul style="list-style-type: none"> <li>- Translucent glazing</li> <li>- Fixed timber or metal slats</li> <li>- Fixed vertical louvres with</li> </ul>	No privacy screens included as the balconies include the building wall to act as a screen	<b>N/A</b>

DCP Clause	Control	Proposal	Compliance
	<p>the individual blades oriented away from the private open space or windows of the adjacent dwellings</p> <ul style="list-style-type: none"> <li>- Screen planting and planter boxes as a supplementary device for reinforcing privacy protection</li> </ul>		
<b>5.4</b>	<b>Acoustic privacy</b>		
	<ul style="list-style-type: none"> <li>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</li> <li>(ii) Separate "quiet areas" such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.</li> <li>(iii) Utilise appropriate measures to maximise acoustic privacy such as:                             <ul style="list-style-type: none"> <li>- Double glazing</li> <li>- Operable screened balconies</li> <li>- Walls to courtyards</li> <li>- Sealing of entry doors</li> </ul> </li> </ul>	<p>No adverse noise transmission from the proposed building to adjoining properties is expected however the acoustic report submitted with the application has stated that windows along Anzac parade can not be opened as they fail to meet the internal noise levels. The acoustic report prepared by Acoustic Logic states "<i>all living spaces, including bedrooms facing Anzac Parade cannot meet the internal noise levels with windows opened. Therefore an alternative source of ventilation is requested for these rooms.</i>" This is a poor design and planning outcome for these spaces.</p>	<b>Yes/No</b>
<b>5.5</b>	<b>View sharing</b>		
	<ul style="list-style-type: none"> <li>(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.</li> </ul>	<p>Some view loss will be experienced from the balconies and kitchen areas of No.767 Anzac parade. The level and degree of view loss is not considered to be unreasonable and will not diminish views to iconic places i.e City or district views.</p>	<b>Yes</b>
<b>5.6</b>	<b>Safety and security</b>		
	(i) Design buildings and spaces	The recessed	<b>Generally</b>

DCP Clause	Control	Proposal	Compliance
	for safe and secure access to and within the development.	commercial component along Ferguson Street could be unsafe as it offers potential for someone to hide in that recessed area.	<b>satisfactory</b>
	(iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.	Satisfactory	<b>Yes</b>
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.	Satisfactory	<b>Yes</b>
	(vi) Resident car parking areas must be equipped with security grilles or doors.	Not required as the car parking area on both levels is secure.	<b>Yes</b>
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	Can be conditioned	<b>Acceptable subject to conditions.</b>
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	Can be conditioned	<b>Acceptable</b>
	(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.	Bedrooms and secondary spaces look out onto the communal open space	<b>No</b>
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	Can be included	<b>Yes</b>
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	Can be included	<b>Acceptable</b>
<b>6.1</b>	<b>Location</b>		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	Satisfactory	<b>Yes</b>
	(ii) The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.	Unsatisfactory - see assessment. Double driveway and shared pedestrian access from the rear is	<b>No</b>

DCP Clause	Control	Proposal	Compliance
		considered unacceptable.	
	(iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.	No - located on the boundary but consistent with the siting of the car parking area for No.767 Anzac parade.	<b>No but acceptable</b>
	(iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.	No but acceptable	<b>No - acceptable</b>
	(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.	Yes satisfactory	<b>Yes</b>
<b>6.2</b>	<b>Configuration</b>		
	(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.	No - the narrowness of the car parking levels restricts appropriate maneuverability into and out of the site in a forward direction if all car parking spaces are occupied as there is inadequate turning circles provided.	<b>No</b>

**4. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) - Provisions of any environmental planning instrument	<b>Randwick Local Environmental Plan 1998 (Consolidation).</b> The site is zoned <b>B2 - Local Business</b> under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.  The proposed design fails to satisfy many of the ADG design guidelines in respect to SEPP 65.
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 fails to satisfy number of planning objectives and controls of the Randwick Comprehensive DCP 2013.

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development fails to comply with a number of the Block 10 controls which relate to this site within the RDCP 2013.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use. The proposed design of the site and narrowness of the site constrain its potential for redevelopment. Although a larger scale mixed use/shop to housing development is applicable, the scale and density of the development needs to be substantially reduced to achieve compliance and minimise amenity and visual bulk impacts to the adjoining properties.
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 in its current form is not in the public interest as the cumulative impact of the non-compliances result in a development which is an overdevelopment of the site.

**5. Referral Comments**

**5.1 Engineering**

The application was referred internally to Council’s Development Engineer for comment. His formal response to the application is provided below.

**“Drainage Comments**

*On site stormwater detention is required for this development and standard conditions would be included within any development consent.*

*The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA. If development consent was to be issued the Development Engineer would include a number of conditions relating 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.*

**Parking Comments**

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

### Vehicle Parking

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

1 space per 2 studio units

1 space per 1 bedroom unit

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)

1 pace per 40 square metres for the commercial suites

The proposed development would generate a parking demand / provision of 40 spaces based on 5 x 1 bedroom, 19 x 2 bedroom and 244 square metres of commercial space (2 suites). The applicant proposes to provide 31 spaces and hence there is a parking deficiency of 9 spaces.

The subject site is narrow and aisle widths cannot comply with the relevant sections of AS 2890.1-2004, (the proposed aisle width is 4965mm on Basement 2 and 5165 on Basement 1). These aisle widths are based on wall widths of 300mm and 200mm respectively. The applicant has proposed wider carspaces to facilitate turning manoeuvres into and out of the carspaces and turning manoeuvre diagrams have been included within the "Traffic and Parking Assessment Report" prepared by Terraffic Pty Ltd.

The proposed 300mm walls are likely to represent the absolute minimum width of the walls – if piling of the lower basement (Basement 2 Floor Plan) is required the aisle width may be further compromised.

Many of the residential and commercial spaces on the Basement 1 Floor Plan (6 commercial and 8 residential) are provided with car stacker units. The car stacker units, combined with the narrow aisle width of 5165mm, make it difficult to assess the suitability of the proposed parking arrangement. No turning manoeuvres have been provided showing movements into and out of the car stacker parking areas. The width of typical stacker units are less than the carspaces in which they are located and it may be difficult to manoeuvre onto and off the actual unit. If the car stacker units are not functional this could further reduce the parking provision (and increase the extent of the deficiency).

### Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement. No reference is made to the provision of motorbike parking

### Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units. The "Traffic and Parking Assessment Report" prepared by Terraffic Pty Ltd states that bicycle parking will be provided in accordance with the DCP.

### Additional Carpark Layout Comments

As referenced above concerns are raised about the dimensions of the aisle width and the carpark layout cannot strictly comply with AS2890.1-2004. The proposed driveway ramps are in close proximity to one another and this may create traffic safety issues in Ferguson Street and at the Ferguson Street boundary. The driveway ramps encroach onto the area to be dedicated to Council for road widening of Ferguson Street. The gradients on the driveway ramp serving Basement 2 do not comply with AS 2890.1-2004 and will need to be modified.

### **Service Authority Comments**

If the development application was to be approved standard service authority conditions would be included.

### **Landscape Comments**

If the development application was to be approved standard landscape conditions would be

included.”

## 5.2 Sydney Airport

The application was referred to Sydney Airport as the height of the proposal is within an area defined by the schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 45.72m above existing ground level without prior approval of the Civil Aviation Safety Authority.

In general Sydney Airports has raised no objection to the proposed development subject to the imposition of standard conditions if approval is to be recommended. The proposed height limit is considered satisfactory however any increase to this height would require a new application to be submitted. Cranes may be required to be installed if approval is granted and these could exceed the 45.72m height control as such a separate consent is required for the installation of such construction equipment. The applicant needs to obtain formal approval from Sydney Airport for any such equipment prior to construction commencing on site.

## 5.3 Police

The application was referred to Maroubra Police for comment. A Crime Risk Assessment was conducted and there were a number of design elements highlighted that will need a greater level of detail and additional surveillance mechanisms included to satisfy Crime Prevention through Design.

The Police assessment suggested the incorporation of a number of safety measures which will assist in reducing the potential for crime to occur. These recommendations can be included as conditions if consent is to be issued.

## 6. DETERMINATION

### Recommendation

- A. That Council, as the consent authority, refuse consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No.595/2016 for the demolition of all structures on site and construction of a new part six (6) and part eight (8) storey mixed use development including three (3) commercial tenancies at ground floor level, 24 residential dwellings above, basement parking for 31 vehicles and associated site and landscape works and strata subdivision, at No.773-775 Anzac Parade, Maroubra Junction for the following reasons;
1. The design of the proposed development may not comply with the definition of “shop top housing” in accordance with the provisions of the RLEP 2012 and would be considered a prohibited use in its current form.
  2. The proposal fails to satisfy the objectives of the B2 – Local Centre zone, as the proposal will have an adverse impact on the amenity of residents in the zone and in the adjoining and nearby residential zones as a result of the proposed built form.
  3. The proposed development fails to comply with Clause 6.11 (Design Excellence) pursuant to RLEP 2012 as the development does not appropriately respond to the existing characteristics of the streetscape and built form (especially to Ferguson Street) and the building’s interface and siting in relation to No.767 Anzac Parade will adversely affect this property in terms of excessive bulk and scale. The internal design and amenity of many apartments fails to satisfy Clause 6.11(4)(d).
  4. The proposal fails to satisfy the provisions of State Environmental Planning Policy No.65 in that the design does not comply with a number of design requirements in the Apartment Design Guidelines including the minimum size of balconies, floor to ceiling heights, minimum sizes of bedrooms, the amount and provision of private open space

to the ground floor apartments and the minimum provision of deep soil area and area of communal open space.

5. The proposal fails to satisfy the provisions of State Environmental Planning Policy No.65 as the internal amenity of many apartments is substandard and poor. The dining area of most apartments will not achieve adequate levels of solar access and natural ventilation which is considered to be an unacceptable design and amenity outcome.
6. The bulk and scale of the proposal is considered to be inappropriate especially in relation to the height and siting of the rear building and the proposal fails to comply with the Building Envelope (Section 3.1.3) and Height controls (Block 10 Section 4.2) as outlined in the Randwick Development Control Plan 2013. The siting of the proposal will adversely affect the outlook and amenity of the kitchen and balcony areas of No.767 Anzac Parade.
7. The proposed development does not comply with the 3m side setback requirement along Ferguson Street in accordance with Section 4.2 of the RDCP 2013 and the inadequate side setback, design and siting of the building will have adverse amenity impact to the balconies and living spaces of the occupants at No.767 Anzac Parade as the proposed built form is not in alignment with this neighbouring property.
8. The height and scale of the rear building off Ferguson Street is incompatible and inconsistent with existing and established development along this roadway and the development will be bulky and visually dominating.
9. The siting, height and design of the building facing Anzac Parade will adversely affect the adjoining development to the north and the proposed nil side setback to the north will create undue visual bulk to the kitchens, balconies and living spaces of the units within No.767 Anzac Parade and will adversely affect their internal amenity.
10. The proposal fails to satisfy Council's car parking requirements in that there is an insufficient amount of off street car parking provided especially in relation to the commercial uses in accordance with Section 3.2 (Part B7) of the RDCP 2013 and the traffic consultant's justification for non-compliance is not considered acceptable and not supported in this case.
11. Vehicular and pedestrian access from the rear of the site is considered to be poorly designed and does not comply with Australian Standards in respect to minimum aisle widths AS 2890.1:2004 and it is unlikely that vehicles will be able to exit the site in a forward direction if all car parking spaces are occupied.
12. The integration of car stackers lacks detail to ensure that they can be installed within spaces that are designated to be wider than a standard sized car space. The raised ground floor level to assist in accommodating these mechanical stackers creates a poor use of spaces at this level at this level creating a disjointed area of communal open space.
13. The shared accessway from Ferguson Street is not considered to be an acceptable design solution as it is considered to be an unattractive and unsafe particularly for pedestrians and occupants of the development.
14. The proposal lacks provision and space for motorcycle parking which should be accommodated in accordance with the RDCP 2013.
15. The location and layout of amenities within the basement are not considered to be an appropriate design solution given the density of the development. The location of the waste storage area on the ground floor is unsafe and exposed to the front foyer area.



16. The proposed elevated, central area of communal open space is poorly designed as it will not achieve a minimum of 3 hours of solar access throughout the day in mid-winter. The space is hard to access and does not cater for disabled persons. The treatment of the space is poor and does not include proposed soil depths and actual treatment of the area in terms of the amount and form of deep soil planting.
17. The deep soil area has not been appropriately designated and the proposal fails to satisfy the minimum 7% required in the Apartment Design Guidelines within SEPP 65.
18. Due to the narrow and constrained nature of the site and the cumulative non-compliances with planning controls the proposed development is considered to be an overdevelopment of the site.
19. The application provides insufficient details with respect to the following issues;
  - Compliance with the Building Envelope.
  - The first floor of the building facing Anzac Parade being residential in nature and not commercial as required by the RDCP 2013.
  - Minimum solar access and cross ventilation requirements to comply with SEPP 65 provisions.

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/726/2016
<b>PROPERTY:</b>	28 Dolphin Street, RANDWICK NSW 2031
<b>Proposal:</b>	Demolition of existing dwelling, construction of 2 storey attached dual occupancy, garages to front with first floor rumpus room above, spa pools to rear of garages, landscaping and associated works.
<b>Recommendation:</b>	Approval

D34/17

## Relevant Environment Planning Instruments:

### 1. SEPPs

SEPP – BASIX

The applicant has submitted a BASIX certificate. The plans have been checked with regard to the certificate and they are consistent with the requirements indicated for DA stage. Standard conditions of consent requiring the continued compliance of the development with the BASIX certificate are recommended.

### 2. Randwick LEP 2012

The subject site is zoned R3 Medium Density Residential under Randwick LEP 2012. The proposal development is classified as an attached dual occupancy and is permissible in the zone. The zoning objectives are addressed as follows:

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

The proposed dual occupancy meets the objectives of the R3 zone by providing housing that complements the existing and future desired streetscape characteristics while protecting the amenity of adjoining neighbours. The built form is articulated through separation of the garages and the dwellings and distributes the building mass in a manner reasonably consistent with the provisions of the Randwick Development Control Plan 2013 (see below).

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council	Proposed	Compliance
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	Standard		(Yes/No/NA)
Floor Space Ratio (Maximum)	0.75:1	0.749	Yes
Height of Building (Maximum)	9.5m	7.48m	Yes

### 3. Randwick Comprehensive DCP

#### 3.1 C1 Table: Low Density Residential

##### Randwick Development Control Plan

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

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

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R3 Medium Density Residential	-
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
	Minimum lot size (RLEP): • R3 = 325sqm	446.2m <sup>2</sup>	Y
	<b>Minimum frontage</b>		
	i) Min frontage R2 = 12m ii) Min frontage R3 = 9m iii) No battle-axe or hatchet in R2 or R3 iv) Minimum frontage for attached dual occupancy in R2 = 15m v) Minimum frontage for detached dual occupancy in R2 = 18m	NA 10.9m NA NA NA	Y
<b>2.2</b>	<b>Layout Detached dual occupancy</b>		
	NA		
<b>2.3</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% <b>301 to 450 sqm = 55%</b> 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 446m <sup>2</sup> Proposed = 52.6m <sup>2</sup>	Y
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) Up to 300 sqm = 20% <b>ii) 301 to 450 sqm = 25%</b> iii) 451 to 600 sqm = 30% iv) 601 sqm or above = 35% v) Deep soil minimum width 900mm.	Site = 446m <sup>2</sup> Proposed = 25.1%	Y
	vi) Maximise permeable surfaces to front	Min. 935mm (all deep soil) NA	Y
	vii) Retain existing or replace mature native trees	NA	
	viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If	NA	

DCP Clause	Controls	Proposal	Compliance
	site restrictions apply. ix) Locating paved areas, underground services away from root zones.	NA	
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dual Occupancies (Attached and Detached) POS</b>		
	301 to 4500 sqm = 6m x 6m each ii) POS satisfy the following criteria:	Site = 446m <sup>2</sup> Proposed = 7.5m x 4.5m (rear yard) and 6.5m x 4.5m (central c/yard)	Y
	<ul style="list-style-type: none"> <li>Situated at ground level (except for duplex)</li> <li>No open space on podiums or roofs</li> <li>Adjacent to the living room</li> <li>Oriented to maximise solar access</li> </ul>	Ground level	Y
	<ul style="list-style-type: none"> <li>Located to the rear behind dwelling</li> <li>Has minimal change in gradient</li> </ul>	NA Complies To north (central c/yard) Complies (central c/yard and rear) Level	NA Y Y Y Y
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1</b>	Site area = 446m <sup>2</sup> Proposed FSR = 0.749:1	Y
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Proposed = 7.48m	Y
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	7m Min. 2.7m	Y Y
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b>		
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment.	Avg. of adj.: 2.138m Proposed: 1.169m	On merit
	ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites	NA	NA
	iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	Complies – located in central c/yard	Y
<b>3.3.2</b>	<b>Side setbacks:</b> Semi-Detached Dwellings: <ul style="list-style-type: none"> <li>Frontage less than 6m = merit</li> <li>Frontage b/w 6m and 8m = 900mm for all levels</li> </ul>	Attached dual occ Frontage 10.9m Proposed: 900mm	Y

D34/17

DCP Clause	Controls	Proposal	Compliance
	Dwellings: <ul style="list-style-type: none"> <li>• Frontage less than 9m = 900mm</li> <li>• Frontage b/w 9m and 12m = 900mm (Gnd &amp; 1<sup>st</sup> floor) 1500mm above</li> <li>• Frontage over 12m = 1200mm (Gnd &amp; 1<sup>st</sup> floor), 1500mm above.</li> </ul> Refer to 6.3 and 7.4 for parking facilities and outbuildings		
<b>3.3.3</b>	<b>Rear setbacks</b> <ol style="list-style-type: none"> <li>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</li> <li>ii) Provide greater than aforementioned or demonstrate not required, having regard to:                             <ul style="list-style-type: none"> <li>- Existing predominant rear setback line - reasonable view sharing (public and private)</li> <li>- protect the privacy and solar access</li> </ul> </li> <li>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.</li> <li>iv) For irregularly shaped lots = merit assessment on basis of:-                             <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> </li> </ol> Refer to 6.3 and 7.4 for parking facilities and outbuildings	Minimum = 10.1m Proposed = Ground: 7.9m First: 4.279m  NA  NA	On merit  NA  NA
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> </ul>	Articulated through separation between garages and dwellings to reduce bulk and allow landscaped area to permeate.	Y
<b>4.2</b>	<b>Additional Provisions for symmetrical semi-detached dwellings</b>		
	NA		
<b>4.3</b>	<b>Additional Provisions for Attached Dual Occupancies</b>		
	Present similar bulk as single dwellings and street; <ol style="list-style-type: none"> <li>i) Parking single garage width</li> </ol>	2 x single garages	Y

DCP Clause	Controls	Proposal	Compliance
	ii) Articulate and soften garage entry iii) Minimise driveway width iv) Maximum 2m setback of front entry from front façade v) Maximise landscape planting at front	First floor recessed and landscaped Single crossing proposed – 5.6m Access gate 1m behind garage façade Landscaping provided adjoining each entry at front setback	Y Y Y Y
<b>4.4</b>	<b>Roof Design and Features</b>		
	i) Rooftop terraces on dwelling (not roof) ii) Roof terraces above garages (low side) Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> <li>• Celestial windows and skylights</li> </ul> vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties.	NA NA NA NA Skylights over first floor hallway Solar panels on roof of main building not visible from the street	NA NA NA NA Y Y
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	Suitable Complies Varied façade materials Complies Suitable NA	Y Y Y Y Y NA
<b>4.6</b>	<b>Earthworks</b>		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls	<1m >900mm NA NA NA	Y Y NA NA NA

DCP Clause	Controls	Proposal	Compliance
	(use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	NA NA NA	NA NA NA
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	Min. 3hrs  At least 50% of the central c/yards receive a minimum of 4hrs. One rear c/yard also receives 3 hours.	Y  Y
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing</li> </ul>	Min. 3hrs  Min. 3hrs  NA  NA	Y  Y  NA  NA

DCP Clause	Controls	Proposal	Compliance
	buildings on the neighbouring allotments.		
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	Skylights over first floor hallways are provided. All rooms have a window.	Y
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	First floor windows are limited in size and number and no living rooms are located at the first floor.	Y
	<b>Balcony</b>		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	Timber screens proposed to first floor north facing balconies.  Proposed. Complies.  Not required.  NA	Y  Y Y  NA  NA
<b>5.4</b>	<b>Acoustic Privacy</b>		



DCP Clause	Controls	Proposal	Compliance
	i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each other.</li> <li>- Locate less sensitive areas adjacent to the party wall to serve as noise buffer.</li> </ul>	The dwellings are a mirror image of each other to reduce noise transmission between room types.	Y
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	Narrow site - entry gate provided. Provided on letterbox wall. NA NA	Y Y Y NA
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	No existing views from the site or neighbouring properties.	Y
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i>	1 shared driveway proposed. NA Narrow site – dwelling to rear of garage	Y NA On merit

DCP Clause	Controls	Proposal	Compliance
	iv) Single width garage/carport if frontage <12m; Double width if: <ul style="list-style-type: none"> <li>- Frontage &gt;12m,</li> <li>- Consistent with pattern in the street;</li> <li>- Landscaping provided in the front yard.</li> </ul> v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	2 x single garages  NA  NA  4.5m from street	Y  NA  NA  Y
<b>6.2</b>	<b>Parking Facilities forward of front façade alignment (if other options not available)</b>		
	i) <ul style="list-style-type: none"> <li>- An uncovered single car space</li> <li>- A single carport (max. external width of not more than 3m and</li> <li>- Landscaping incorporated in site frontage</li> </ul> ii) Regardless of the site’s frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: <ul style="list-style-type: none"> <li>- There is no alternative, feasible location for accommodating car parking;</li> </ul> iii) Regardless of site’s frontage, the forward parking structures are only considered where: <ul style="list-style-type: none"> <li>- no alternative or feasible location</li> <li>- Significant slope down to street level</li> <li>- does not adversely affect the visual amenity of the street and the surrounding areas;</li> <li>- does not pose risk to pedestrian safety and</li> <li>- does not require significant contributory landscape elements (such as rock outcrop or sandstone retaining walls)</li> </ul>	The proposed garages are suitable for site context and existing development in the locality.	On merit
<b>6.3</b>	<b>Setbacks of Parking Facilities</b>		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: <ul style="list-style-type: none"> <li>- nil side setback on adjoining property;</li> <li>- streetscape compatibility;</li> <li>- safe for drivers and pedestrians; and</li> <li>- Amalgamated driveway crossing</li> </ul>	1.169m  NA NA	On merit – suitable for site context

DCP Clause	Controls	Proposal	Compliance
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	5.6m	On merit – supported by council engineer
<b>6.5</b>	<b>Garage Configuration</b>		
	i) recessed behind front of dwelling	NA	NA
	ii) The maximum garage width (door and piers or columns): - Single garage – 3m	2.4m	Y
	- Double garage – 6m	NA	NA
	iii) 5.4m minimum length of a garage	5.4m	Y
	iv) 2.6m max wall height of detached garages	NA	NA
	v) recess garage door 200mm to 300mm behind walls (articulation)	200mm	Y
	vi) 600mm max. parapet wall or bulkhead	NA	NA
	vii) minimum clearance 2.2m AS2890.1	2.8m	Y
<b>6.6</b>	<b>Carport Configuration</b>		
	NA		
<b>6.7</b>	<b>Hardstand Car Space Configuration</b>		
	NA		
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	Existing fence to remain	Y
<b>7.2</b>	<b>Front Fencing</b>		
	NA	NA	NA
<b>7.3</b>	<b>Side and rear fencing</b>		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Existing fence to remain	Y
<b>7.4</b>	<b>Outbuildings</b>		
	NA		
<b>7.5</b>	<b>Swimming pools and Spas</b>		
	i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject site and	Complies NA	Y NA

DCP Clause	Controls	Proposal	Compliance
	adjoining. iii) Located to minimise noise impacts on the adjoining dwellings. iv) Pool and coping related to site topography (max 1m over lower side of site). v) 900mm minimum coping from rear and side boundaries. vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks. vii) Position decking to minimise privacy impacts. viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.	Complies  NA – spa  2m  NA  1m setback – level with spa Condition	Y  NA  Y  NA  Y  Y
<b>7.6</b>	<b>Air conditioning equipment</b>		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	Condition	Y
<b>7.7</b>	<b>Communications Dishes and Aerial Antennae</b>		
	NA		
<b>7.8</b>	<b>Clothes Drying Facilities</b>		
	i) Located behind the front alignment and not be prominently visible from the street	Located in courtyards	Y
<b>B7 Transport, Traffic, Parking and Access</b>			
3.2	Dwelling houses/dual occupancies, semidetached dwellings, attached dwellings:  - 1 space per dwelling house with up to 2 bedrooms - 2 spaces per dwelling house with 3 or more bedrooms  Note: Tandem parking for 2 vehicles is allowed	Each dwelling has 2 bedrooms and a single garage each.	Y

**4. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<b>Randwick Local Environmental Plan 2012</b>  The site is zoned R3 Medium Density Residential under Randwick LEP 2012 and the proposal is permissible with Council's consent.

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

D34/17

## 5. Referral Comments

### Development Engineer

#### Undergrounding of power lines to site

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 located within 15m of a power pole on the same side of the street hence the above clause is applicable. A suitable condition has been included in this report.

#### Garage Comments

Development Engineering has noted that the proposed Tandem Garages do not meet the minimum required internal length of 10.80m. Development Engineering has included a condition which requires the plans to be amended prior to the issuing of a Construction Certificate which shows the garages having minimum internal lengths of 10.80m.

Development Engineering has also noted that the proposed garage slab levels of RL 25.10 (AHD) at the roller door entrances will be considered too high in relation to Council's footpath levels and the resultant internal driveway grades. Development Engineering has included a condition which requires the garage slab level at the roller door entrances to be lowered to RL 24.90 (AHD) for the western garage and RL 24.80 (AHD) for the eastern garage. Any internal grades for the garage slab are not to exceed a grade of 1:14

Alternatively the Planning Assessment Officer may ask for the amended plans prior to issuing Development Consent.

Comment: The applicant submitted amended plans dated 25/11/2016 which deleted the tandem garages and proposed a single garage per dwelling in order to reduce FSR and site coverage and increase deep soil planting. The proposed garages comply with the required width and length controls in the DCP.

#### Landscape Comments by P O'Sullivan

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

## 6. DEVELOPMENT CONSENT CONDITIONS

### GENERAL CONDITIONS

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

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

#### **Approved Plans & Supporting Documentation**

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
Site Analysis Plan	Aetch Design	27/2/17	27/2/17
Proposed GFL Plan	Aetch Design	27/2/17	27/2/17
GFL Plan Garage	Aetch Design	27/2/17	27/2/17
Proposed 1Fl Plan	Aetch Design	27/2/17	27/2/17
Streetscape Elevation	Aetch Design	27/2/17	27/2/17
North and South Elevations	Aetch Design	27/2/17	27/2/17

East Elevation	Aetch Design	27/2/17	27/2/17
West Elevation	Aetch Design	27/2/17	27/2/17
Section AA	Aetch Design	27/2/17	27/2/17
Section BB	Aetch Design	27/2/17	27/2/17
Landscape Plan	Aetch Design	25/11/16	25/11/16
Drainage Plan	Aetch Design	25/11/16	25/11/16

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
757466M	6/10/16	10/10/16

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The front façade of Garage B is to be relocated 1m behind the facade of Garage A.

**REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

**Consent Requirements**

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

**External Colours, Materials & Finishes**

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

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

**Section 94A Development Contributions**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$721,996 the following applicable monetary levy must be paid to Council: \$7,219.96.

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

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

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

D34/17

Where:

**IDC** = the indexed development cost

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

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

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

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

### Long Service Levy Payments

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

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

### Security Deposit

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

- \$3000.00 - Damage / Civil Works Security Deposit

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

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

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

### Design Alignment levels

8. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for the driveway entrance, shall be:

- **120mm above the back of the existing Council footpath level at both the eastern end and the western end of the new driveway opening.**

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

D34/17



9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$610.00 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.

#### **Internal Garage Slab Level**

10. Prior to the issuing of a Construction Certificate the applicant is to amend the plans to show the following:

**The garage slab level at the roller door entrance for the western garage is to be at RL 24.90 AHD.**

**The garage slab level at the roller door entrance for the eastern garage is to be at RL 24.80 AHD.**

The internal garage slab can grade up from the roller door entrance at a grade of no steeper than 1:10 to achieve the proposed finished garage floor level. Details of compliance are to be included in the construction certificate and to the satisfaction of the Certifying Authority

#### **Sydney Water**

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

The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

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

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

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

#### **Stormwater Drainage**

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
13. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of the Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
  - a) 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 Dolphin 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)
  - b) Should stormwater be discharged to Council's drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

- c) 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.

- d) 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.

- e) 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.

- f) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.

- g) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).

- h) 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.

- i) 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.*

- j) 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).*

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

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

- m) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- n) 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.
- o) Mulch or bark is not to be used in on-site detention areas.
- p) Seepage waters are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.

- q) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

### Landscaping

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

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

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

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

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

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

*Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed*

screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.

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

#### **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**

- 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*, 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.

#### **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. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-

- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);

D34/17

- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

D34/17

#### **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**

19. 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**

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

21. 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**

22. 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

23. 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

24. 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

25. 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

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

D34/17

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

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

### **Demolition Work Requirements**

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

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

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

### **Removal of Asbestos Materials**

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

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

D34/17

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

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

### **Sediment & Erosion Control**

29. 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**

30. 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**

31. 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.
32. 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.

33. 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**

34. 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**

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

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

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

**Occupation Certificate Requirements**

36. 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**

37. 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.

**Spa Pool Safety**

38. Spa pools are to be designed and installed in accordance with the relevant provisions of the *Building Code of Australia* and be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

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

**Swimming Pool & Spa Pool Requirements**

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

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

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

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

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

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

#### **Council's Infrastructure & Vehicular Crossings**

41. 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 *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

42. 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**

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

#### **Street Numbering**

D34/17

44. 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**

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

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

#### **Swimming/Spa Pools**

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

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

#### **Air Conditioners**

47. 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**

48. 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](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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



- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A11 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](http://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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A14 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A15 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/905/2016
<b>PROPERTY:</b>	537 Anzac Parade, KINGSFORD NSW 2032
<b>Proposal:</b>	Construction of a two storey dwelling with garage and associated works.
<b>Recommendation:</b>	Approval

D35/17

## Relevant Environment Planning Instruments:

### 1. Randwick LEP 2012

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

The proposed dwelling house satisfies the zone objectives, to provide for the housing needs of the community, while contributing to the renewal of built forms within its precinct. The proposal will reflect similar developments in the low density streetscape, and thus contribute to the desired future character of the area.

The following standards of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.75:1.	0.595:1.	Yes
Height of Building (Maximum)	9.5m	7.45m	Yes
Lot Size (Minimum)	400sqm	322.5sqm	NA

Additionally, the following clauses must be taken into consideration:

#### Stormwater Management (6.4)

The stormwater plan submitted with the DA illustrates measures in place to manage this water. The proposed system will utilise a 3000L water tank to store water and will be installed in line with Council guidelines and the National Plumbing and Drainage Code. Rainwater supply plumbing will be connected to toilets and external garden taps. Existing connections to the stormwater system will be utilised.

### 2. Randwick Comprehensive DCP

#### 2.1 Part C1 Table: Low Density Residential

##### Randwick Development Control Plan

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

standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

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

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	Yes
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
	Minimum lot size (RLEP): <ul style="list-style-type: none"> <li>• R2 = 400sqm</li> <li>• R3 = 325sqm</li> </ul>	322.5sqm	N/A.
	<b>Minimum frontage</b>		
	i) Min frontage R2 = 12m ii) Min frontage R3 = 9m iii) No battle-axe or hatchet in R2 or R3 iv) Minimum frontage for attached dual occupancy in R2 = 15m v) Minimum frontage for detached dual occupancy in R2 = 18m	Min = 12m Existing = 11.6m  No change to existing proposed.	N/A
<b>2.3</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site= 55% Proposed = 48%	Yes
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% iv) 601 sqm or above = 35% v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front vii) Retain existing or replace mature native trees viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.	Site = 25% Proposed = 25%  Deep soil requirements met.  Some existing trees will not be retained, but are due to be replaced by additional landscaping suitable for the lot frontage.  The Old Man Banksia, indicated to be retained on the Landscape Plan, has since been removed. A replacement must be planted, as per the non-standard condition.  Key roots zoned are surrounded by permeable surfaces.	Yes

DCP Clause	Controls	Proposal	Compliance
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Site = 6m x6m Proposed = Maximum width of 6m (reduced in portions) and length of 11m.  A variation is warranted, due to the irregular shape of the lot.	No. Adequately justified.
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1</b>	Site area = 322.5sqm. Proposed FSR = 0.595:1	Yes
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 =9.5m</b>	Proposed = 7.45m	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed = 5.5m	Yes
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b> i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	Minimum = Avg. of adjoining properties, 3m. Proposed = 3.1m  The proposed setback is consistent with adjoining dwellings.	Yes
<b>3.3.2</b>	<b>Side setbacks:</b> Semi-Detached Dwellings: • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1 <sup>st</sup> floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1 <sup>st</sup> floor), 1500mm above.  Refer to 6.3 and 7.4 for parking facilities and outbuildings	Minimum = 900mm Proposed = 900mm	In view of the site's irregular shape and its tapering, the width across the site at the front building line would be 11m and as such a 900mm set back is appropriate.

DCP Clause	Controls	Proposal	Compliance
<p><b>3.3.3</b></p>	<p><b>Rear setbacks</b></p> <p>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</p> <p>ii) Provide greater than aforementioned or demonstrate not required, having regard to:</p> <ul style="list-style-type: none"> <li>- Existing predominant rear setback line - reasonable view sharing (public and private)</li> <li>- protect the privacy and solar access</li> </ul> <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of:-</p> <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>Minimum = 8m Proposed = 19.3m</p>	<p>Yes</p>
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> </ul>	<p>The built form generally follows natural topography and minimises bulk.</p>	<p>Yes</p>
<b>4.4</b>	<b>Roof Design and Features</b>		
	<p>i) Rooftop terraces on dwelling (not roof)</p> <p>ii) Roof terraces above garages (low side)</p> <p>Dormers</p> <p>iii) Dormer windows don't dominate</p> <p>iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</p> <p>v) Multiple dormers consistent</p> <p>vi) Suitable for existing</p> <ul style="list-style-type: none"> <li>• Celestial windows and skylights</li> </ul> <p>vii) Sympathetic to design of dwelling</p> <p>Mechanical equipment</p>	<p>No terraces, dormers, or mechanical equipment are provided on the roof of the proposed dwelling.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	viii) Contained within roof form and not visible from street and surrounding properties.		
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	A schedule of finishes has been provided, and complies with these criteria.	Yes
<b>4.6</b>	<b>Earthworks</b>		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	No significant earthworks are proposed as part of this development.	N/A
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	North-facing living areas will receive 3hrs of sunlight as required.  Private open space will also receive over 3hrs of direct sunlight.	Yes
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight	North-facing living areas will receive 3hrs of sunlight as	Yes

DCP Clause	Controls	Proposal	Compliance
	between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	required.  Private open space will receive over 3hrs of direct sunlight.  3hrs of sunlight will be received by northern and eastern roof panels on adjoining dwellings.	
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide daylight to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	All habitable rooms have windows, and allow for adequate daylight access and ventilation.	Yes
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the	An 1800mm boundary fence and living room highlight window will	Yes

DCP Clause	Controls	Proposal	Compliance
	following measures: - 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)	provide privacy to ground floor windows.	
	<b>Balcony</b>		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	A first floor balcony has been provided off the second living area. A 1.6m privacy screen installed in the eastern side will prevent overlooking.  An additional 1.6m privacy screen will be required on the western side as a condition.	Yes
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer.	The proposed development is unlikely to cause significant acoustic privacy issues.	Yes
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not obstruct casual surveillance (maintain safe access)	The dwelling's main entry is located on the front elevation. A street number will be fixed the front of the development.  First floor bedroom windows are of a suitable size and orientation to provide casual surveillance.	Yes



DCP Clause	Controls	Proposal	Compliance
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	The dwelling will not obstruct any existing view corridors or vistas.	Yes
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	A single vehicular access will be provided off Hincks Street. A single garage will be located behind the front façade.	Yes
<b>6.3</b>	<b>Setbacks of Parking Facilities</b>		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing	The garage has a compliant setback of 900mm.	Yes

DCP Clause	Controls	Proposal	Compliance
<b>6.4 Driveway Configuration</b>			
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	The existing driveway will be reduced in size and replaced with permeable surfaces. No new vehicle entries are proposed.	Yes
<b>6.5 Garage Configuration</b>			
	i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1	The garage is recessed behind the primary façade of the building.  The width is compliant at 3m.  The length is compliant at 5.4m.  Doors recessed.	Yes
<b>d7 Fencing and Ancillary Development</b>			
<b>7.1 General - Fencing</b>			
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	Fencing materials are durable.	Yes
<b>7.2 Front Fencing</b>			
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) lightweight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). - avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants)) iv) 150mm allowance (above 1800mm) for stepped sites	The front fence will be a timber picket construction. It will be maximum 1200mm in height.	Yes.

DCP Clause	Controls	Proposal	Compliance
	v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii) The fence must align with the front property boundary or the predominant fence setback line along the street. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.		
<b>7.3</b>	<b>Side and rear fencing</b>		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Taper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	An 1800mm high fence is to be installed on both side boundaries, and will be required as an approval condition.	Yes, provided as condition of consent.
<b>7.6</b>	<b>Air conditioning equipment</b>		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	The air conditioning unit is to be discreetly positioned at the side of the dwelling.	Yes
<b>7.7</b>	<b>Communications Dishes and Aerial Antennae</b>		
	i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: <ul style="list-style-type: none"> <li>- Located behind the front and below roof ridge;</li> <li>- minimum 900mm side and rear setback and</li> <li>- avoid loss of views or outlook amenity</li> </ul> iii) Max. 2.7m high freestanding dishes (existing).	One antenna is proposed.	Yes
<b>7.8</b>	<b>Clothes Drying Facilities</b>		
	i) Located behind the front alignment and not be prominently visible from the street	Clothes drying facilities are provided in rear open space.	Yes

**2.2 Part B Table: General Controls**

DCP Clause	Controls	Proposal	Compliance
<b>B1</b>	<b>Design</b>		
<b>3.1</b>	<b>Context analysis</b>		
	<p>Submit a context analysis with the DA. This shall include an analysis of the urban form of the locality, addressing as a minimum the sub-headings in 2.2: Urban Form:</p> <ul style="list-style-type: none"> <li>- Location</li> <li>- Spatial characteristics</li> <li>- Streetscape</li> <li>- Built form and character</li> <li>- Natural and Environmental characteristics</li> </ul> <p>Provide a written statement describing how the design proposal has considered and responded to the context.</p>	The development application's site analysis addresses requirements.	Yes
<b>3.2</b>	<b>Site Analysis</b>		
	Submit a site analysis with all DAs for a new building or external alterations or additions to an existing building.	A site analysis was submitted, including all relevant property details.	Yes
<b>B4</b>	<b>Landscaping and Biodiversity</b>		
<b>2</b>	<b>Landscape Plan</b>		
	Prepare a landscape plan, detailing trees, existing natural features, drainage details, sediment control measures and design details.	A detailed landscape plan, prepared by ATC.	Yes
<b>3.2</b>	<b>Selection of native species</b>		
	Native species must comprise at least 50% of the plant schedule, incorporating a mix of locally indigenous trees, shrubs and groundcovers appropriate to the area and surrounds. Plant species, such as noxious weeds or invasive species must not be included in the landscape design.	The majority of species are native, meeting the performance criteria.	Yes
<b>B6</b>	<b>Recycling and Waste Management</b>		
<b>2</b>	<b>Recycling and waste management plan</b>		
	<p>Submit a Waste Management Plan with DAs involving:</p> <ul style="list-style-type: none"> <li>a) demolition;</li> <li>b) construction of a new building(s); or</li> <li>c) change of use or alterations/additions to existing premises (only when this would result in a change of waste generation).</li> </ul> <p>ii) Prepare the Waste Management Plan in accordance with Council's Waste Management Guideline and the template plan in Appendix B6-1.</p>	A Waste Management Plan was submitted, addressing the required criteria.	Yes

DCP Clause	Controls	Proposal	Compliance
<b>3</b>	<b>Demolition and Construction</b>		
	i) Identify in the Waste Management Plan, the type and estimated volume of waste to be generated during demolition and construction and respective recycling, reuse and disposal methods.  ii) Illustrate on the DA plans/drawings: a) the location and space allocated for the storage of demolition and construction waste or materials; b) waste collection point(s) for the site; and c) path of access for collection vehicles.  iii) Provide separate bins or storage areas for materials to be reused, recycled and directed to landfill. iv) Storage areas must be easily accessible for collection vehicles, clearly signposted indicating purpose and content and managed appropriately to prevent stormwater pollution, damage to vegetation and odour and health risks. v) Demonstrate in the Waste Management Plan the use of second hand building materials and recycled building products during building design and construction.	A Waste Management Plan was submitted, addressing the required criteria. No demolition is proposed as part of this particular application.	Yes
<b>B7</b>	<b>Transport, Traffic, Parking and Access</b>		
<b>3.2</b>	<b>Vehicle Parking Rates</b>		
	2 car parking spaces must be provided for a dwelling house with 3 or more bedrooms.	Two car parking spaces have been provided in the garage and front driveway.	Yes
3.7	<b>Parking Dimensions</b>		
	An off-street car space must be a minimum of 2.4m by 5.4m.	Both spaces comply.	Yes
<b>B8</b>	<b>Water Management</b>		
<b>3.3</b>	<b>Construction Waste Management</b>		
	i) All DAs involving excavation or other site disturbance shall submit a soil and erosion management plan demonstrating how sediment and contaminants from construction shall be contained and managed.  ii) Separate approval will be required from Council for any proposals to discharge stormwater, seepage water or groundwater from a construction site into Council's stormwater drainage system. Council may require water quality testing	A sediment control plan has been submitted with this DA and demonstrates the required components.	Yes

DCP Clause	Controls	Proposal	Compliance
	of the discharged water by a suitably qualified environmental consultant.		

**3. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	As in Section 3.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A
Section 79C(1)(a)(iii) – Provisions of any development control plan	As in Section 3.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraph below.</p> <p>The proposed development is considered consistent with the dominant residential character in the locality. The proposal is considered unlikely to result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submission have been addressed in 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.

**4. Referral Comments**

**Landscape Comments by P O’Sullivan**

Permission is granted for the removal of those trees located in the front yard.

**Drainage Comments**

The subject site is located below the Council kerb line level in Anzac Parade & Hincks Street and thus Development Engineering has included conditions which require the site stormwater to be discharged either via an infiltration system or pump out system.

**Undergrounding of power lines to site**

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

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

The subject is located within 15m of a power pole on the same side of the street hence the above clause is applicable. A suitable condition has been included in this report.

**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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
Architectural Plans	Wincrest Homes	28/03/17	28/03/17
Landscape Plan	ATC	17/11/16	09/12/16
Sediment Control Plan	Wincrest Homes	28/03/17	28/03/17

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
770088S	21/10/16	08/12/16

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. Details of 1800mm high fencing along both side boundaries are to be included in the Construction Certificate. Reason: To provide visual privacy to the residents and neighbours.
  - b. A 1600mm high privacy screen must be provided to the eastern and western edges of the first floor rear balcony. The privacy screens must be constructed with either:

- Translucent or obscured glazing;
- Fixed lattice/slats with individual openings not more than 30mm wide;
- Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

Details are to be submitted to Council's Manager Development Assessment prior to issuing a construction certificate. The screen is to be a permanent fixture. Reason: To provide visual privacy between residents.

D35/17

#### **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**

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

##### **Section 94A Development Contributions**

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$338,132 the following applicable monetary levy must be paid to Council: \$3,381.32 (to be calculated by Council at time of payment)

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

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

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

Where:

**IDC** = the indexed development cost

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

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

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



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

#### **Long Service Levy Payments**

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

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

#### **Security Deposit**

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

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

#### **Design Alignment levels**

7. 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 Council footpath levels along the full site frontage.**

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

8. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$721.00 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.

#### **Sydney Water**

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

The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

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

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

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

### **Stormwater Drainage**

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

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

11. A site stormwater drainage system is to be provided in accordance with the following requirements (as applicable):
- a) The stormwater drainage system must be designed and constructed to satisfy the relevant requirements in the Building Code of Australia,
  - b) Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling,
  - c) The overflow from the rainwater tank and other surface stormwater must be directed (via a sediment/silt arrestor pit) to:

A suitably sized infiltration area to the satisfaction of the Certifying Authority. As a guide, infiltration areas which do not have a formal overflow to the street should be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area draining to the infiltration area.

- d) The design and construction of the infiltration areas must be appropriate having regard to the site and ground characteristics.

Infiltration areas must be a minimum of 3.0 metres from any structure (note: this setback requirement may not be necessary if a structural engineer or other

suitably qualified person certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from any adjacent side or rear boundary.

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

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

Should the site or ground conditions preclude the construction of an infiltration pit (i.e. due to rock etc) consideration may be given to the installation of a suitably designed pump-out system,

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

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

- f) Any pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter,
- g) Any discharge to the kerb and gutter must be in front of the development site and not any neighbouring site.
- h) Details of the design and construction of the stormwater drainage system, sediment site arrestor pit/s and infiltration area/s must be submitted to and approved by the Certifying Authority with the Construction Certificate and a copy of the design is to be forwarded to Council's Development Engineering Coordinator to confirm the discharge point at the Council kerb line. All works are to be carried to the satisfaction of the Principal Certifying Authority.

12. Sediment/silt arrestor pit/s that are provided within the site prior to stormwater being discharged from the site or into any infiltration areas are to be constructed generally in accordance with the following requirements, to the satisfaction of the principal certifying authority:
- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
  - The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
  - A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
  - A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
  - A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
  - The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.

- A sign adjacent to this pit stating that:  
"This sediment/silt arrester pit shall be regularly inspected and cleaned."

#### **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.

D35/17

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

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

#### **Structural Adequacy**

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

#### **Driveway Design**

15. 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**

16. 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.

#### **Building & Design**

17. The external walls of the dwelling must be located not less than 900mm from the site boundary.
18. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 450mm.

**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**

19. 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**

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

21. 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**

22. 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**

23. 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**

24. 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.*

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

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

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

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

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

#### **Public Utilities**

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

#### **Landscaping**

- 28. Landscaping shall be installed in general accordance with the Landscape Plan by *ATC Landscape Architects Dwg No's L/01 & L/02 dated 17/11/16*.
- 29. In order to comply with Clause 2.4 (Part C1) of the Randwick Comprehensive Development Control Plan, a tree must be planted in the site. When mature it must reach a height of between 4-8m. The selected tree is to be located in the front setback to contribute to the streetscape.

**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**

- 30. 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**

- 31. 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**

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

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

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any*



*applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

### **Demolition Work Requirements**

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

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

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

### **Removal of Asbestos Materials**

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

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

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

### **Sediment & Erosion Control**

35. 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**

36. 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**

37. 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.

38. 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.

39. 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**

40. 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**

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

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

For further information, please contact Council's Road / Asset Opening Officer.

**Tree Management**

42. Approval is granted for the removal of only those trees located within the area occupied by the approved works, as detailed in this development consent. Requests for the removal (or pruning) of any of the remaining trees on the site are subject to separate application under Council's Tree Preservation Order.

**Undergrounding of Power**

43. At no cost to Council, the existing overhead power feed between the mains distribution pole in front of the site in Anzac Parade and the development site shall be relocated to an underground (UGOH) connection. All work shall be to the requirements and satisfaction of Ausgrid.

**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**

44. 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**

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

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

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

46. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required, in Hincks Street. Any works are to be to Council's specifications and requirements.
47. 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.

48. 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 "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
  - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
  - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

#### **Stormwater Drainage**

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

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

50. Should an infiltration area or pump-out system be provided, 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, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - Details of infiltration/absorption systems; and
  - Details of pumping systems installed (including wet well volumes).

#### **Undergrounding of Power**

51. Prior to the issuing of an Occupation certificate the applicant/owner is to have had the overhead power feed between the mains distribution pole in front of the site in Anzac Parade and the development site relocated to an underground (UGOH) connection. All work shall be to the requirements and satisfaction of Ausgrid.

#### **Landscaping**

52. The landscaping provisions shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and landscaping is to be maintained in accordance with the approved plans and specifications.

**OPERATIONAL CONDITIONS**

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

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

**Use of premises**

53. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.
54. 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**

55. 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**

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

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

**Swimming/Spa Pools**

57. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 8.00pm on any Sunday or public holiday; or
  - before 7.00am or after 8.00pm on any other day.

**Air Conditioners**

58. 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**

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

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

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

A8 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.

A9 Demolition work and removal of asbestos materials:

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

A10 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.

A11 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

A12 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

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

A14 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be



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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.

**D35/17**