



**Randwick City
Council**
a sense of community

DA COMPLIANCE REPORTS

**ORDINARY COUNCIL MEETING
TUESDAY, 25 JULY, 2017**

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Development Application Compliance Report



CP36/17

| | |
|------------------------|---|
| Folder /DA No: | DA/233/2017 |
| PROPERTY: | 211-215 Maroubra Road, MAROUBRA NSW 2035 |
| Proposal: | Alterations and additions to the existing building and change of use to childcare centre accommodating 118 children with 25 staff, basement parking for 19 vehicles and hours of operation being 6.30am to 7.30pm Monday to Friday. Hours amended by acosutic report from 7am to 7pm |
| Recommendation: | Approval |

Relevant Environment Planning Instruments:

1. Randwick LEP 2012

The subject site is zoned B2 Local Centre under Randwick LEP 2012. The proposal development is classified as a Child Care Centre and is permissible in the zone. 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 proposal will promote the specific objectives of the zone by enhancing employment opportunities and servicing the needs of local and regional residents thereby ensuring the commercial viability of the town centre. It will also protect the amenity of residents in the neighbouring residential zones.

The following Clauses of RLEP 2012 apply to the proposal:

| Description | Council Standard | Proposed | Compliance (Yes/No/NA) |
|------------------------------|----------------------------------|-----------------|--|
| Floor Space Ratio (Maximum) | Building envelope controls apply | 1.78:1 | No appreciable change to the bulk and scale of the building. |
| Height of Building (Maximum) | 25m | 15.67m existing | Yes |

2. Randwick Comprehensive DCP

Randwick Comprehensive Development Control Plan (RDCP) 2013

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.)

Part B7 Transport, Traffic, Parking and Access

| | | | |
|-----------|--|---|---|
| B7 | Transport, Traffic, Parking and Access | | |
| 3. | Parking & Service Delivery Requirements | | |
| | Car parking requirements: <ul style="list-style-type: none"> • 1space per 2 staff: 7 staff require 4 spaces • 1 space per 8 children: 53 children require 7 spaces | 118 child car spaces and 25 staff; Condition included to delete on one on-site parking space to improve access and a reduction in child care spaces down to 110. This will achieve a more efficient use of the parking spaces. | See Development engineers assessment referral comments. |

See also the following sections of this report:

- Technical Officers comments: Development engineering comments.

Part D11 Child Care Centre

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|---|--|
| | Classification | Zoning = R2 | Yes |
| 2 | SITE SELECTION | | |
| | i) DAs are to address the suitability and context of the proposal including: <ul style="list-style-type: none"> ▪ Proposed size, number of children and age breakdown for the centre. ▪ The number of staff to be employed. ▪ Proposed hours of operation. ▪ Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc.). ▪ Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects). ▪ Likely effect of the development on | The site is an allotment within a commercial centre which is a suitable location for a child care centre. The number of spaces is 110 (conditioned). The number of staff members is 24 which is appropriate for 118 children however this is likely to be reduced due to the reduction in number of children. The proposed hours are from 7.00am to 7:00pm weekdays. | i) The site is suitable for this development subject to conditions. Refer to assessment against the relevant standards and provisions in the RLEP and RDCP respectively. Where necessary further discussion is contained in |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|---|---|
| | <p>the road network in the surrounding area including traffic and on street parking availability.</p> <ul style="list-style-type: none"> ▪ Availability of on-site vehicular access and parking. ▪ Proximity to public transport. ▪ Proximity to existing community and children’s services. ▪ Demonstrated demand for the service and identification of any special needs the centre will address. <p>ii) Where a child care centre is proposed within 300 metres of a mobile phone tower, base station, transmission line easement or other source of potentially significant electromagnetic radiation, a report by a suitably qualified consultant must be submitted with the DA, assessing the potential exposure impact on the centre and its occupants.</p> | <p>Potential impacts of noise, parking and traffic have been investigated by Council’s technical officers and found suitable subject to appropriate conditions being included.</p> <p>The proposed use and resultant intensity can be reasonably accommodated within the site and will not significantly impact on the amenity of the surrounding residential uses, subject to suitable conditions to protect surrounding amenity.</p> <p>ii) The child care centre is contained within the existing building and therefore the potential impact from nearby mobile phone towers, base station, transmission line easement or other source of potentially significant electromagnetic radiation within 300mm of the child care centre is required to be addressed by the submission of an electromagnetic field assessment.</p> | <p>the Key Issues section.</p> <p>ii) The report submitted suitably addresses the potential for impact on children.</p> |
| 3 | BUILDING DESIGN | | |
| 3.1 | Built form, Scale and character | | |
| | <p>i) For new child care centres or extensions proposed in the R2 Low Density Residential zone, the building design is to be similar to a dwelling house in terms of built form, scale, massing, roof design and articulation.</p> <p>Single storey buildings are encouraged for safety and access reasons.</p> <p>iv) Architectural elements which</p> | <p>The proposed alterations and additions are generally minor, associated with the acoustic noise measures and treatment to the external facade. The proposal maintains the predominant existing built form, scale and</p> | <p>Yes, see assessment at left.</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|--|--|
| | articulate the front and other facades visible from the street frontage must be incorporated into the overall building design to create visual interest. v) Avoid large expanses of blank and unarticulated walls. | character and it is not anticipated to detract from the general streetscape or the local centre zone. Overall, the proposal maintains a form that is consistent with the existing form. The nature of proposed works is relatively minor and will not detract from the surrounding buildings. | |
| 3.2 | Setbacks | | |
| | i) New child care centre developments or extensions must address the setback controls for dwelling houses set out in Part C1, Section C3 of this DCP or demonstrate that alternative setbacks are suitable, having regard to: <ul style="list-style-type: none"> ▪ The zoning for the site and alternative setback controls in this DCP; or ▪ The site location and prevailing setbacks of surrounding properties. | Not applicable as the proposed development is located within the commercial zone and the proposed works do not alter the existing setbacks. | Yes |
| 3.3 | Building Material and Colours | | |
| | Controls i) For child care centres proposed in residential zones, the selection of building materials, finishes and colours must have regard to the relevant controls set out in Part C, Section C3 of this DCP. | | Yes – see north and south elevation plans. |
| 4 | AMENITY | | |
| 4.1 | Acoustic Amenity and Privacy | | |
| | i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that: <ul style="list-style-type: none"> ▪ Adequate site planning and building design measures are proposed to minimise noise impacts. ▪ Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. ▪ Suitable noise attenuation | i) An acoustic report has been submitted by the applicant and Council’s Environmental Health Officer has reviewed the submitted report and considers that the proposed development will comply with the relevant noise criteria pending implementation of the mitigation measures outline in the acoustic report and | i) Yes |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|---|---|
| | <p>measures have been incorporated into the proposal.</p> <p>ii) Orient extensions to minimise overlooking, overshadowing and to preserve the acoustic amenity of adjoining properties.</p> <p>iii) Locate outdoor and indoor play areas, balconies and terraces and operable windows to minimise the direct line of sight to and from neighbouring properties.</p> <p>iv) Locate pedestrian access ways and ramps away from neighbouring residential properties where practical.</p> <p>v) Maximise the use of fencing, landscape buffers and window coverings to protect visual privacy and acoustic amenity for the centre and neighbouring properties.</p> | <p>compliance with a number of conditions.</p> <p>ii) No appreciable increase in impacts associated with overlooking, or overshadowing. Acoustic amenity is suitably addressed by conditions.</p> <p>iii) The proposal has largely been designed to minimise direct lines of sight into the neighbouring properties as far as practicable.</p> <p>iv) Pedestrian access ways and ramps are located at the Maroubra Road frontage. Vehicle access is appropriately located off the rear laneway.</p> <p>v) The proposal maximizes the use of acoustic screens, location of existing and new building acoustic elements to reasonably protect the visual and acoustic amenity for the centre and neighbouring properties.</p> | <p>ii) Yes</p> <p>iii) Yes</p> <p>iv) Yes</p> <p>v) Yes</p> |
| 4.2 | Safety and Security | | |
| | <p>i) Entry to the child care centre is to be limited to one secure point which is to be:</p> <ul style="list-style-type: none"> ▪ Appropriately located to allow ease of access. ▪ Well lit and adequately sign posted. ▪ Located away from areas used for vehicle access. ▪ Located away from outdoor space used by children. ▪ Monitored through natural or camera surveillance. ▪ Limited to authorised persons only through the provision of an electronic security system such as swipe cards. | <p>Pedestrian entry and access is off Maroubra Rd; vehicle access off Garden Lane.</p> | <p>Yes</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|--|---|
| | <p>ii) Where a child care centre is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care centre must be provided.</p> <p>iii) Incorporate windows on the front façade where possible to enable casual surveillance.</p> <p>iv) Where a proposed child care centre has a direct street frontage or vehicular access onto a classified road, identify additional safety measures (e.g. secure fencing, landscaping or other measures to prevent unaccompanied children from exiting the centre).</p> | <p>One use is proposed on site which is considered suitable use of the site.</p> <p>The windows associated with the development are appropriately designed to ensure casual surveillance.</p> <p>The play areas are predominately located within the building which is considered to provide adequate security.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 4.3 | Play Areas | | |
| | <p>i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.</p> <p>ii) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical.</p> <p>iii) Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas.</p> <p>iv) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.</p> <p>v) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.</p> | <p>i) Outdoor and indoor play areas are dimensioned and clearly identifiable on the plans.</p> <p>ii) The proposed play areas are predominately located indoors.</p> <p>iii) The outdoor play areas are located away from the main circulation, car parking or vehicular circulation areas.</p> <p>iv) The play areas are located mostly within the rear of the building and appropriate noise buffers will assist with minimising noise transmission to habitable rooms of adjoining residential properties.</p> <p>v) The outdoor play areas are viewable.</p> | <p>i) Yes, See key issues section of report.</p> <p>ii) See key issues section of report.</p> <p>iii) Yes</p> <p>iv) Yes</p> <p>v) Yes</p> <p>vi) Yes</p> |

| DCP Clause | Controls | | | Proposal | Compliance | | | | | |
|----------------------|--|---|---------------|--|--|---------------|---|--|-----------------------|---|
| | <p>vi) Indoor play areas must have adequate access to sunlight and natural ventilation.</p> <p>vii) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).</p> <p>viii) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.</p> <p>ix) Toilets should be easily accessible from both indoor and outdoor play areas.</p> | | | <p>vi) The indoor play areas have adequate access to sunlight and natural ventilation</p> <p>vii) The outdoor areas are designed as unencumbered areas and will contain a mixture of surfaces and subject to an application from the applicant to the Department of Education and Communities (Regulatory Authority) seeking a waiver against non-compliance with Clause 108 of the Education and Care Services National Regulation requiring unencumbered outdoor space.</p> <p>viii) No shading devices.</p> <p>ix) Toilet facilities are easily accessible, safe and convenient for the children.</p> | <p>vii) See key issues section of report.</p> <p>viii) Existing building provides adequate shading.</p> <p>ix) Yes</p> | | | | | |
| | <table border="1"> <tr> <td data-bbox="279 1406 438 1563">Indoor Space</td> <td data-bbox="438 1406 571 1563">0-6 years old</td> <td data-bbox="571 1406 847 1563">3.25m² per licensed child space of unencumbered space</td> </tr> <tr> <td data-bbox="279 1563 438 1686">Outdoor Space</td> <td data-bbox="438 1563 571 1686">0-6 years old</td> <td data-bbox="571 1563 847 1686">7m² per licensed child space of useable outdoor space</td> </tr> </table> | Indoor Space | 0-6 years old | 3.25m ² per licensed child space of unencumbered space | Outdoor Space | 0-6 years old | 7m ² per licensed child space of useable outdoor space | <p>118 Children (Conditioned reduction down to 110 due to parking shortfall and Traffic report making recommendation based on one substandard parking space.</p> <p>Required = 390m² Proposed = 397m²</p> <p>Required = 840m² Proposed = 826m²</p> | <p>Yes</p> <p>Yes</p> | <p>Note: outdoor areas located indoors are included in the unencumbered areas as they</p> |
| Indoor Space | 0-6 years old | 3.25m ² per licensed child space of unencumbered space | | | | | | | | |
| Outdoor Space | 0-6 years old | 7m ² per licensed child space of useable outdoor space | | | | | | | | |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|--|
| | | | will contribute to motor skills education of children. |
| 4.4 | Landscaping | | |
| | <p>i) Submit a landscape plan with the DA clearly identifying the following elements:</p> <ul style="list-style-type: none"> ▪ Location of play equipment ▪ Location and extent of landscape buffers ▪ Proposed planting including a variety of trees and plants to create visual interest and shade for children ▪ Materials and finishes of outdoor surfaces. <p>ii) Landscape design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style.</p> <p>iii) Landscaping must be designed to minimise the visual impact of the development on the streetscape and neighbouring properties.</p> <p>iv) A landscape buffer of no less than 1 metre must be provided in the front setback where on site car parking and drop off areas are proposed in residential zones.</p> <p>v) A landscape buffer with suitable screening plants should be provided along the side and rear boundaries where practicable.</p> <p>vi) Toxic, spiky or other plant species hazardous to children should not be used.</p> | <p>Landscape plans have been provided and appear to show the various elements that would resemble outdoor elements. The actual running of the centre will be the subject of approval of the waiver from the department of Education and communities.</p> <p>No landscape character along this part of Maroubra Road.</p> <p>N/A</p> <p>Conditioned.</p> | <p>Yes and see comments at left.</p> |
| 5 | TRAFFIC, PARKING AND PEDESTRIAN SAFETY | | |
| | <p>i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to:</p> <ul style="list-style-type: none"> ▪ prevailing traffic conditions ▪ likely impact of the proposal on existing traffic flows ▪ pedestrian and traffic safety ▪ Appropriate arrangements for safe and convenient pick up and drop off | <p>A traffic and parking impacts report has been submitted with the application. Councils Development engineer has made comment requiring a reduction in the child care spaces to address one substandard car space in the basement</p> | <p>See key issues section of this report.</p> |

| DCP Clause | Controls | Proposal | Compliance |
|--|--|--|--|
| | <p>at the site.</p> <p>ii) A reduction in car parking controls in Part B, section B7 may be considered where:</p> <ul style="list-style-type: none"> ▪ The site is located in proximity to high frequency public transport. ▪ The site is co-located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks). ▪ There is sufficient on street parking available at appropriate times within proximity of the site. ▪ The development is not likely to result in any adverse impact on the safe operation of the surrounding road network. | <p>required to be deleted.</p> | |
| <p>An assessment against the matters for consideration required under Part B7 concludes that the proposed development is expected to have minimal impact on the performance of the surrounding road network and subject to conditions requiring the deletion of one space and reduction of spaces by 8, traffic can be accommodated within the surrounding street network.</p> | | | |
| Vehicle Circulation and Car parking Design | | | |
| | <p>i) On-site parking and drive through facilities must not visually dominate or detract from the streetscape character.</p> <p>ii) Car parking areas and set down and pick up points, must be appropriately marked, signposted and lit to ensure pedestrian safety.</p> <p>iii) The entry and exit of set down and pick up points should preferably be separated.</p> <p>iv) On-site parking and vehicle manoeuvring areas are to be designed so that vehicles can safely enter and exit the site in a forward direction.</p> <p>v) Stack parking may be considered for a maximum of 2 car spaces.</p> <p>vi) Access driveways must not be located opposite or in the vicinity of road intersections.</p> | <p>Existing</p> <p>Appropriately conditioned</p> <p>Appropriate dual use of drop off and pick up locations.</p> <p>iv) Maneuvering into on-site parking is available in a forward direction.</p> <p>NA</p> | <p>NA</p> <p>ii) Yes</p> <p>iii) Yes</p> <p>NA</p> <p>Yes.</p> |
| Pedestrian Access Design | | | |
| | <p>i) Pedestrian access must be separated from vehicular access with clearly defined paths, signage and fencing.</p> | <p>i) Yes</p> | <p>i) Yes</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|--|---------------------------------------|
| | ii) Appropriate site distances and traffic calming measures may be required to ensure pedestrian safety. iii) Pedestrian pathways are to be a minimum width of 1.2 metres to allow for easy circulation throughout the site. | ii) Appropriate site distances and pedestrian safety is maintained. iii) Pedestrian pathway are required to comply with the BCA requirements. | ii) Yes Prescribed |
| 6 | Hours of Operation | | |
| | i) DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses. | The proposed childcare centre will operate 7am to 7pm Monday to Friday and will be closed on weekends and public holidays. These hours are considered to be acceptable subject to acoustic conditions being complied with. | Yes |
| 7 | Fences | | |
| | i) Fencing is to be of a height and design suitable to contain noise generated by children’s activities and compatible with the building and fencing materials used in the vicinity. ii) Child proof fencing and self-closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children. iii) Fencing must not obstruct sight lines between pedestrians and vehicles. | i) Acoustic screening is recommended by the Acoustic consultant and shown on the architectural plans. iii) The proposed fencing does not obstruct any sight lines between pedestrians and vehicles. | i) Yes ii) Yes iii) Yes |

3. 79C Matters for consideration

| Section 79C 'Matters for Consideration' | Comments |
|---|--|
| Environmental Planning Instruments | |
| Section 79C(1)(a)(i) – Provisions of any environmental planning instrument | The proposal will promote the specific objectives of the zone by enhancing employment opportunities and servicing the needs of local and regional residents thereby ensuring the commercial viability of the town centre. It will also protect the amenity of residents in the neighbouring residential zones. |
| Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument | No draft planning instrument applies. |
| Section 79C(1)(a)(iii) – | The provisions of the relevant Parts of the RDCP have been |

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

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4. Referral Comments

Development engineering

An application has been received for alterations and additions to the existing building and change of use to childcare centre accommodating 118 children with 25 staff, basement parking for 19 vehicles and hours of operation being 6.30am to 7.30pm Monday to Friday. at the above site.

This report is based on the following plans and documentation:

- *Architectural Plans by Armada dated 12TH April 2017;*
- *Statement of Environmental Effects by Andrew Martin Planning dated 18th April 2017.*
- *Traffic and Parking report by TEC Consulting dated 22nd March 2017*
- *Detail & Level Survey by NK Bennet & O'Donnell Surveyors 1st Feb 2017.*

GENERAL COMMENTS

The application is supported but with a reduced number of 110 child places. This is in recognition of the necessary deletion of carspace 11 in the carpark and the existing non-compliances with AS 2890.1, which may discourage carpark use.

PARKING COMMENTS

A Traffic and Parking Impacts Report by TEC consulting has been submitted with the development application that attempts to detail and addresses the traffic and parking impacts of the proposed development.

The proposed development is for a childcare centre comprising of 24 staff and 120 children.

Parking provision

Parking Requirements for the development have been assessed as per the parking rate specified for child care centres in Part B7 of Randwick Council's Development Control Plan 2013 being;

- 1 space per 2 staff plus 1 space per 8 children for pick-up and drop-off

Parking Required = 25/2 (Staff) + 118 (Pickup & Drop Off)
 = 12.5 (Staff) + 14.8 (Pickup and Drop-off)
 = 27.3
 = say 27 spaces (Total)

Parking Provided = 19 spaces (Basement) + 3 (street level) = 22 spaces
 = 14 (pickup and drop-off) + 8 (staff)

Parking Shortfall = 5 spaces

There is a 1 space shortfall in pickup and drop-off (14 provided - 15 required) and a 4 space shortfall in the staff parking component (8 provided - 12-13 required).

The parking and traffic report by TEC consulting acknowledges the shortfall and proposes that the development addresses it by the following means;

- Five of the pickup and drop-off spaces will be made available for staff outside of the peak pickup and drop-off times. This will still leave 8- 9 spaces available for pickup and drop-off outside of peak times. These spaces will be convenient for staff who start shifts later in the day.
- The parking survey indicates that at any given point throughout the day there at least 12 on-street spaces available within walking distance to a maximum of 81.
- The AM parking demand in the area occurred around 10am which is outside the morning peak drop-off time
- There is good public transport in close proximity to the site. There are 16 bus services with regular and frequents services on Anzac Parade and/or Maroubra Road.
- TEC has conducted parking surveys of other similar sized centre and have determined a parking rate of 0.13 and 0.16 (cars per child) on average for two of the centre.

It should be noted that carspace 11 is not supported by Development Engineering (see parking layout comments below) and shall be deleted from the application. This will increase the parking deficiency further by 1 space to **6** spaces including two pick-up and drop off spaces. To minimize the impact on the availability of on-street parking and to compensate for the loss of the space it is recommended that child numbers be reduced to 110 places with staff numbers also likely to reduce by 1 to 24 places.

It has also been conditioned that a green travel plans be submitted and approved by Council's Dept of Integrated Transport prior to issuing of an occupation certificate.

Parking Layout

The existing carpark has some existing non-compliances with Australian Standard 2890.1, most notably the overhead clearance which is less than the 2.20m required. Carspaces 4-6 for example only have a head clearance of approx. 1.9m and it is proposed that these be allocated to staff only. This is supported by Development Engineering. The dimensions of some spaces also appear to be marginally below Australian Standards and may be difficult to access for larger vehicles. This together with the reduced height clearance may discourage some future patrons of the childcare centre from using the carpark and instead park on-street. There are two pickup and drop off spaces at ground level which do not have these restrictions however there is no way to guarantee their use by oversized vehicle as they will be available to all patrons. Partially reducing child number will also assist in addressing this concern.

To ensure vehicles can enter and exit the carpark in a forward direction and in recognition of the likely high turnover of spaces, an adequate turning area shall be provided at the western end of the carpark to allow vehicles to undertake a 3 point turn if the carpark is full and also to access spaces 8-11 along the northern basement wall. In this regard, carspace 11 is not supported and shall be deleted from the application as the space will block vehicles attempting to turn at this location and will also restrict access into carspace 20. To compensate for the loss of carspace 11 it will be conditioned that child numbers be reduced to 110 and staff to 24.

Carspaces 8-10 may also need to be lengthened in accordance with figure 2.5 in AS 2890.1 to allow for satisfactory ingress and egress into these spaces.

There will be some improvements in the line marking to highlight pedestrian thoroughfares. It is recommended that wheel stops be placed into the carspaces adjacent to the walkways to minimize vehicle encroachment into the pedestrian zones.

Suitable conditions detailing the above have been included in this report.

TRAFFIC COMMENTS

The traffic report has determined that the proposed development will result in the following traffic generation;

- 55 trips in and 39 trips out during the morning peak*
- 34 trips in and 48 trips out during the afternoon peak*

When compared to the existing office block development however the actual increase in traffic generation above existing demand will be

- 35 trips in and 34 trips out during the AM peak*
- 31 trips in and 34 trips out during the PM peak*

The study concludes that the additional traffic from the proposed development will have no negative impacts on street network operation. There are no changes in the performance of nearby intersection as a result of the proposal.

Civil Works Comments

As there is some existing damage to the existing vehicle crossing in the laneway, this will be required to be upgraded as part of any consent. A suitable condition has been included in this report.

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Service Authority Comments

A Section 73 Compliance Certificate under the Sydney water Act 1994 will be required as part of this consent due to the likely increase in the demand for Sydney Water Services.

Waste Management Comments

The applicant is required to submit to Council and have approved by Council's Director Planning, a Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and show how the on-going management of waste for the childcare centre will operate.

To assist the applicant in the preparing the WMP the applicant is advised to refer to Council's 'Waste Management Guidelines for Proposed Developments' available from Council's website. Worked examples of WMP's are provided in the appendices.

The number of bins, responsibilities of caretaker and occupants, and proposed location of presentation area at the kerb shall be clearly indicated in the Waste Management Plan.

Landscape Comments

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

Senior Environmental Health Officer**Proposed Development:**

The proposal seeks approval to undertake alterations and additions to an existing building for the adaptive reuse as a child care centre accommodating 118 children and 25 staff over 4 levels one of which is basement parking/laundry and store room.

Comments:

The proposed hours stated in the SEE are listed a 6.30am-7.30pm Monday to Friday which includes the staff arrival and pack up time. Upon discussion with the applicant and the assessing planning officer it was agreed that the operational hours of 7am-7pm will be listed as a condition of consent.

Acoustics

Initial Acoustic report submitted dated 6 March 2017. Upon review it was identified that the hours of operation were not clearly identified or assessed as per the application (having regard to sleep disturbance assessment with proposed operating hours prior to 7am). In addition, a typo error was identified with regards to the naming of the location where the background readings were obtained. Following discussion with the author of the acoustic report, these have been addressed in the revised acoustic report submitted (please refer to D02959850 for revised report and comments by author).

The revised acoustic assessment as prepared by N G Child and Associates dated 5 June 2017 and has been submitted with this application and reviewed. The key findings and recommendations as listed in the report are copied below:

"KEY FINDINGS of the acoustic assessment:

The key findings of this acoustic assessment are as follows:

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1. *Sound levels of less than 40 dB(A) will be achieved throughout the internal areas of the proposed child care centre, based on measured background sound levels and proposed layout and centre design details as described in this report;*
2. *Sound levels in the range 30-35 dB(A) will be achieved in the cot room or sleep areas associated with the proposed centre, based on measured background sound levels; and proposed layout and centre design details as described in this report;*
3. *The level of noise estimated to be generated by activities within the internal areas of the proposed centre is projected to be essentially contained by the building structure of the centre itself, and accordingly is projected to have no negative or non-compliant impacts on surrounding buildings, activities and individuals;*
4. *The level of noise estimated to be generated by activities within the three outdoor play areas proposed for the southern or rear areas of the ground, first and second floors of the child care centre can be effectively contained by the installation of appropriate acoustic fences or walls as detailed in this report, and subject to the installation of such fences or walls, and the finalisation and implementation of an appropriate Noise Management Plan, noise from these areas is projected to have no negative or noncompliant impacts on surrounding buildings, activities and individuals;*
5. *On this basis, the acoustic performance of the proposed child care centre will comply fully with the requirements of all relevant acoustic guidelines and requirements.*

RECOMMENDATIONS listed in the acoustic report:

The assessment has found that the proposed Child Care Centre will comply with the requirements of all relevant acoustic guidelines and regulations, subject to the advice provided generally in this report; adherence to normally accepted design and building practices, and the implementation of the following recommendations:

1. *Glazing to any new external windows and doors have acoustic qualities equivalent to 6.38 mm laminated glass (as a minimum), and that external window and door frames are appropriately acoustically sealed. Existing glazing meets relevant acoustic requirements.*
2. *External fences or walls are fitted to the rear and sides of the three outdoor play areas located at the southern or rear ends of the ground, first and second floors of the proposed child care centre, and that these fences or walls incorporate the following features:*

*Height of 1800 mm; and
Minimum acoustic Rw of 20 dBA*

It is noted that the acoustic performance required can be achieved by a range of materials, including solid form laminated glass, acoustic panels fitted within a gap free timber or metal frame, and appropriate types of continuous form, gap free Perspex (or similar) fence systems.

3. *A Noise Management Plan, based on the draft provided at Appendix D, to be finalised and implemented as part of an overall operational plan for the proposed centre.*

OVERALL CONCLUSION contained in the acoustic report:

"This report presents the results of an acoustic assessment undertaken in relation to a proposed Child Care Centre proposed for development at 211/215 Maroubra Road Maroubra NSW.

The overall conclusion of this acoustic assessment is that:

Subject to consideration of the various comments and implementation of the various recommendations set out in this report, as summarised in the Overall Acoustic Assessment summarised above, the proposed Child Care Centre will comply with the requirements of all relevant acoustic guidelines and regulations."

Appropriate conditions will be recommended to be included in any approval granted.

Food Safety

A kitchen has been proposed to be installed in the development. Appropriate conditions will be recommended to be included in any approval granted to ensure food safety legislation is complied with.

Asbestos/Land Contamination/Electromagnetic Field Assessment

A preliminary site investigation report prepared by N G Child & Associates dated 6 March 2017 has been submitted with this application.

"The site investigation and assessment was completed in accordance with all relevant guidelines and protocols, including those provided by in the NSW EPA document Guidelines for Consultants Reporting on Contaminated Sites (1997, reprinted 2000 & 2011), and included in particular:

- A detailed review and consideration of the history and past uses of the site, based on a search of available title and ownership records;
- A thorough physical inspection of the site and surrounding properties; and
- Sampling, physical examination and laboratory analysis of soil samples at varying depths from three soil bores drilled by hand augur at representative locations throughout the site area.

The overall findings of this assessment indicate that the underlying soils at the site are not contaminated, and that soil quality at the 211-215 Maroubra Road Maroubra site is appropriate for the child care centre development proposed. These findings are made subject to the following recommendations:

1. That appropriate handling and disposal practices, in accordance with relevant asbestos handling and disposal guidelines, are observed during any future demolition and construction operations undertake at the site; and
2. That appropriate care is taken in respect of any potentially hazardous or dangerous materials unexpectedly identified during any future demolition and construction operations involving the existing building at the site." Noel Child

An assessment on the Electromagnetic Field in the building has been prepared by N G Child & Associates dated 6 March and submitted as part of this application. The findings of the assessment indicate that the proposal is a safe, suitable and acceptable site from an electromagnetic field perspective for the development and operation of a child care centre.

Appropriate conditions will be recommended to be included in any approval granted to ensure land contamination, environmental health and amenity and waste removal is considered and undertaken in accordance with the relevant legislation.

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

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

| Plan | Drawn by | Dated | Received by Council |
|--------------------------------|--------------------------------|--------------|----------------------------|
| A.01 Rev F | Armada | 19/05/2017 | 19 May 2017 |
| A.02 Rev F | | 19/05/2017 | 19 May 2017 |
| A.03 Rev F | | 19/05/2017 | 19 May 2017 |
| A.04 Rev F | | 19/05/2017 | 19 May 2017 |
| A.05 Rev F | | 19/05/2017 | 19 May 2017 |
| A.06 Rev F | | 19/05/2017 | 19 May 2017 |
| A.07 Rev F | | 19/05/2017 | 19 May 2017 |
| A.08 Rev F | | 19/05/2017 | 19 May 2017 |
| A.09 Rev F | | 19/05/2017 | 19 May 2017 |
| Landscape Ground floor Issue B | Arcadia Landscape Architecture | March 2017 | 12 July 2017 |
| Landscape first floor Issue B | | March 2017 | 12 July 2017 |
| Landscape second floor Issue B | | March 2017 | 12 July 2017 |

Travel Plan

- The Plan of Management of the childcare centre shall include a Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development; The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, effective management of workplace parking spaces, & incentives for public transport use.

The Travel Plan shall be submitted to and approved by Council’s Department of integrated Transport prior to any issuing of an occupation certificate.

Child numbers

- The size of the proposed childcare centre shall be restricted to a maximum of 110 places.

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

4. 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

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

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

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.

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.

Carpark Amendments

7. Plans submitted for the construction certificate shall demonstrate compliance with the following amendments to the carpark to improve ingress and egress;
- a) Carspace 11 on the approved plans is to be deleted to increase the area available for turning vehicles and improve access into carspaces 8-10, & 20
 - b) The length of carspaces 8-10 must be in accordance with the requirements of Figure 2.5 in AS 2890.1
 - c) Carspaces adjacent to pedestrian thoroughfare shall install wheel stops or other alternative devices to prevent encroachment of vehicles into the pedestrian zones and improve pedestrian safety.

Stormwater Drainage

8. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site to the satisfaction of the

certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Details of any works proposed to be carried out in or on a public road/footway are

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™ 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.

Waste Management

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

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

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

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

Section 94A Development Contributions

11. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$2,185,544 the following applicable monetary levy must be paid to Council: \$21,855.44.

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 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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.

Design, Construction & Fit-out of Food Premises

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

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a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

15. The premises is to be designed and constructed in accordance with the *Food Act 2003, Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
16. The design and construction of the food premises must comply with the following requirements, **as applicable**:-

- a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- b) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.

- c) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- d) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- e) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- f) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- g) Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

- i) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
 - j) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
 - k) All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
 - l) Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
17. A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant, which confirms that the design and construction of the *food business* will satisfy the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to a construction certificate being issued for the 'fit-out' of the *food business*, to the satisfaction of the Principal Certifying Authority.

Sydney Water Requirements

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

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

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

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

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

19. Liquid trade waste materials are to be drained to the sewer (if required via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

Environmental Amenity

20. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority, and with the provisions of:

- *Work Health and Safety Act 2011;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection of the Environment Operations Act 1997 (NSW) and*
- *NSW EPA Waste Classification Guidelines (2008).*

The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and Regulations.

21. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations submitted with this application). The assessment and report must include all relevant fixed and operational noise sources.

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 and Building Inspection Requirements

22. Prior to the commencement of any building or fit-out 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.
 - a) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - b) 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
 - c) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Construction Noise & Vibration Management

23. 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*

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the Environment Operations Act 1997 and NSW EPA Guidelines must be satisfied at all times.

Construction Site Management Plan

24. 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

25. 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 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.

Public Utilities

26. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

27. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

28. 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.

Site Signage

29. 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

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

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

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

Demolition Work Requirements

31. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council’s Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;

- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by 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 assessor or other competent person, 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 or a copy can be obtained from Council's Customer Service Centre.

Public Safety & Site Management

33. 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) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.

- 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. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- 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) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Road / Asset Opening Permit

34. 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.

For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

Support of Adjoining Land, Excavations & Retaining Walls

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

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

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

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

Building Encroachments

37. 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

38. 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.

For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

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

39. 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*.

Council's Infrastructure, Vehicular Crossings, street verge

40. The applicant must meet the full cost for a Council approved contractor to:
- i) Reconstruct the damaged concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site to Council's specifications and requirements.
41. 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.

42. 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.

Sydney Water Requirements

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

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

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

Carpark

44. The PCA shall be satisfied that the carspaces are suitably line-marked and labelled in a matter fit for their intended use and the parking provision/layout and pedestrian thoroughfares have been provided in accordance with the approved plans and conditions of this consent.

Food Safety

45. The food premises must be registered with the Council and inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

Environmental Amenity

46. A validation report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all plant and equipment) satisfies the relevant provisions of

the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. A copy of the report is to be forwarded to the Council with or prior to the issue of an occupation certificate.

OPERATIONAL CONDITIONS

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

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

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Hours of Operation

47. The hours of the operation of the business are restricted to the following:-

Monday through to Friday inclusive, from: 7.00am to 7.00pm

No operations on Saturday, Sundays and Public Holidays

Food Storage

48. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises areas.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

Food Safety Requirements

49. The food premises must be registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.

50. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

In addition, a digital probe type thermometer must also be readily available to check the temperature of food items.

51. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

52. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.

- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

53. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

Environmental Amenity

54. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
55. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a 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). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

56. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

57. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

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Sanitary Facilities

58. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for customers and staff and be maintained in a clean and sanitary condition at all times.

External Lighting

59. 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.

Air Conditioners

60. 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.

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 \$6,000) 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 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A4 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.

- A5 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.
- A6 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 9093 6944.
- A7 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 9093 6944.
- A8 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.
- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

Development Application Compliance Report



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| | |
|------------------------|---|
| Folder/DA No: | DA/44/2017 |
| Property: | 3 Seaview Street, Clovelly |
| Proposal: | Lower ground, ground and first floor alterations and addition to existing dual occupancy, construction of swimming pool to rear, landscaping and associated works (variation to floor space ratio control). |
| Recommendation: | Approval |

Relevant Environment Planning Instruments:

1. SEPPs

In accordance with the SEPP BASIX all new housing in NSW is required to meet a designated target for energy and water reduction. A BASIX Certificate was submitted with the application, which indicates that the proposal meets the required reduction targets. Standard conditions require the implementation of the proposal in accordance with the BASIX Certificate. The proposal therefore satisfies the requirements of the SEPP.

2. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposal development is classified as a dual occupancy and is permissible in the zone.

The following Clauses of RLEP 2012 apply to the proposal:

| Description | Council Standard | Proposed | Compliance (Yes/No/NA) |
|------------------------------|------------------|-------------------------|------------------------|
| Floor Space Ratio (Maximum) | 0.5:1 | 0.67:1 (34% exceedance) | No |
| Height of Building (Maximum) | 9.5m | No increase | Yes |
| Lot Size (Minimum) | No change | No change | N/A |

3. Randwick Comprehensive DCP

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

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

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

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|--------------------------------|
| | Classification | Zoning = R2 | |
| 2 | Site planning | | |
| 2.1 | Minimum lot size and frontage | | |
| | Minimum frontage | | |
| | 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 | No change. | N/A |
| 2.3 | Site Coverage | | |
| | Up to 300 sqm = 60% <u>301 to 450 sqm = 55%</u> 451 to 600 sqm = 50% 601 sqm or above = 45% | Site = 335.1m ² Proposed = 42% | Complies |
| 2.4 | Landscaping and Permeable Surfaces | | |
| | i) Up to 300 sqm = 20% ii) <u>301 to 450 sqm = 25%</u> 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. | Proposed = 25.4% | Complies |
| 2.5 | Private open space (POS) | | |
| | Dual Occupancies (Attached and Detached) POS | | |
| | 451 to 600 sqm = 5m x 5m each 601sqm or above = 6m x 6m each ii) POS satisfy the following criteria: <ul style="list-style-type: none"> • Situated at ground level (except for duplex) • No open space on podiums or roofs • Adjacent to the living room • Oriented to maximise solar access • Located to the rear behind dwelling • Has minimal change in gradient | Proposed = No reduction and addition of POS to first floor level through balcony. | Complies |
| 3 | Building envelope | | |
| 3.1 | Floor Space Ratio LEP 2012 = 0.5:1 | Proposed FSR = 0.67:1 | Non-Compliant – see key issues |
| 3.2 | Building height | | |
| | Maximum Overall Height LEP 2012 = 9.5m | No increase. | Complies |
| | i) Maximum external wall height = 7m (Minimum floor to ceiling height = | Proposed = 6.4m (new addition) | Complies |

| DCP Clause | Controls | Proposal | Compliance |
|--------------|---|---|------------|
| | 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded | | |
| 3.3 | Setbacks | | |
| 3.3.1 | Front Setbacks 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 | Unchanged. | No change |
| 3.3.2 | Side Setbacks: Semi-Detached Dwellings: <ul style="list-style-type: none"> • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: <ul style="list-style-type: none"> • Frontage less than 9m = 900mm • <u>Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above</u> • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. Refer to 6.3 and 7.4 for parking facilities and outbuildings | Proposed = 900mm (south) and 961mm (north) (ground and 1 st floor) | Complies |
| 3.3.3 | Rear Setbacks i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access 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. iv) For irregularly shaped lots = merit assessment on basis of:- - Compatibility - POS dimensions comply | Minimum = 8m Proposed = 11.98m | Complies |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|--|--|
| | <ul style="list-style-type: none"> - minimise solar access, privacy and view sharing impacts <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p> | | |
| 4 | Building Design | | |
| 4.1 | General | | |
| | <p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design | <p>Max. side elevation length of 13m in relation to northern side.</p> | <p>Non-compliant – refer executive summary report.</p> |
| 4.3 | Additional Provisions for Attached Dual Occupancies | | |
| | <p>Present similar bulk as single dwellings and street;</p> <ul style="list-style-type: none"> i) Parking single garage width ii) Articulate and soften garage entry iii) Minimise driveway width iv) Maximum 2m setback of front entry from front façade v) Maximise landscape planting at front | <p>Bulk comparable to existing, no increase in height.</p> <p>No garaging additional driveways or front yard landscaping changes proposed.</p> | <p>Complies</p> |
| 4.4 | Roof Design and Features | | |
| | <ul style="list-style-type: none"> i) Rooftop terraces on dwelling (not roof) ii) Roof terraces above garages (low side) <p>Dormers</p> <ul style="list-style-type: none"> 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"> • Celestial windows and skylights vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties. | <p>No rooftop terraces, dormers, or skylights proposed.</p> <p>No rooftop mechanical equipment proposed.</p> | <p>Complies</p> |
| 4.5 | Colours, Materials and Finishes | | |
| | <ul style="list-style-type: none"> 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 | <p>Proposed colours, materials and finishes compatible with existing context.</p> | <p>Complies</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|--|------------|
| | and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.) | | |
| 4.6 | Earthworks | | |
| | i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas. | Excavations for dwelling will not exceed a depth of 1m. | Complies |
| 5 | Amenity | | |
| 5.1 | Solar Access and Overshadowing | | |
| | Solar Access to Proposed Development: | | |
| | i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. | Solar access to north-facing windows and the POS of the site unaltered. | Complies |
| | Solar Access to Neighbouring Development: | | |
| | i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. 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 | The proposal will not remove additional direct sunlight from north facing living room windows on the site to the south on 21 June. Significant portions of the POS on the site to the south will retain direct sunlight on 21 June. Eastern and western roof planes of the site to south will retain adequate amounts of direct sunlight on 21 June. | Complies |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|--|
| | to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. | | |
| 5.2 | Energy Efficiency and Natural Ventilation | | |
| | i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable | Appropriate amount and positioning of openings for ventilation and daylight to the interior. | Complies |
| 5.3 | Visual Privacy | | |
| | Windows | | |
| | i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - 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) | One proposed kitchen window to the north elevation would overlook balconies and POS of site to north – condition for 1.6m effective sill height. Remainder of proposed side windows either non-habitable or screened by boundary fencing. | Condition for compliance – 1.6m high effective sill height to northern kitchen window. |
| | Balcony | | |
| | i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) | Privacy screens proposed to sides of raised balconies – condition to ensure | Condition for compliance |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|------------|
| | 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. | adequate privacy protection. Raised rear balconies will increase overlooking across the rear boundary. Condition for privacy screens. Rear lawn to be raised and could overlook side and rear boundary fencing – condition for lower RL to allow boundary fencing to act and a 1.6m high screening | |
| 5.4 | Acoustic Privacy | | |
| | i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer. | Layout remains suitable to minimise noise transmission. | Complies |
| 5.5 | Safety and Security | | |
| | 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) | Casual surveillance and entry position unchanged. | N/A |
| 5.6 | View Sharing | | |
| | i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views | No view corridors to views of significance are impeded. | N/A |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|--|--------------------------|
| | v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used) | | |
| 7 | Fencing and Ancillary Development | | |
| 7.1 | General - Fencing | | |
| | i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street | Achieved. | Complies |
| 7.3 | Side Boundary Fencing | | |
| | i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished. | New side boundary fencing to be max. 1.8m high. | Complies |
| 7.5 | Swimming Pools and Spas | | |
| | i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject site and 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. | Pool proposed to the rear. Minimal tree root impacts. Suitable location in terms of noise. Pool coping max. 500mm above ground. Setbacks exceed 900mm. Decking and pool could overlook side and rear fencing condition for lower level to allow fencing to act as 1.6m high privacy screen. Standard condition to require pool equipment in acoustically effective enclosure. | Condition for compliance |
| 7.6 | Air conditioning equipment | | |
| | i) Minimise visibility from street. ii) Avoid locating on the street or | None proposed. | N/A |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|-------------------|------------|
| | 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. | | |
| 7.7 | Communications Dishes and Aerial Antennae | | |
| | i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: - Located behind the front and below roof ridge; - minimum 900mm side and rear setback and - avoid loss of views or outlook amenity iii) Max. 2.7m high freestanding dishes (existing). | None specified. | N/A |
| 7.8 | Clothes Drying Facilities | | |
| | i) Located behind the front alignment and not be prominently visible from the street | Room within rear. | Complies |

4. 79C Matters for Consideration

| Section 79C 'Matters for Consideration' | Comments |
|---|--|
| Environmental Planning Instruments | |
| Section 79C(1)(a)(i) – Provisions of any environmental planning instrument | Randwick Local Environmental Plan 2012 (Consolidation) The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. See table below for compliance with development standards. The proposal is consistent with the specific objectives of the zone in that the proposal will be compatible with the existing and future desired character of the locality. It will contribute to providing for the housing needs of the community, while generally protecting the amenity of local residents. Relevant SEPPs are discussed above. |
| Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument | Nil. |
| Section 79C(1)(a)(iii) – Provisions of any development control plan | The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table below. |
| Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or | Not applicable. |

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

5. Referral Comments

Development Engineering

Landscape Comments

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

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:

| Plan | Drawn by | Dated |
|-----------------------|----------------------|----------------|
| DA-04 Rev. C | Chapman Architecture | 10 April 2017 |
| DA-05 to DA-07 Rev. A | Chapman Architecture | 28 August 2016 |
| DA-08 to DA-11 | Chapman Architecture | 10 April 2017 |

| | | |
|--------|--|--|
| Rev. C | | |
|--------|--|--|

| | |
|------------------------------|--------------|
| BASIX Certificate No. | Dated |
| A266774 | 31 Jan. 2017 |

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The rear lawn, pool coping and deck all proposed at RL 67.50 shall match original ground levels or be lowered to not exceed RL 66.78.
 - b. Privacy screens having a height of 1.6m above finished floor level shall be provided to the full length of the eastern (rear) side of the rear ground and first floor level balconies.
 - c. All 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.
 - d. The following window/s must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - W07 to the ground floor level kitchen.

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REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

Section 94A Development Contributions

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$291,500 the following applicable monetary levy must be paid to Council: \$2,915.

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 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

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.

Sydney Water

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

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

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

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

7. 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

8. 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 additions to the upper floors.

BASIX Requirements

9. 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

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

- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

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

Home Building Act 1989

12. 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

13. 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

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- 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

14. 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 is to be minimised, by using appropriate plant and equipment, silencers and the implementation of appropriate noise management strategies.

Construction Site Management Plan

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

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

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

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

Public Utilities

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

18. 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.

Site Signage

19. 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

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

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

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

days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

21. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

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

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

Public Safety & Site Management

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23. 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) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.

- 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. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- 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) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Support of Adjoining Land, Excavations & Retaining Walls

24. 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.

25. 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.

26. 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

27. 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

28. 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 9093 6691 or 1300 722 542.

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

29. 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*.

BASIX Requirements

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

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

Swimming Pool Safety

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

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

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

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

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

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

Swimming Pool & Spa Pool Requirements

32. Swimming 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

33. The owner of the premises must 'register' the swimming 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 Office of Local Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.

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

Council's Infrastructure & Vehicular Crossings

34. 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.
35. 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.
36. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

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.

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External Lighting

37. 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 – Noise Levels

38. 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*.

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

39. 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.

Rainwater Tanks

40. 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 \$6,000) 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 9093 6944.

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 9093 6944.

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

A7 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

A8 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

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

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or

- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

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Development Application Compliance Report



| | |
|------------------------|--|
| Folder /DA No: | DA/15/2017 |
| PROPERTY: | 7 Seaside Parade, SOUTH COOGEE NSW 2034 |
| Proposal: | Increase height of lift over run, and replacement of access stairs on southern boundary with internal stairs and extension of cabana roof. |
| Recommendation: | Approval |

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Relevant Environment Planning Instruments:

1. SEPPs

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

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

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

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

SEPP: BASIX requirements came into force for all new dwellings, dual occupancies and some transient residential accommodation where development applications were lodged on or after 1 July 2004. A BASIX assessment is a mandatory component of the development approval process under the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

The applicant has not submitted a BASIX certificate however it is not considered that the amendments as recommended for approval requires a BASIX certificate.

2. Randwick LEP 2012

The subject site is zoned R2 under Randwick LEP 2012. The proposal development is classified as a dwelling house and is permissible in the zone. The proposal as amended and conditioned is consistent with the specific objectives of the zone in that the proposed activity and built form will provide the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.

The relevant key Clauses of RLEP 2012 in relation to height of buildings, foreshore scenic protection area and foreshore building line are addressed in the Council report.

3. Randwick Comprehensive DCP

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

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

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

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|------------|
| | Classification | Zoning = R2 | |
| 2 | Site planning | | |
| 2.3 | Site coverage | | |
| | 601 sqm or above = 45% | The proposed raising of the ground level by more than 1.4m means that the proposal results in an increase in site coverage from 33% to 40% | Yes |
| 2.4 | Landscaping and permeable surfaces | | |
| | i) 601 sqm or above = 35% ii) Deep soil minimum width 900mm. iii) Maximise permeable surfaces to front iv) Retain existing or replace mature native trees v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. vi) Locating paved areas, underground services away from root zones. | The proposal reduces deep soil in the rear yard. It is noted that only 27% deep soil area was approved under DA/924/2014 and the proposal further reduces the area of deep soil. Given the concerns raised with the raising of the rear yard level and its impact on the Foreshore Scenic Protection Area and building line and adverse impacts on neighbour's amenity it is not considered that the objectives under the RDCP relating to landscaping and permeable surfaces can be satisfied. | No. |
| 3 | Building envelope | | |
| 3.1 | Floor space ratio LEP 2012 = 0.6:1 | No change | NA |

| DCP Clause | Controls | Proposal | Compliance |
|--------------|---|--|---|
| 3.2 | Building height | | |
| | Maximum overall height LEP 2012 = 9.5m | 10.14m | See Council report |
| | i) Maximum external wall height = 8m ii) Merit assessment if exceeded | 10.14m | No, however the exceedance is limited to a small section along the northern elevation and will continue to satisfy the relevant objectives under the RDCP having regard to bulk and scale, streetscape character and protecting the amenity of residents. |
| 3.3 | Setbacks | | |
| 3.3.2 | Side setbacks: Semi-Detached Dwellings: <ul style="list-style-type: none"> • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: <ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. Refer to 6.3 and 7.4 for parking facilities and outbuildings | Maintained | The increase in height of the lift overrun do not result in any adverse impact on the amenity of the neighbour's or the streetscape character which are key objective for side setbacks under the RDCP. |
| 3.3.3 | Rear setbacks i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access 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 | The proposed raising of the rear yard level will be between 2.41m and 2.51m above the preexisting ground levels in this part of the site (as per Survey). The proposed levels will also rise between 4.39m and 4.6m above the rock ledge at the eastern end of the site. | The proposed increase in ground level in the rear yard will dominate the rock face below. |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|---|
| | required rear setback, in so far as they comply with other relevant provisions of this DCP. iv) For irregularly shaped lots = merit assessment on basis of:- <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts | | |
| 4 | Building design | | |
| 4.1 | General | | |
| | Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design | | Yes, however the proposed raising of the ground level does not step the development with the slope. |
| 4.4 | Roof Design and Features | | |
| | 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"> • Celestial windows and skylights vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties. | Lift overrun exceeds the maximum height however it is well located away from the front elevation. | Yes |
| 4.5 | Colours, Materials and Finishes | | |
| | i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.) | | Conditions applied in previous determinations are sufficient. |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|--|
| 4.6 | Earthworks | | |
| | i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas. | Proposal seeks to add 1.7m of fill to the rear yard | No, proposed fill in the rear yard is excessive and results in adverse impacts on the amenity of residents and does not satisfy the relevant objectives under Clause 6.6 and 6.7 of the RLEP in relation to the foreshore scenic protection area and foreshore building line. The proposed raising of the rear yard level is incompatible with the levels on neighbouring properties. |
| 5 | Amenity | | |
| 5.1 | Solar access and overshadowing | | |
| | Solar access to proposed development: | | Maintained |
| | i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. | | |
| | Solar access to neighbouring development: | | |
| | i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring | | Yes – no appreciable increase in impacts |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|---|--------------------------------|
| | <p> 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.</p> <p>vi) Variations may acceptable be subject to:</p> <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. | | |
| 5.2 | Energy Efficiency and Natural Ventilation | | |
| | <p>i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as:</p> <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas <p><i>Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</i></p> | <p>No change to openings.</p> | <p>Maintained</p> |
| 5.3 | Visual Privacy | | |
| | Balcony | | |
| | <p>i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side)</p> <p>ii) Privacy screens</p> <p>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)</p> | <p>The proposed raising of the rear yard level will result in adverse privacy impacts on the neighbouring property at No. 5 Seaside Parade and relies to a large extent on Landscaping.</p> | <p>No, see Council report.</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|--|------------------------------------|
| | iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) For sloping sites, step down and avoid large areas of ground floor decks or terraces. | | |
| 5.4 | Acoustic Privacy | | |
| | i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer. | | Conditioned |
| 5.6 | View Sharing | | |
| | i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the 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) | Potential for view loss from No. 5 and No. 9 Seaside Parade associated with the increased land levels. | See Council report |
| 7 | Fencing and Ancillary Development | | |
| 7.1 | General - Fencing | | |
| | i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street | | Yes |
| 7.3 | Side and rear fencing | | |
| | i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished. | | Maintained as is and via condition |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|----------|--------------------|
| 7.5 | Swimming pools and Spas | | |
| | i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject site and 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. | | Yes |
| 8 | Area Specific Controls | | |
| 8.3 | Foreshore Scenic Protection Area | | |
| | i) Consider visual presentation to the surrounding public domain, including streets, lanes, parks, reserves, foreshore walkways and coastal areas. All elevations visible from the public domain must be articulated. ii) Integrated outbuildings and ancillary structures with the dwelling design (coherent architecture). iii) Colour scheme complement natural elements in the coastal areas (light toned neutral hues). iv) Must not use high reflective glass v) Use durable materials suited to coast vi) Use appropriate plant species vii) Provide deep soil areas around buildings viii) Screen coping, swimming and spa pools from view from the public domain. ix) Integrate rock outcrops, shelves and large boulders into the landscape design x) Any retaining walls within the foreshore area (that is, encroaching upon the Foreshore Building Line) must be constructed or clad with sandstone. | | See Council report |

4. 79C Matters for consideration

| Section 79C 'Matters for Consideration' | Comments |
|---|----------|
| | |

| Environmental Planning Instruments | |
|---|---|
| Section 79C(1)(a)(i) – Provisions of any environmental planning instrument | <p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent. See table below for compliance with development standards.</p> <p>The proposal as conditioned is consistent with the specific objectives of the zone in that the proposed activity and built form will provide the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.</p> |
| Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument | Nil. |
| Section 79C(1)(a)(iii) – Provisions of any development control plan | The proposal as conditioned generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table below. |
| Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement | Not applicable. |
| Section 79C(1)(a)(iv) – Provisions of the regulations | The relevant clauses of the Regulations have been satisfied. |
| Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development as conditioned is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p> |
| Section 79C(1)(c) – The suitability of the site for the development | The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures except for the proposed raised ground levels in the rear of the site and associated landscaping, and relocated and new plant rooms. 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 as conditioned promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest. |

5. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

| <i>Plan</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Received by Council</i> |
|--------------|------------------------|--------------|----------------------------|
| 1001 Issue D | Santos architecture | 20/12/16 | 10 January 2017 |
| 1003 Issue B | | 20/12/16 | 10 January 2017 |
| 2001 Issue D | | 02/06/17 | 19 June 2017 |
| 2002 Issue C | | 20/07/17 | 10 April 2017 |

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed amendments including, raising of lower ground level lawn relocation of pool equipment and shower room, addition of plant room are not approved and shall be deleted from the plans referred to in condition 1 of this consent. Details showing compliance with this condition shall be submitted to Council’s Manager Development Assessments prior to a Construction Certificate being issued for this development.
3. This development consent DA/15/2017 amends the development consent DA/822/2013, DA/924/2014 and DA/851/2015 only in so far as the modifications highlighted on the plans referenced in condition 1 of this consent and conditions attached to this consent.

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

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

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the additional development cost of \$46,200 (to that nominated under DA/822/2013, DA/924/2014 & DA/851/2015) the following applicable monetary levy (in addition to that required under DA/822/2013 & DA/924/2014) must be paid to Council: \$462.00.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

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.

Sydney Water

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

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

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

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

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations

- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

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

7. 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.

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

8. 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 licensed *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and

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

Home Building Act 1989

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

10. 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

11. 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 is to be minimised, by using appropriate plant and equipment, silencers and the implementation of appropriate 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

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12. 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

13. 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 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.

Public Utilities

14. 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

15. 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.

Site Signage

16. 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

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

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

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

Demolition Work Requirements

18. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council’s Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:
- Work Health and Safety Act 2011;
 - Work Health and Safety Regulation 2011;
 - SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
 - Australian Standard 2601 (2001) – Demolition of Structures;
 - The Protection of the Environment Operations Act 1997;
 - Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

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

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

Public Safety & Site Management

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

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

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.

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- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.

- 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. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- 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) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Support of Adjoining Land, Excavations & Retaining Walls

- 21. 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.
- 22. 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.

- 23. 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

24. 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

25. 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 9093 6691 or 1300 722 542.

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

26. 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*.

Swimming Pool Safety

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

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

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

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

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

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

Spa Pool Safety

28. 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

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

Notification of Swimming Pools & Spa Pools

30. 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 Office of Local Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.

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

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

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

External Lighting

32. 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 – Noise Levels

33. 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*.

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

34. 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.

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 \$6,000) 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 9093 6944.

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 9093 6944.

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

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

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

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

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

A9 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;

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limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

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