

# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/477/2017
<b>PROPERTY:</b>	44 Daunt Avenue, MATRAVILLE NSW 2036
<b>Proposal:</b>	Demolition of existing structures, construction of 3 level attached dual occupancy with garages to front, spa pool to rear of unit A and assorted works (variation to lot size control).
<b>Recommendation:</b>	Approval (subject to deletion of the proposed subdivision)

## Relevant Environment Planning Instruments:

### 1. SEPPs

There are no SEPP's applicable for this application.

### 2. Randwick LEP 2012

The subject site is zoned R2 under Randwick LEP 2012. The proposal development is classified as a dual occupancy and is permissible in the zone. The zoning objectives are addressed as follows:

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	Dual occupancy = 0.5:1 (or 360.40m <sup>2</sup> )	Dual occupancy = 0.499:1 (or 360.33m <sup>2</sup> )	Yes
Height of Building (Maximum)	9.5m	The building has a maximum height of 9.43m from the existing nature ground line.	Yes
Lot Size (Minimum)	The minimum lot size for subdivision is 400m <sup>2</sup> for each allotment.	Lot A = 358.71m <sup>2</sup> Lot B = 362.09m <sup>2</sup>	No. Refer to Key Issues in the Executive Summary report.
	The minimum lot size for dual occupancies is 450m <sup>2</sup> .	Site area = 720.8m <sup>2</sup>	Yes

### 3. Randwick Comprehensive DCP

#### 3.1 C1 Table: Low Density Residential

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.)

<b>DCP Clause</b>	<b>Controls</b>	<b>Proposal</b>	<b>Compliance</b>
	<b>Classification</b>	Zoning = R2	The proposed dual occupancy development is permissible in the zone. If approval is granted for subdivision the development will be for semi-detached dwellings. Semi-detached dwellings are also permissible in the zone.
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
	Minimum lot size (RLEP): <ul style="list-style-type: none"> <li>• <b>R2 = 400sqm</b></li> <li>• R3 = 325sqm</li> </ul>	Minimum lot size for R2 zone is 400m <sup>2</sup> . Lot A = 358.71m <sup>2</sup> Lot B = 362.09m <sup>2</sup>	No. Refer to variation to development standard in Key Issues of the Executive Summary report.
	<b>Minimum frontage</b>		
	i) Min frontage R2 = 12m ii) Min frontage R3 = 9m iii) No battle-axe or hatchet in R2 or R3 iv) Minimum frontage for attached dual occupancy in R2 = 15m v) Minimum frontage for detached dual occupancy in R2 = 18m	Min frontage R2 resulting in subdivision = 12m Lot A = 7.677m Lot B = 7.677m Minimum frontage for attached dual occupancy in R2 = 15m Existing frontage width = 15.355m	Minimum frontage R2 resulting in subdivision = Does not comply  Minimum frontage for attached dual occupancy = Complies
<b>2.3</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% <b>601 sqm or above = 45%</b>	Site area = 720.80m <sup>2</sup> Proposed = 35.55% (or 256.27m <sup>2</sup> )	Complies

DCP Clause	Controls	Proposal	Compliance
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% <b>iv) 601 sqm or above = 35%</b> v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front vii) Retain existing or replace mature native trees viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.	Site area = 720.80m <sup>2</sup>  Proposed = 35.63% (or 256.83m <sup>2</sup> )	Complies
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dual Occupancies (Attached and Detached) POS</b>		
	451 to 600 sqm = 5m x 5m each <b>601sqm or above = 6m x 6m each</b> ii) POS satisfy the following criteria: <ul style="list-style-type: none"> <li>• Situated at ground level (except for duplex)</li> <li>• No open space on podiums or roofs</li> <li>• Adjacent to the living room</li> <li>• Oriented to maximise solar access</li> <li>• Located to the rear behind dwelling</li> <li>• Has minimal change in gradient</li> </ul>	Site area = 720.80m <sup>2</sup>  Proposed = A minimum of 6m x 6m of POS is provided for each of the dwellings.	Complies
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 =</b>	Dual occupancy = 0.499:1 (or 360.33m <sup>2</sup> )	Yes
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Proposed = The building has a maximum height of 9.43m from the existing nature ground line.	Complies
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) <b>Sloping sites = 8m</b> iii) Merit assessment if exceeded	<b>Sloping sites = 8m</b>  The building has a maximum external wall height of 8.8m from the natural ground line to the eastern elevation.	No. Refer to Executive Summary report.
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b>	The dwellings are setback a	Complies

DCP Clause	Controls	Proposal	Compliance
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> <li>- 900mm for allotments with primary frontage width of less than 7m</li> <li>- 1500mm for all other sites</li> </ul> iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	minimum distance of 6m from the front boundary and will be generally consistent with the average setback of adjoining development.	
<b>3.3.2</b>	<b>Side setbacks:</b> Semi-Detached Dwellings: <ul style="list-style-type: none"> <li>• Frontage less than 6m = merit</li> <li>• Frontage b/w 6m and 8m = 900mm for all levels</li> </ul> Dwellings: <ul style="list-style-type: none"> <li>• Frontage less than 9m = 900mm</li> <li>• Frontage b/w 9m and 12m = 900mm (Gnd &amp; 1<sup>st</sup> floor) 1500mm above</li> <li>• <b>Frontage over 12m = 1200mm (Gnd &amp; 1<sup>st</sup> floor), 1800mm above.</b></li> </ul> Refer to 6.3 and 7.4 for parking facilities and outbuildings	Minimum = Frontage over 12m = 1200mm (Ground & 1 <sup>st</sup> floor), 1800mm above.  Any basement or semi-basement level protruding 1.2m or more above ground level (finished) at any point will be counted as a storey.  Proposed = 1.2m, Ground and first floor level.  Part of the basement garage level to the eastern elevation (at the front of the dwelling to Unit B) for a distance of approximately 2m protrudes above the ground level by more than 1.2m and therefore will be counted as a storey. This has resulted in part of the upper most level not meeting the 1.8m setback control for a distance of 2m at the front of the dwelling. The non-compliance is considered to be acceptable as it largely due to the fall of the land and will not result in any unreasonable amenity impacts in terms of privacy and overshadowing.	Complies with the objectives of the control.
<b>3.3.3</b>	<b>Rear setbacks</b> 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"> <li>- Existing predominant rear setback line - reasonable</li> </ul>	Minimum = 8m  Proposed = The dwellings are setback greater than 8m from the rear boundary.	Complies

DCP Clause	Controls	Proposal	Compliance
	<p>view sharing (public and private)</p> <ul style="list-style-type: none"> <li>- protect the privacy and solar access</li> </ul> <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of:-</p> <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>		
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> </ul>	<p>The proposed development follows the contours of the land and is modulated appropriately to the sides and front façades of the dwelling which enhances the visual interest to the street frontages.</p> <p>A condition is also included which recommends that the solid balustrades to the front terraces above the garages be converted into glass balustrades. This will soften the appearance of the garages.</p> <p>Also, the form and materials of the proposal are considered to be appropriate to the locality; and will not result in detrimental visual impacts on the adjoining properties and the public domain.</p> <p>The proposal has been designed to meet the relevant objectives in the RDCP 2013.</p>	Complies

<b>DCP Clause</b>	<b>Controls</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4.3</b>	<b>Additional Provisions for Attached Dual Occupancies</b>		
	Present similar bulk as single dwellings and street; 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	The proposed attached dual occupancy dwellings both have double width garages and does not satisfy the RDCP control limiting the garages to single widths for each dwelling.	No, refer to Key Issues in the Executive Summary report.
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	An external colours, materials and finishes schedule is provided with the documentation and the external finishes are noted on the elevations. The proposed external colours and finishes are of light earth neutral tones. The proposed external colours, materials and finishes schedule will complement the character and style of neighbouring buildings.  The construction materials are documented on the plans and are of durable material.	Complies
<b>4.6</b>	<b>Earthworks</b>		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	At the greatest depth, cut measures approximately 2.2m to the rear of the dwelling and the fill measures approximately 1.9m to the front of the dwelling. The proposed depth of cut and fill will exceed the 1m numeric limitation prescribed by the DCP.	No. Refer to Executive summary report under Sub-section - 4.6 Earthworks.
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed</b>		

DCP Clause	Controls	Proposal	Compliance
	<b>development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	i) The north facing living windows receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June. ii) The POS are located to the rear and receive the minimum 3 hrs direct sunlight between 8am and 4pm on 21 June.	i) Complies ii) Complies.
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	Acceptable.	Refer to Executive summary report.
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide day light to internalised areas within the dwelling (for example,	The dwelling is well lit and complies with the BASIX certificate.	Complies

DCP Clause	Controls	Proposal	Compliance
	<p>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"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>		
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	<p>i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures:</p> <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> <p>ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)</p>	Acceptable.	Refer to Key Issues in the Executive Summary.
	<b>Balcony</b>		
	<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>iv) Supplementary privacy devices: Screen planting and planter boxes Not sole privacy protection measure)</p> <p>v) vi) For sloping sites, step down and avoid large areas of</p>	The proposed terraces to the front of the dwellings will primarily overlook the front yards of the subject and neighbouring properties and street.	Complies



<b>DCP Clause</b>	<b>Controls</b>	<b>Proposal</b>	<b>Compliance</b>
	ground floor decks or terraces.		
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each other.</li> <li>- Locate less sensitive areas adjacent to the party wall to serve as noise buffer.</li> </ul>	Noise generating areas and quiet areas are located adjacent to each other.	Complies
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	The main entry doors are located on the front elevation. Habitable room windows are proposed to the front elevation which overlook the street.  The parking facilities and landscaping to the front of the site will not obstruct casual surveillance of the street and will maintain safe access in to the site.	Complies
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	No submissions have been received noting that there will be any view loss impacts as a result of the proposed development.  Therefore, there is no evidence to suggest that there will be any view loss impacts to the neighbouring properties.	Complies
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or	The parking facilities are incorporated within the	Complies

DCP Clause	Controls	Proposal	Compliance
	secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	design of the dwelling.	
<b>6.3</b>	<b>Setbacks of Parking Facilities</b>		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing	The proposed garages comply with the minimum setback control under Sub-section 3.3 Setbacks.	Complies
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	Double driveway widths – 5m  The proposed driveways have widths of 4.8m and taper to 3.5m to the front boundary and 3m to the pathway and kerb.  Adequate landscaping is provided to the front of the dwellings to soften the appearance of the driveways.  No objections have been raised by Councils Development Engineers in relation to the widths.	Complies with the objectives of the control.
<b>6.5</b>	<b>Garage Configuration</b>		
	i) recessed behind front of	The garages are designed as	Complies

DCP Clause	Controls	Proposal	Compliance
	dwelling ii) The maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1	an integrated component of the dwellings.  The double garages have minimum internal widths of 6m by length of 5.4m.  The garage doors are recessed 250mm behind the front wall alignment of the garage walls.  A minimum head clearance of 2.2m is provided to the garage.	
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	A new masonry fence with horizontal timber slates is proposed to the front boundary. The front fence is considered to be of durable material.	Complies
<b>7.2</b>	<b>Front Fencing</b>		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). - avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants)) iv) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and	The front fence varies from 1.2m to 1.5m.	Complies.

DCP Clause	Controls	Proposal	Compliance
	<p>timber are preferred. Cast or wrought iron pickets may be used if compatible</p> <p>vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes.</p> <p>vii) Gates must not open over public land.</p> <p>viii) The fence must align with the front property boundary or the predominant fence setback line along the street.</p> <p>ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.</p>		
<b>7.5</b>	<b>Swimming pools and Spas</b>		
	<p>i) Locate behind the front building line</p> <p>ii) Minimise damage to existing tree root systems on subject site and adjoining.</p> <p>iii) Located to minimise noise impacts on the adjoining dwellings.</p> <p>iv) Pool and coping related to site topography (max 1m over lower side of site).</p> <p>v) 900mm minimum coping from rear and side boundaries.</p> <p>vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks.</p> <p>vii) Position decking to minimise privacy impacts.</p> <p>viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.</p>	<p>A spa is proposed to the rear of Unit A. The spa is setback greater than 900mm from the western side boundary.</p> <p>To ensure reasonable levels of privacy are maintained a condition is included which requires the finished floor level of the spa pool not to exceed RL 38.35.</p> <p>The existing fence is sufficient in height to provide reasonable levels of privacy.</p>	Conditioned to comply.
<b>7.6</b>	<b>Air conditioning equipment</b>		
	<p>i) Minimise visibility from street.</p> <p>ii) Avoid locating on the street or laneway elevation of buildings.</p> <p>iii) Screen roof mounted A/C from view by parapet walls, or within the roof form.</p> <p>iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.</p>	<p>Air conditioning units are proposed to the eastern and western sides of the dwellings to the rear of the dwellings.</p> <p>Standard conditions are included to ensure that the air conditioning units do not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i>.</p>	Conditioned to comply.
<b>7.8</b>	<b>Clothes Drying Facilities</b>		

<b>DCP Clause</b>	<b>Controls</b>	<b>Proposal</b>	<b>Compliance</b>
	i) Located behind the front alignment and not be prominently visible from the street	Fold out clothes drying facilities are located to the rear of the dwelling as noted on the landscape plans.	Complies

#### 4. 79C Matters for consideration

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to Executive Summary report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer Executive Summary report for details.
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 Executive Summary report.</p> <p>The proposed subdivision has not be supported as is it considered to be contrary to the objectives of the standard, the low density character of the R2 zone and the aims of the RLEP.</p> <p>However, the dual occupancy development has be supported subject to conditions on the grounds that the proposed development will protect the amenity of residents and will provide for the housing needs of the community within the low density residential environment which is the key objectives of the R2 zone land.</p> <p>The proposed dual occupancy development is not considered to result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	<p>The subject site is not suitable for Torrens Title subdivision as it discourages the mix of housing, it will fragment the subdivision pattern in the area, it will not protect the amenity of residents in the R2 zoned land and it will be inconsistent with the existing pattern of subdivision in the locality.</p> <p>However, the subject site is considered suitable for a dual occupancy development. Therefore, subject to conditions the proposed dual occupancy development to be a suitable land use for the site and will protect the amenity of residents.</p>

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
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

### 5.1 Development Engineers

An application has been received for construction of a new dual occupancy at the above site including Torrens Title Subdivision

This report is based on the following plans and documentation:

- Architectural Plans by ECO Factor dated 23.08.17;
- Statement of Environmental Effects by ECO Factor;
- Detail & Level Survey by RGM Property Surveys dated 29.4.16.
- Landscape Plan by Conzept Landscape Architects, dwg LPDA 17 – 32/1, issue E, dated 03.08.17.

#### Landscape Comments by D Meredith

The inspection of 3 November 2017 confirmed a semi-mature, 12m tall *Corymbia maculata* (Spotted Gum), of excellent health and condition on the public verge, just beyond the eastern site boundary, in front of no.46, which is a desirable native species that is covered by Council's DCP due to both its dimensions and its location on public property.

Due to a combination of its size and position at a localized high point, at the crest in the roadway, it is recognized as a prominent feature of the streetscape, so needs to be protected as part of this application.

There are already existing vehicle crossings to its west (no.44) and east (no.46), with the plans showing that the subject sites crossing will simply be reconfigured in its existing location, and while these external works are not seen to pose a direct threat to its retention, protection measures still need to be imposed in order to avoid secondary impacts and damage from trucks, deliveries and similar, with on-street parking being prohibited in this area for line of sight reasons, on either side of the crest.

The provision of new street trees has not been required for this same reason, as it is critical in this location to ensure a clear line of sight is provided of approaching vehicles from the west.

The hedge of *Viburnum tinus* (Viburnum) that are growing in the raised planter beyond the southwest corner, are located wholly on the neighbouring site at no.42, and as they are too small to be covered by Council's DCP, conditions relating to them cannot and have not been provided.

To their north, within the subject site, along the western boundary, there is a group of larger shrubs/small trees, of 5-6m in height, that were observed to provide screening and privacy; however, as none are significant in anyway, and given their direct conflict with all aspects of the works, can be removed as shown, and including a *Leptospermum patersonii* (Lemon Scented Tea Tree) and an *Olea europaea subsp. Africana* (Wild Olive), with the Landscape Plan showing that a continuous row of replacement screen planting will be provided in their place along the length of this boundary.

Those various shrubs/small trees in the rear setback, including a native *Callistemon viminalis* (Bottlebrush) near the centre of the existing paved terrace off the rear of the dwelling can also be removed for the same reasons listed above.

The only established vegetation within this whole site is in the rear setback, on higher ground, in the most northern grassed terrace, along the eastern boundary, where there is a mature, 12m tall *Eucalyptus tereticornis* (Forest Red Gum), which is a native species that is covered by Council's DCP.

Its crown is visible from both the street as well as from neighbouring properties, so while it does have a presence in the local landscape, it is not identified as being a significant example of the species or significant to the local environment or fauna in anyway.

It is assessed as being in fair health and poor condition due to the high quantity of deadwood and dieback throughout its canopy, as well as the past failure of several major limbs throughout its canopy, with the owner keeping these failed parts to validate his concerns for the future safety of person and property.

The resulting remedial lopping that has been performed on all sides, and at varying heights, has given this tree a more upright habit than what would normally occur, and due to its elevated position at the top of a localised ridge, has left this tree exposed to strong southerly-directed winds, all of which has reduced its lifespan and suitability for preservation, irrespective of this application.

Terraces have already been created in an east-west direction across the full width of the rear yard in order to deal with the rise in ground levels from south to north, with the plans showing that major excavations associated with new retaining walls/terraces and changes to existing ground levels will need to be performed in this same area in order to accommodate the new dwelling, as well as to provide usable areas of private open space for future occupants.

The pure sandy soil here would have allowed roots to grow deeper and further in the profile than what would normally be the case, meaning that even if a re-design was undertaken to attempt its retention, major root damage would still occur, which would have a direct impact on its health and stability.

Simply, this tree is not regarded as having any long-term prospects, irrespective of this application, and as there is insufficient space to perform a re-design and still ensure its safe retention into the future, consent has been reluctantly granted for its removal, with the submitted Landscape Plan showing that semi-advanced replacement trees, that are actually endemic to the area, and will also be more suitable for the space available, will be provided in its place in this same area of the site as part of the new treatment.

Adjacent the northwest corner of the existing subject dwelling, growing on the western side of the western boundary fence, in the rear yard of the adjoining private property at no.42, there is from south to north, an *Agonis flexuosa* (Willow Myrtle) and a *Eucalyptus nichollii* (Willow Leafed Peppermint), both of poor health and condition due to past lopping, suppression/competition and dieback/deadwood.

While Council has a common law responsibility to ensure these trees are not affected by the development, the existing differences in level between the two sites (subject site appears lower than where the trees are growing) would have already restricted normal, radial root growth, and given that a 1200mm side setback will be provided, which will also remain as a porous/permeable surface, no impacts are expected, with the West Elevation (dwg 03) showing that existing ground level will be maintained. Minor clearance pruning has also been permitted where necessary.

#### **Undergrounding of power lines to site**

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

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

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

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

## 6. DEVELOPMENT CONSENT CONDITIONS

### GENERAL CONDITIONS

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

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

#### Approved Plans & Supporting Documentation

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
01 (Revision C)	ECO. Factor	15/11/2017
02 (Revision C)	ECO. Factor	15/11/2017
03 (Revision C)	ECO. Factor	15/11/2017
04 (Revision C)	ECO. Factor	15/11/2017
Titled Finishes Schedule	ECO. Factor	Undated

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
	841795M_02	24 July 2017

#### Amendment of Plans & Documentation

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

- a. The Torrens Title subdivision into 2 lots is not supported and shall be deleted for the following reasons:
  - The proposed development is inconsistent with aims of the Randwick Local Environmental Plan 2012 in that it discourages the provision of affordable housing options.
  - The proposed subdivision does not comply with Clause 4.1 minimum allotment size standard under Randwick Local Environmental Plan 2012 in that the proposed lots will fragment the subdivision pattern, is inconsistent with the objectives and the Clause 4.6 variation to the development standard is not well founded.
  - The proposed development is inconsistent with the objectives of the R2 zone under RLEP 2012 in that it will not protect the amenity of residents.
  - The proposed subdivision is inconsistent with the objective under Section 2.1 of the Randwick Comprehensive Development Control Plan 2013 in that the proposed subdivision does not respect the predominant subdivision pattern of the locality.
  - The proposal is not in the public interest and does not satisfy Section 79C(i)(e) of the Environmental Planning and Assessment Act 1979.



- b. The solid balustrades to the front terraces above the garages shall be replaced with clear glass balustrades.
- c. All privacy screens must be constructed with either:
  - 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 finished floor level of the spa pool to the rear of Unit A shall not exceed RL 38.35.
- e. The front entry stairs including associated vertical louvres and garbage bin storage areas along the eastern and western side boundaries shall be deleted and the existing ground levels along the eastern and western side boundaries of the site up to the southern side of the ground floor recessed garden area shall be retained and new balustrades to be provided to both sides of the front terraces. New front entry stairs shall be provided in the centre of the site and the driveways to be adjusted to allow adequate vehicular access to the basement garages. Details of new front entry stairs and driveways are to be submitted to and approved by Council's Director of City Planning prior to a construction certificate being issued for the relevant building works.

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

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

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

#### **Consent Requirements**

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 \$1,637,400 the following applicable monetary levy must be paid to Council: \$16,374.00

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 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:

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

Where:

**IDC** = the indexed development cost

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

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

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

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

### **Compliance Fee**

5. A development compliance and enforcement fee of \$1,637.40 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

### **Long Service Levy Payments**

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

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

### **Security Deposit**

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

- \$4000.00 - Damage / Civil Works Security Deposit

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

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

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

### **Design Alignment levels**

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

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

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

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$875.00 calculated at

\$57.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

### **Sydney Water**

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

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

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

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

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

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

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

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

### **Stormwater Drainage**

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of

the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

- e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

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

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of the Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
  - i. Directly to the kerb and gutter in front of the subject site in Daunt Avenue; or
  - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
- If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining premises and the ground conditions preclude the use of an infiltration system, a pump-out system may be permitted to drain the portion of the site that cannot be discharged by gravity to Council's street drainage system in front of the property.

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer in accordance with the conditions of this consent and Council's Private Stormwater Code.

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

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

- d) Should stormwater be discharged to an infiltration system the following requirements must be met;

- i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
  - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.  
  
Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.
  - iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
  - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless adjacent to Council land (eg. road, laneway or reserve).
- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

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

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

- g) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
- i. There are suitable clear-outs/inspection points at pipe bends and junctions.
  - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- h) Generally all internal pipelines must be capable of discharging a 5% AEP (1 in 20 year) storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
  - The pit being constructed from cast in-situ concrete, precast concrete or double brick.
  - A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
  - A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
  - The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
  - A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
  - Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".
- j) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- (In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*
- k) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
- Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*
- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) Mulch or bark is not to be used in on-site detention areas.
- o) Seepage waters are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.

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

### **Landscape Plan**

13. The Certifying Authority/PCA must ensure that the Landscape Plan submitted as part of the approved Construction Certificate is substantially consistent with the Landscape Plan by Conzept Landscape Architects, dwg LPDA 17 – 32/1, issue E, dated 03.08.17.

### **Protection of Street Tree**

14. In order to ensure retention of the mature *Corymbia maculata* (Spotted Gum) located on Council's Daunt Avenue verge, just past the eastern site boundary in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
  - b. All Construction Certificate plans must show that the eastern edge of the most eastern vehicle crossing will be offset a minimum distance of **4 metres** away, measured off the outside edge of its trunk at ground level.
  - c. Prior to the commencement of any site works, its trunk is to be physically protected by wrapping layers of geo-textile, underfelt or layers of Hessian, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
  - d. This protection shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE".
  - e. In order to prevent soil/sediment being washed over its root system, erosion control measures must also be provided at ground level around its trunk.
  - f. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble around its trunk, with all Site Management Plans needing to acknowledge these requirements.
  - g. Other than the approved works, the applicant is not authorised to perform any other works to this public tree, and must contact Council's Landscape Development Officer on 9093-6613 should pruning or any similar works appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to the issue of an Occupation Certificate.
  - h. The PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

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

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

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

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

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

#### **BASIX Requirements**

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

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

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

### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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

#### **Certification, PCA & other Requirements**

17. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.  
  
A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
  - 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**

18. 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**

19. A dilapidation report must be obtained from a Professional Engineer, Building Surveyor or other suitably qualified independent person, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures 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 other substantial structures 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 dilapidation report shall include details of the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises and shall include relevant photographs of the structures, to the satisfaction of the *Principal Certifying Authority*.

The dilapidation report must be submitted to the Council, the *Principal Certifying Authority* and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

### **Construction Noise & Vibration Management Plan**

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

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

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

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

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

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

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

### **Demolition Work**

22. Demolition Work must be carried out in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant work health and safety requirements.

A Demolition Work Plan must be prepared for the demolition works which should 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.

### **Demolition & Construction Waste**

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

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

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 1300 722 542.

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

### **Public Utilities**

24. 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.

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

## REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

### Inspections During Construction

26. Building works are required to 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

27. 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

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

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

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

### Removal of Asbestos Materials

29. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements

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

### **Sediment & Erosion Control**

30. 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.

Details of the sediment and erosion control measures to be implemented on the site must be included in with the *Construction Management Plan* and be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

### **Public Safety & Site Management**

31. 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.*

Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open out into the road or footway.

- e) 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.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- a) A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.
- b) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

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

- 32. 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.
- 33. 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.

- 34. 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*.

### **Survey Requirements**

35. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):

- prior to construction (pouring of concrete) of the footings or first completed floor slab,
- upon completion of the building, prior to issuing an occupation certificate,
- as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

### **Building Encroachments**

36. 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**

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

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

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

### **Drainage**

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

### **Pruning**

39. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the eastern aspects of the *Agonis flexuosa* (Willow

Myrtle) and *Eucalyptus nicholii* (Willow Leafed Peppermint), which are both located in the rear yard of the adjoining private property to the west, no.42, close to the common boundary, only where they overhang the common boundary, into the subject site and need to be pruned in order to avoid damage to the trees; or; interference with the works.

40. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of the trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
41. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

#### **Tree Management**

42. Approval is granted for the removal of all existing vegetation within the subject site only, so as to accommodate the proposed works in these same locations as shown, subject to full implementation of the approved Landscape Plan:
- a) The group of shrubs/small trees in the front setback, along the western boundary, being *Leptospermum patersonii* (Lemon Scented Tea Tree), *Olea europaea subsp. Africana* (Wild Olive) and various others;
  - b) Those various shrubs/small trees in the terraces in the rear setback, including a native *Callistemon viminalis* (Bottlebrush) near the centre of the existing paved terrace off the rear of the dwelling;
  - c) The established *Eucalyptus tereticornis* (Forest Red Gum) in the rear yard, in the upper, most northern grassed terrace, on the eastern boundary, given a combination of its existing poor condition due to past major failures, deadwood and poor past lopping, as well as due to the fact that there is insufficient space to ensure its safe retention long-term whilst performing any excavations or other works in this same area as shown.

#### **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**

43. 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**

44. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this

development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

#### **Spa Pool Safety**

45. 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**

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

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

47. 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 Act 1992*.

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

Registration must be made prior to the issue of an Occupation Certificate for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifying Authority and Council accordingly.

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

48. Prior to the issuing of an occupation certificate the applicant must meet the full cost for a Council approved contractor to:
- a) Construct 2 new concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site, to Council's specifications and requirements.
  - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
49. 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.



50. 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**

51. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to [sydneywater.com.au/section73](http://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

A Section 73 Compliance Certificate must be completed before an occupation certificate will be issued or before a subdivision certificate is issued, whichever is sooner.

### **Undergrounding of Power**

52. The existing overhead power feed between the nearest mains distribution pole in Daunt Avenue and the development site shall be relocated to an underground (UGOH) connection. All work shall be to the requirements and satisfaction of Ausgrid and at no cost to Council

### **Stormwater Drainage**

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive

covenant" being executed by Council.

54. A Works-As-Executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - The orifice size/s (if applicable);
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
55. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

#### **Landscaping**

56. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plan by Conzept Landscape Architects, dwg LPDA 17 – 32/1, issue E, dated 03.08.17.
57. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
58. The nature-strip upon Council's footway shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to the issue of any Occupation Certificate.

#### **Waste Management**

59. The owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services to the additional premises.

#### **Street and/or Sub-Address Numbering**

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

If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

*Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.*

## OPERATIONAL CONDITIONS

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

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

### **External Lighting**

61. 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.

### **Waste Management**

62. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

### **Plant & Equipment – Noise Levels**

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

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

### **Swimming/Spa Pools**

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

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

### **Air Conditioners**

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

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

### **Rainwater Tanks**

66. 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.

### **Use of parking spaces**

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

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

#### ADVISORY NOTES

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

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

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

- A2 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.

- A3 Council can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. For further details contact Council on 9093 6944.

- A4 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.

- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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's Building Approvals & Certification team on 9093 6971.

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

- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring,

soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

- A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Certifying Authority.

- A11 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A12 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.
- A13 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.