

Development Application Compliance Report



Folder /DA No:	DA/237/2017
PROPERTY:	213 Bunnerong Road, MAROUBRA NSW 2035
Proposal:	Retention of portion of structure of existing dwelling and incorporation into construction of 3 storey boarding house containing 11 boarding rooms, communal facilities, parking for 3 cars, motorcycle and bicycle parking, landscaping and associated works.
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

State Environmental Planning Policy – Building and Sustainability Index

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

State Environmental Planning Policy – Affordable Rental Housing 2009

The subject application is made pursuant to the SEPP (Affordable Rental Housing) 2009. Clause 26 of the SEPP provides that Boarding Houses under this Division are permissible within the R2 Low Density Residential zone and clause 28 stipulates that such development may be carried out with consent.

Clause 29 provides – *Standards that cannot be used to refuse consent* and Clause 30 *Standards for boarding houses*. The following tables outline the assessment:

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
<p>(1) Floor Space</p> <p>If the development is on land within a zone in which residential flat buildings are not permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register, the density and scale of the buildings when expressed as a floor space ratio are not more than the maximum floor space ratio for any form of residential accommodation permitted on the land.</p> <p>Accordingly, the maximum permissible FSR for the subject site (RLEP FSR development standard for R2 Zones)</p> <p>Residential dwellings are permitted on a site</p>	<p>The standards of RLEP 2012 identify a maximum FSR of 0.65:1 under Clause 4.4 for this site. The proposed development results in an FSR of 0.60:1 (including the breezeway).</p> <p>Complies.</p>

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
<p>area of 552sqm up to an FSR of 0.65:1</p> <p>(i) 0.65:1.</p>	
<p>(2) Building height</p> <p>Building height if all proposed buildings comply with the maximum building height under another environmental planning instrument for any building on the land (that is, 9.5m building height under Clause 4.3).</p>	<p>The proposed development will result in a maximum building height of 9.056 metres (RL34.306 – RL25.25).</p> <p>Complies.</p>
<p>(3) Landscaped area</p> <p>Landscape treatment if the front setback area is compatible with the streetscape in which the building is located.</p>	<p>The proposed development maintains a front setback that graduates appropriately between the front setback of the flat building at to the south at No. 215 Bunnerong Road and the dwelling on the opposite corner at No. 211 Bunnerong Road.</p> <p>The development provides adequate landscaping within the front yard.</p> <p>Complies.</p>
<p>(4) Solar access</p> <p>Where the development provides for one (1) or more communal living rooms, if at least one (1) of those rooms receives a minimum of three (3) hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The communal room is located with a northern and western aspect and achieves the required three hours of direct solar access noon and the afternoon.</p> <p>Complies.</p>
<p>(5) Private open space</p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one (1) area of at least 20 square metres with a minimum dimension of three (3) metres is provided for the use of the lodgers;</p>	<p>(i) Open space for lodgers is located at the front and rear of the site. The portion at the front was the subject of amendments recommended by the design excellence panel in order to improve amenity of the internal and external communal open space areas as well as to co-locate the entry, common room and communal open spaces providing for a more efficient access point.</p> <p>In relation to the use of the front communal area, it is noted that conditions are included restricting</p>

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
<p>(ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>	<p>use to passive recreational area and not used between 9pm and 7am. In addition, a condition is included requiring a plan of management containing 'house rules' to be submitted to Council for approval prior to the operation of the boarding house. The open space area also measures less than the 20sqm required however this is not fatal to the application as the total number of occupants within the boarding house is relatively small and the site is in very close proximity to parkland usable for more active recreational uses.</p> <p>Locating the ground floor communal open space at the front achieves a greater degree of solar access than the sunken rear yard area. The front yard is also provided with landscaping which serves to soften the development from street level.</p> <p>ii) The proposal has less than 20 lodgers and subsequently a boarding house Manager is not required.</p> <p>Complies.</p>
<p>(6) Parking</p> <p>If:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room. (1.8 Required)</p> <p>(ii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p>	<p>The proposal is located within an accessible area. Parking for 3 vehicles is provided for lodgers.</p> <p>Complies.</p>
<p><u>Accessible area</u> The SEPP (Affordable Rental Housing) 2009 provides for parking minimums on the basis of accessibility. The SEPP provides the following definition of accessible area:</p> <p><i>accessible area</i> means land that is within:</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</p> <p>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p>	

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
<p>The <i>Passenger Transport Act</i> 1990 provides the following definition of 'regular bus service':</p> <p style="text-align: center;">regular bus service means any regular passenger service conducted by bus (including any transitway service).</p> <p>The subject site is located within an accessible area given it is located within 350m walking distance to a regular bus service between the hours of 6am – 9pm, Monday to Friday and 8am – 6pm, Saturday and Sunday. In addition to this, the subject site is located within 300m of a B2: Local Centre and therefore the proposal is a permissible form of development within the R2: Low Density Residential Zone under the ARHSEPP.</p> <p>Complies.</p>	
<p>(7) Accommodation size</p> <p>If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>All boarding rooms have a minimum area greater than 12sqm for single lodgers and 16sqm for two lodgers.</p> <p>Complies.</p>
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>The proposal includes private bathroom and kitchen facilities in each room.</p> <p>Complies.</p>

Assessment of Clause 30 Standards for boarding houses	
Standard	Assessment
<p>(a) If a boarding house has 5 or more boarding rooms, at least one (1) communal living room will be provided.</p>	<p>A communal living room has been provided within the building.</p> <p>Complies.</p>
<p>(b) No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.</p>	<p>All boarding rooms are below 25sqm.</p> <p>Complies.</p>
<p>(c) No boarding room will be occupied by more than 2 adult lodgers.</p>	<p>No boarding rooms have more than two lodgers. A condition is also included in the recommendation restricting the occupancy of rooms.</p> <p>Complies.</p>
<p>(d) Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.</p>	<p>There are adequate private facilities in each room.</p> <p>Complies.</p>
<p>(e) If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.</p>	<p>The proposed development will accommodate less than 20 lodgers (14) and subsequently a boarding house manager is not required.</p> <p>Complies.</p>
<p>(g) If the boarding house is on land zoned</p>	<p>N/A</p>

Assessment of Clause 30 Standards for boarding houses	
Standard	Assessment
primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	
(h) At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	The rear yard includes provision for 3 motorcycle and 3 bicycle spaces and complies with the required 2.2 spaces for each. Complies.

Clause 30A Character of the local area

See Key issues section of the Council report.

2. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposal development is classified as a boarding house and is permissible in the zone. The zoning objectives are addressed in the key issues section of the Council report.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.65:1 under ARHSEPP	0.47:1 (0.6:1 with breezeway included)	Yes
Height of Building (Maximum)	9.5m	9.336m (RL34.306 – RL24.97)	Yes

3. Randwick Comprehensive Development Control Plan RDCP 2013

The RDCP 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.)

C4 Table: Boarding Houses

DCP Clause	Controls	Proposal
1	Building Design <i>Boarding rooms</i> <i>Orientate to receive the maximum amount of sunlight;</i> <i>Provide a balcony, terrace or window opening to outdoor areas for natural light and ventilation; and</i> <i>Where provided, private open space in the form of a balcony or terrace must have a minimum useable</i>	The proposal provides a northern aspect to 10 of the 11 rooms with BR.1 located at the south western corner of the building at ground level. This room will still receive sufficient solar access from noon onwards.

DCP Clause	Controls	Proposal
	<p>area of 4 square metres.</p>	<p>The development maximizes the amount of natural light to the boarding rooms through orientation and site configuration.</p>
	<p>Outdoor Communal Open Space <i>Provide for all boarding houses, with a minimum total area of 20 square metres and a minimum dimension of 3 metres;</i></p> <p><i>Provide at ground or podium level in the form of a courtyard or terrace area, accessible to all residents; Locate and orientate to maximise solar access;</i></p> <p><i>Incorporate both hard and soft landscaped areas;</i></p> <p><i>Provide shared facilities such as fixed outdoor seating benches, barbecues and the like to allow social interaction; and</i></p> <p><i>Provide partial cover for weather protection, such as pergola, canopy or the like, where it does not cause unreasonable overshadowing on adjoining properties.</i></p>	<p>See SEPP provisions</p> <p>At ground level in the front and rear accessible to all residents.</p> <p>Soft and hard landscaping is provided</p> <p>Decking is provided at the front. No BBQ facilities are provided however one can be provided on the deck area and the rear yard. Weather protection is provided at the front.</p>
	<p>Indoor Communal Facilities <i>Provide with a minimum dimension of 3 metres and a minimum total area of 20 square metres or 1.2 square metres/resident, whichever is greater (48m²); and Orientate to maximise solar access and have a northerly aspect where possible.</i></p>	<p>A communal room of 21sqm is provided for residents. This area is located on the ground floor with a northern orientation and ideal sunlight access.</p>
	<p>Communal Kitchen Bathroom and Laundry Facilities <i>For all boarding houses, provide communal kitchen, bathroom and laundry facilities where they are easily accessible for all residents, unless these facilities are provided within each boarding room; For development of over 12 boarding rooms without en suite bathrooms, provide separate bathroom facilities for male and female residents; Locate and design any communal laundry room to minimise noise impact on boarding rooms and neighbouring properties; and</i></p> <p><i>Where possible, locate clothes lines to maximise solar access while not compromising the street amenity or usability of communal open space.</i></p>	<p>All boarding rooms have kitchen and bathroom facilities. Communal laundry and kitchen facilities are also provided at ground floor level and positioned so as not to impact on the amenity of neighbouring properties.</p> <p>Adequate areas for clothes drying are available within the private open space areas of the boarding house development.</p>
	<p>Safety and Crime Prevention</p>	

DCP Clause	Controls	Proposal
	<p><i>Locate building entry points and internal entries to living areas where they are clearly visible from common spaces;</i></p> <p><i>Locate a habitable living area (such as lounge room, kitchen, dining or bedroom) to allow general observation of the street and communal open space;</i></p> <p><i>Separate ground level private open space from public and common areas by measures such as open fencing or low level plants; and</i></p> <p><i>Select trees and low-lying shrubs that do not interfere with sight lines nor provide opportunities for concealment or entrapment.</i></p>	<p>Design of the boarding house incorporates adequate measures in accordance with CPTED principles.</p>
	<p>Visual and Acoustic Amenity and Privacy <i>Indicative locations of facilities and appliances for bathrooms, kitchens and laundries must be clearly shown on the DA plans/drawings;</i></p> <p><i>Locate kitchen, dining room, lounge room and outdoor open space adjacent to or directly accessible from each other;</i></p> <p><i>Locate similar uses (such as bedrooms or bathrooms) back to back, to minimise internal noise transmission;</i></p> <p><i>Provide screen fencing, plantings and acoustic barriers where practicable to screen noise and reduce visual impacts;</i></p> <p><i>Where possible locate the main entry point at the front of the site, away from the side boundary and adjoining properties;</i></p> <p><i>Locate communal open space, balconies and windows to bedrooms or communal areas, to minimise overlooking, privacy and acoustic impacts on adjoining properties;</i></p> <p><i>An acoustic report prepared by a suitably qualified acoustic consultant must be submitted for new development or conversions/intensifications with an increase in resident numbers. The report must:</i></p> <p><i>establish the existing background noise levels;</i></p> <p><i>identify all potential noise sources from the operation of the premises, including any mechanical plant and equipment;</i></p> <p><i>estimate the level of potential noise emission;</i></p> <p><i>establish desirable acoustics performance criteria; and</i></p>	<p>The development will not result in any adverse visual and acoustic impacts to the neighbouring dwellings or occupants of the subject premises.</p> <p>The applicant has submitted an acoustic report to accompany the development application which has been reviewed by Council's Environmental Health Officer. The development is acceptable in minimizing noise transmission to the neighbouring dwellings and will comply with the relevant noise criteria.</p> <p>The boarding house will also provide a reasonable level of visual privacy to the neighbouring dwellings as there is a separation of between 8.7m and 11.4m from window line to window line. In addition, the proposed boarding rooms contain planter boxes which will provide an additional visual privacy buffer.</p> <p>Further, a review of the approved development at No. 211 Bunnerong Road shows their south facing rooms opposite the boarding house are predominately non-</p>

DCP Clause	Controls	Proposal
	<p><i>recommend any mitigation measures (such as sound proofing construction and/or management practices) required to achieve relevant noise criteria.</i></p>	<p>habitable rooms such as linen, storage, and bathrooms. The habitable rooms include ground and first floor level living rooms at the far eastern end of the dwelling. The privacy of these rooms are suitably protected by separation and planters.</p> <p>The above measures ensure acceptable mutual levels of visual and acoustic privacy between the proposed development and surrounding properties.</p>
	<p>Management Plan <i>Submit a Management Plan with all DAs for new and existing boarding houses, that addresses the general requirements outlined in the Management Plan section in Part B, and the following specific requirements:</i></p> <p><i>Criteria and process for choosing residents. Preference should be given to people on low and moderate incomes;</i></p> <p><i>A schedule detailing minimum furnishings for boarding rooms, provision of facilities and appliances for kitchens, bathrooms and laundry rooms and maximum occupancy of each room;</i></p> <p><i>House rules, covering issues such as lodger behaviour, visitor and party policies, activities and noise control, use and operation hours of common areas (e.g. communal open space and living rooms) and policies for regulating smoking and consumption of alcohol and illicit drugs;</i></p> <p><i>Professional cleaning and vermin control arrangements for at minimum, the shared facilities, such as kitchens and bathrooms;</i></p> <p><i>Public notice and signs, including:</i></p> <p><i>A sign showing the name and contact number of the manager/caretaker, placed near the front entry and in a visible position to the public;</i></p> <p><i>Clear display of fixed room identification number for each boarding room; and</i></p> <p><i>Internal signage prominently displayed in each boarding room and/or communal living areas informing maximum number of lodgers per room, house rules, emergency contact numbers for</i></p>	<p>A plan of management and House Rules accompany the application. Adherence to these controls will be a conditional requirement of the consent.</p>

DCP Clause	Controls	Proposal
	<p><i>essential services, annual fire safety statement and current fire safety schedule and emergency egress routes and evacuation plan.</i></p> <p><i>The manager/caretaker must maintain an up-to-date accommodation register with information on residents' details, length of stay, etc. and provide to Council officers upon request.</i></p>	

B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	Located within an enclosure under the building along the Eastmore Place frontage.	Yes and where necessary suitable conditions are included
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.		
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.		
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).		
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.		
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.		

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned Residential R3 Medium Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent. See table below for compliance with development standards.</p> <p>The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table below.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

5. Referral Comments

5.1 Senior Environmental Health Officer

Proposed boarding house with accommodation for 11 boarder rooms, communal room and associated facilities.

Comments:

Acoustic Amenity

An acoustic report and Addendum was submitted to Council prepared by Koikas Acoustic report titled "Acoustic Assessment 213 Bunnerong Road Matraville" dated 25 July 2017 which includes recommendations to address noise intrusion impact from traffic and recommended measures for ensuring noise criteria is complied with for the operation of the premises.

The use and the operation of the boarding house accommodation has the potential to create offensive noise and the patrons behaviours may impact on the other users of the boarding house and/or the neighbouring residential properties. As a result a plan of management has been included in this application to minimise potential disturbance. The plan of management has been prepared by the acoustic consultant.

The use and operation of the boarding house shall be in accordance with the Plan of Management (PoM) submitted to Council with the Development Application. The implementation of the PoM may assist in minimising disturbances and anti-social behaviour.

The use of the common areas has been proposed to be restricted by times of permitted use.

The potential for noise nuisance has been considered and appropriate conditions have been included in this referral.

Planning comment: The acoustic report contains recommendations that will assist in reducing the potential for noise disturbance. The conclusion is for the following recommendations:

- Restrict use of common areas to between 10pm (9pm in PoM) and 7am.
- Installation of a 2.1m high rear boundary fence
- A detailed assessment of cumulative noise assessment of mechanical plant and use of common areas following occupation.
- A For Construction design is reviewed for acoustic adequacy prior to construction.

The restriction on use of the common area is included in the PoM which restricts the use to no later than 9pm. In relation to the fencing, it is noted that a 2.1m high fence is permitted under the SEPP Exempt and Complying Development Codes 2008 which allows for a 2.2m high fence with the consent of the adjoining owners and a suitable condition is included. In relation to verification of noise compliance, suitable conditions are included prior to occupation and one month following occupation.

5.2 Design Excellence Panel

The application was referred to the panel and comments below were provided. The applicant submitted amended plans that sought to address the key issues raised by the panel which are assessed further below.

INTRODUCTION

It was noted that this was a Development Application and the first Panel meeting with the applicant.

A copy of the Panel's Comments are attached, including the nine SEPP 65 Design Quality Principles (if the Application falls under SEPP 65). The Panel's comments, set out below, are to assist Randwick Council in its consideration of the application, and to assist applicants to achieve better design outcomes in relation to these principles.

The absence of a comment under any of the heads of consideration does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it be that changes suggested under other heads will generate a desirable change.

The Panel draws the attention of applicants to the Apartment Design Guide (ADG), as published by Planning NSW (JULY 2015), which provides guidance on all the issues addressed below.

This document is available from the Department of Planning Environment

Note: *The Panel members' written and verbal comments are their professional opinions, based on their experience.*

To address the Panel's comments, the applicant needs to submit amended plans. Prior to preparing any amended plans, the applicant should discuss the Panel's comments and any other matter that require amendment with the assessing Planning Officer.

When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements or Urban Design Excellence & best practice. In these instances it is unlikely the scheme will be referred back to the Panel for further review.

PANEL COMMENTS

This Development Application proposes alterations and additions to the two-story building on the site, resulting in three-level boarding house which includes ground-level carparking accessed off Eastmore Place.

Panel members are familiar with the site and the surrounding area.

1. CONTEXT AND NEIGHBOURHOOD CONTEXT

The subject site is located on Bunnerong Road near the commercial heart of Maroubra Junction. Its long side (the north elevation) fronts on to Eastmore Place.

The subject site is neighboured by a mixture of one and two story single family houses and a three-story residential flat building to its south. The site is within walking distance of the major retail and commercial precinct at the intersection of Maroubra Road and Anzac Parade and is well served by public transport and nearby open and recreational space.

2. SCALE AND BUILT FORM

The proposal retains the character and scale of the existing building; however, it is not clear in the drawings what is to be retained of the existing built fabric and what elements are new construction. These distinctions should be clearly indicated on the drawings. The architect had to confirm at the presentation the extent of the retained walls – limited to the garages, bin storage room, and several walls in GL.BR.3 and 4.

The proposal does not relate well to the main street it faces, Bunnerong Road. Further consideration should be given to establishing the entry to the building from Bunnerong Road, and creating a legible entry space from the street, instead of bringing residents and visitors along the southern end of the site.

As part of reconfiguring the primary pedestrian entrance further thought should be given to the common area, which could also be relocated to the front of the building, along with associated open space within the front setback, providing activation and surveillance to the street frontage.

PC: the entry has been relocated from the southern side passageway from Bunnerong Road to the northern part of the site inclusive of relocating the common open space at the north western corner of the site. The relocated entry is designed with greater legibility along the street frontages and the relocation of the common areas to the front ensures greater casual surveillance along the street frontage.

3. DENSITY

There are no density issues with the proposal.

4. SUSTAINABILITY

Given the orientation of most of the units to the north, facing residences across Eastmore Place, consideration needs to be given to window treatments which control solar access and protect privacy while also allowing natural light and ventilation into the units.

Given the orientation of the building and the extent of roof surface, further thought should be given to utilising the fullest extent to provide solar energy for hot water, heating and electricity. Similarly, rainwater should be collected, treated and re-used, across the site and within the building.

Further considerations:

- The method of window operation and their fire treatment on each elevation should indicated on the drawings*
- Awning windows provide poor ventilation options. Louvres should be considered.*
- Sun-shading and or weather protection provided to suit orientation*
- Consideration of solar hot water heaters and on-site water retention*
- Ceiling fans for bedrooms and living areas - these should be marked on the plans*
- Air-conditioning is not shown and this passive approach is supported by the panel.*
- Photovoltaics should be included and shown on the roof to mitigate energy usage. A solar photovoltaic system (10 kilowatts) could power common areas with any excess energy feeding into the grid. The array also shades the roof.*
- Ventilating skylights to top floor apartments, natural daylight and northern winter sun could be optimised on the top floor apartments by introducing clerestory windows.*
- Window types and operation should be shown to accommodate different weather conditions, and allow occupants a variety of ventilation options whilst maintaining security.*
- Roof slabs should be provided with foam insulation covered with pebble ballast to create effective thermal comfort to the top floor apartments if no solar array is used. Larger details are required.*
- Outdoor clothes drying areas to be shown.*

5. LANDSCAPE

Reorientation of the entry and common room to face Bunnerong Road will require revision of the landscape plan to provide more usable shared open space to the east. The application should also confirm that landscape proposed for the balconies will be maintained by the body corporate, to maintain the consistency of planting across the northern elevation.

Landscape planting should be proposed in the public verge alongside the blank wall on Eastmore Place.

The condition along the property line with 215 Bunnerong Road needs to be clarified. The landscape plan indicates that some trees are to be maintained along this property line on the 215 property; however, the section elevation of the south elevation of the proposal indicates a deep retaining wall along this property line. Given the safety concerns of the deep dead end recess noted below, and the impact on existing trees consideration should be given to moving any retaining structures to the building line and maintaining existing contours across this area.

6. AMENITY

The entry to the complex, from the back of the building, is unclear and indistinct; co-locating the main entry, the common room and the communal open space will improve the shared amenity of the proposal.

Covered or enclosed bicycle storage should be provided for residents on the site, and dedicated covered bicycle parking for visitors should be provided located near the main entry to the building.

7. SAFETY

The area in between the brick screen and the southern boundary presents a potentially unsupervised and unsafe area.

8. HOUSING DIVERSITY AND SOCIAL INTERACTION

The addition of boarding house units in this neighbourhood contributes to the housing offering in the area.

9. AESTHETICS

As mentioned, the proposed design needs more development and refinement facing Bunnerong Road, including expressing the relationship of the internal and external spaces, and establishing a clearly defined entry space, both internally and externally.

Given the predominance of the roof form, careful attention needs to be paid to the design of the rainwater collection systems – details of gutter profiles and downpipe locations and configurations should be included in the application.

SUMMARY AND RECOMMENDATIONS

Provided the above points are addressed, the panel does not need to review this proposal again.

Planning comment:

State Environmental Planning Policy 65- Design Quality of Residential Flat Development (SEPP 65)

The proposal is for a boarding house and technically not subject to the provisions of State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Building. However, Council has recommended that the boarding house be the subject of review by the Design Excellence Panel (DEP) as the building has self-contained boarding rooms. The key issues raised relate to the following:

Scale and Built form:

The proposal does not relate well to the main street it faces, Bunnerong Road. Further consideration should be given to establishing the entry to the building from Bunnerong Road, and creating a legible entry space from the street, instead of bringing residents and visitors along the southern end of the site.

As part of reconfiguring the primary pedestrian entrance further thought should be given to the common area, which could also be relocated to the front of the building, along with associated open space within the front setback, providing activation and surveillance to the street frontage.

Planning Comment (PC): The entry has been relocated from the southern side passageway from Bunnerong Road to the northern part of the site inclusive of relocating the common open space at the north western corner of the site. The relocated entry is designed with greater legibility along the street frontages and the relocation of the common areas to the front ensures greater casual surveillance along the street frontage. Also as indicated by the panel co-locating the main entry, the common room and the communal open space will improve the shared amenity of the proposal.

Landscape:

Reorientation of the entry and common room to face Bunnerong Road will require revision of the landscape plan to provide more usable shared open space to the east. The application should also confirm that landscape proposed for the balconies will be maintained by the body corporate, to maintain the consistency of planting across the northern elevation.

The condition along the property line with 215 Bunnerong Road needs to be clarified. The landscape plan indicates that some trees are to be maintained along this property line on the 215 property; however, the section elevation of the south elevation of the proposal indicates a deep retaining wall along this property line. Given the safety concerns of the deep dead end recess noted below, and the impact on existing trees consideration should be given to moving any retaining structures to the building line and maintaining existing contours across this area.

Planning comment: Amended plans received by Council show that the southern side of the development retains the existing ground levels. A suitable condition is included to require greater landscaping along the Eastmore Place frontage opposite the three lower ground level boarding rooms (LG BR.1, LG BR.2, and LG BR.3).

On the basis of the above, it is generally considered that the key issues raised by the DRP have been suitably addressed.

In relation to the key issues these have been suitably addressed by the amended plans and or suitable conditions. There are elements that have not been insisted upon such as provision of photo voltaic cells and rainwater tanks as the applicant has obtained a BASIX certificate which ensures that the development contains suitable levels of sustainability.

5.3 Development Engineer and Landscape Development Officer

An amended application has been received for the retention of a portion of structure of existing dwelling and incorporation into construction of 3 storey boarding house containing 11 boarding rooms, communal facilities, parking for 3 cars, motorcycle and bicycle parking, landscaping and associated works at the above site.

This report is based on the following plans and documentation:

- Amended Architectural Plans by MKD Architects Revision C, dated 14th July 2017, and stamped by Council 26 July 2017;
- Statement of Environmental Effects by Planning ingenuity dated 21st April 2017;
- Amended Details and Level survey by MKD Architects dated 14th July 2017;
- Landscape Plans by Taylor Brammer, dwg's LA01-03, rev A, dated 13.04.17.

General Comments

The issues raised in previous memo dated 27th June 2017 have been satisfactorily addressed with the amended plans. The site survey and architectural plans have now been amended to include the recently completed Civil Works in Eastmore Place. In addition, the expanded garage is no longer proposed to accommodate a 3rd vehicle and will instead accommodate a waste storage area. Access to the 3rd garaged space would not have complied with maximum grade requirements in AS 2890.1. The 3rd space has now been relocated to the rear of the building with a new vehicle access point provided. This is satisfactory. To improve vehicle manoeuvring, no parking signage is recommend opposite the vehicle entrances in Eastmore Place, subject to approval by Randwick traffic Committee.

Civil Works Comments

The kerb along the Eastmore Place frontage is standard roll kerb that already allows for vehicle movements over. The construction of a new layback opposite the proposed 3rd carspace is therefore not required. The 0.5m wide section of footpath behind the roll kerb may need to be replaced with new concrete suitable for vehicle loading.

Road and Maritime Comments

The assessing officer is advised that Bunnerong Road is classified a state road at this location which would normally trigger a referral to the RMS for concurrence. It is noted however that no new vehicle access is proposed on Bunnerong Road and access remains from Eastmore place. A Referral to the RMS is therefore not considered necessary.

Parking Comments

The Affordable Housing SEPP states in regulation 29(2)(e) that consent authorities must not refuse consent to development on the grounds if:

- (i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development not in an accessible area-at least 0.4 parking spaces are provided for each boarding room, and
- (iii) in the case of any development-not more than 1 parking space is provided for each person employed in connection with the development.

According to the SEPP "accessible area" means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

The proposed development meets the criteria for an 'accessible area' hence the parking rate of **0.2** spaces per room is applicable.

Parking Required = 0.2 x 11
= 2.2 plus any space for manager

Parking Proposed = 3 spaces (complies)

Motorbike & Bicycle Parking

The Affordable Housing SEPP states in regulation 30(h) that consent authorities must not consent to development unless at least one parking space is provided for a bicycle and one for a motorcycle for every 5 boarding rooms.

As the number of boarding rooms is 11 this will require the provision of 2 bicycle and 2 motorbike spaces. The submitted plans demonstrate compliance with this requirement with 3 motorbike and 3 bicycle spaces provided.

The proposed development achieves compliance with the SEPP (Affordable Housing) in the provision of vehicle, motorbike and bicycle parking, No objections are raised.

The application would also be acceptable with 2 motorbike and 2 bicycle spaces.

Flooding comments

The assessing officer is advised that there is an entrapped low point and overland flow path located in Eastmore place approximately 30m east of the subject site. The flow path is north-south at approximately the position of 11 & 12 Eastmore place.

A flood study has not been prepared by Council for this catchment at the present time however there are a number of private studies in the vicinity that appear to indicate that flooding is generally restricted to the properties to the east of the subject site. It is also noted that the ground floor level of the proposed development is approximately 0.5m above natural surface at the eastern side of the property. It is therefore considered a private flood study is not required and the development is adequately protected from flooding.

Waste Management Comments

Part B6 of Council's DCP requires waste bins to be provided for boarding houses at the rate of 1 x 240L bin per 6 rooms for garbage and 1 x 240L bin per 6 rooms for recycling.

For the proposed development consisting of 11 rooms this translates to 2 x 240L bins for garbage plus 2 x 240L bins for recycling. As some landscaping areas are also proposed a minimum of 1 x 240L bin for green waste shall also be required.

Total number of Bins required = 5 x 240L bins (2 garbage, 2 recycling, 1 green waste)

The proposed waste storage area is adequate to serve the development and indicates storage for 12 x 240l bins. This is significantly oversized and can be reduced if required.

Drainage Comments

On site stormwater detention is required for this development.

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

The stormwater must be discharged (by gravity) either:

- i. Directly to the kerb and gutter in front of the subject site in Eastmore place street/road; or
- ii. Directly into Council's underground drainage system located in Eastmore Place via a new and/or existing kerb inlet pit; or
- iii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

Service Authority Comments **Undergrounding of site feed power lines**

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

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

The subject **is** 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.

Landscape Comments

The inspection of 9 October 2017 confirmed that the mature Willow Myrtle on the public verge, past the southern site boundary, in front of the neighbouring complex at no.215, is sited at such a distance from all works that it would not be affected, so conditions are not required.

The two 4m tall shrubs in the front setback are both insignificant, comprising an exotic, deciduous species towards the southern boundary, then a Frangipani adjacent the northwest corner of the existing dwelling, so can be removed and replaced with the new landscape treatment that is shown for this same area.

There is a row of established, 6-8m tall screening trees beyond the southeast corner of the subject dwelling, growing wholly in the northern side setback of the adjoining private property at no.215, against the common boundary, which are all covered by the DCP and perform an important privacy and amenity function between these two sites, which will be even more valuable for both sites should this development proceed.

They comprise from west to east, a *Jacaranda mimosifolia* (Jacaranda), a *Leptospermum patersonii* (Lemon Scented Tea Tree) and a *Hibiscus tileaceus* 'Rubra' (Ruby Hibiscus), with Council having a common law responsibility to ensure they are not affected in anyway by this application.

The subject dwelling is currently setback well away from this group, with the plans showing that the footprint will now be extended much further to the east, past the trees, with a 1200mm side setback to be maintained to the 'semi-open brick wall'.

While it is anticipated that these trees will be able to sustain any impacts arising from this component given the relatively minor scope of these works, it will still encroach within their

SRZ's, so relevant protection conditions have been imposed, along with those that allow clearance pruning where needed, given that their northern aspects overhang slightly into the subject site.

While the group of European Olives across the width of the rear/eastern boundary perform a partial screening function of other adjoining properties as well as the roadway, they are not significant in anyway, and while shown for retention on the Landscape Plans, the architectural plans have since been amended to now show a new vehicle hardstand being constructed just to their west, with the Lower Ground Floor Stormwater Plan (dwg H-02) also showing that new pipes and pits will also provided in this same area, and on this basis, they could not remain, with conditions requiring their removal, with replacement screening planting to be provided in this area in their place.

As specifically requested by the assessing officer, conditions in this report also require that additional feature/screening trees be provided along the northern boundary, fronting Eastmore Place, to assist with future amenity for both occupants and neighbours.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
A- 1.00 Rev C	MKD Architects	14 July 2017	26 July 2017
A- 1.02 Rev C		14 July 2017	26 July 2017
A- 1.08 Rev C		14 July 2017	26 July 2017
A- 1.09 Rev C		14 July 2017	26 July 2017
A- 2.01 Rev C		14 July 2017	26 July 2017
A- 2.02 Rev C		14 July 2017	26 July 2017
A- 2.03 Rev C		14 July 2017	26 July 2017
A- 2.04 Rev C		14 July 2017	26 July 2017
A- 3.01 Rev C		14 July 2017	26 July 2017
A- 3.02 Rev C		14 July 2017	26 July 2017
A- 4.01 Rev C		14 July 2017	26 July 2017
A- 4.02 Rev C		14 July 2017	26 July 2017
LA01 Rev A		TaylorBrammer	13.04.2017
LA02 Rev A	13.04.2017		24 April 2017
LA03 Rev A	13.04.2017		24 April 2017

BASIX Certificate No.	Dated	Received by Council
810762M	4 April 2017	24 April 2017

Amendment of Plans & Documentation

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

- a. All privacy screens shall be designed so that the total area of any openings within the privacy screens must not exceed 25% of the area of the screens.
- b. The rear boundary fence located on the eastern boundary shall be installed at a height of 2100mm, measured above the finished ground level within the subject site.

The applicant and owner is advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

- c. A Plan of Management Plan governing the use and operation boarding house shall be submitted to Council for approval having regard to (but not limited by) the following aspects of the development:
 - Management of the boarding rooms
 - Operational details
 - Amenity
 - Safety and security
 - Waste management
 - Fire safety
 - Deliveries and loading/unloading
 - Complaint management
 - Booking, Reception and access provisions

The plan of management shall be provided to Council's Manager Development Assessment for approval prior to an occupation certificate being issued. The plan of management shall be reviewed by a qualified acoustic consultant and include relevant recommended acoustic measures by an acoustic expert. Once approved the plan of management shall be complied with at all times subject to conditions of consent.

- d. The Landscape plan LA01 Rev A dated 13/04/2017 shall be amended to reflect the amended layout of the development. Additional landscaping shall be provided to the secondary street frontage opposite LG BR.1, LC BR.2 & LG BR.3. The additional landscape shall include trees and plants to provide an additional privacy buffer opposite the dwelling opposite located at No. 211 Bunnerong Road and 215 Bunnerong Road. Details shall be submitted to Councils Landscape Development Officer for approval prior to a Construction Certificate being issued for the development.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

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

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond with low reflectivity) to limit the level of reflection and glare. Materials and finishes for the breezeway shall be selected to ensure an integrated approach to the overall architecture and articulation.

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

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,083,429 the following applicable monetary levy must be paid to Council: \$10,834.29.

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.

Compliance Fee

6. A development compliance and enforcement fee of \$1,083 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

7. 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

8. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any

defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

Sydney Water

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

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

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

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

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

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

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

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

Street Tree Management

10. The applicant must submit a payment of **\$107.25** (including GST) to cover the costs for Council to supply, plant and maintain 1 x 25 litre street tree, *Lophostemon confertus* (Brush Box) on the Bunnerong Road verge, halfway across the width of the site, at the completion of all works.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks

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

After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6843.

Protection of neighbour's trees

11. In order to ensure retention of the row of three established trees located wholly in the side setback of the adjoining private property to the south, no.215, against the common boundary, comprising from west to east, a *Jacaranda mimosifolia* (Jacaranda), a *Leptospermum patersonii* (Lemon Scented tea Tree), then a *Hibiscus tileacues 'Rubra'* (Ruby Hibiscus) in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of these neighbouring trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar in the southern side setback, as is shown on the Lower Ground Floor Plan by James E Allen & Partners, dwg H-02, issue P2, dated 20.04.17, must be located as close as possible to the new 'semi-open brick wall' that is shown as being constructed parallel with the southern site boundary.
 - c. This new wall described in point 'b' above, must be offset a minimum distance of 1200mm from the southern site boundary, as has been shown on the Lower Ground Floor architectural plan, rev C, dated 14/07/17, with ground levels in the area between this wall and boundary not to be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, and must remain as undisturbed, deep soil.
 - d. All initial excavations for footings for the wall described in point 'c' above, within a radius of 3500mm, measured as a radius from the common boundary, adjacent the centerline of each of their trunks, must be performed by hand, to a minimum depth of 600mm and a minimum width of 200mm, without damaging any roots in the process.
 - e. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
 - f. Any new dividing fencing along the southern site boundary, within the **3500mm** radius specified above, can only be a system which is supported on localised pad footings, not strip footings, with details confirming compliance to be shown on the Construction Certificate plans.
 - g. If roots are encountered during installation of footings for the new fencing, these footings must be re-positioned to allow their preservation.
 - h. Prior to the commencement of site works, ground protection comprising strapped together rumble boards, plywood, a layer of 75mm thick mulch or similar, shall be provided over the **3500mm** radius specified above, in the area between the southern site boundary and new semi-open brick wall, and must remain in place for the duration of works, until such time as the approved landscaping is being installed.
 - i. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level along the southern site boundary.

- j. Within the 3500mm radius specified above, 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, with all Site Management Plans needing to acknowledge these requirements.
 - k. 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.
12. The Construction Certificate plans shall be reviewed by an acoustic consultant to confirm that all acoustic attenuation recommendations contained in acoustic report submitted to Council prepared by Koikas Acoustics Pty Ltd titled "Acoustic report for Development Application proposed boarding house at 213 Bunnerong Road, Maroubra NSW" File Reference: 3326R20170719as213BunnerongRdMaroubra.docx, dated 25th July 2017 have been complied with. A statement of acoustic compliance shall be provided by the acoustic consultant and to the certifying authority prior to a Construction Certificate being issued. Please note that the rear boundary fencing is subject to the requirements under the Dividing fences Act.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

Structural Adequacy

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

BASIX Requirements

15. 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.

Design Alignment levels

16. 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 concrete footpath along the full site frontage.**

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881.

17. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$171. This amount is to be paid prior to a construction certificate being issued for the development.
18. The gradient and dimensions of any new internal car & motorbike spaces must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

Stormwater Drainage & Flood Management

19. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - f) The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.

20. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter in front of the subject site in Eastmore Place; or
 - ii. Directly into Council's underground drainage system located in Eastmore Place street via a new and/or existing kerb inlet pit; or
 - iii. 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 redeveloped portion of 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 the boundary is common to Council land (eg. a 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) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- i) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- j) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.

k) 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 arrestor pit shall be regularly inspected and cleaned".

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

l) 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).

m) 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.

n) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

- o) 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.
- p) Mulch or bark is not to be used in on-site detention areas.
- q) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- r) Any onsite detention/infiltration systems shall be located in areas accessible by residents.

Waste Management

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

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

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

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

22. The garbage room shall be sized to contain a minimum of **5 x 240 litre bins (comprising 2 garbage bins, 2 recycle bins and 1 green waste)** and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
23. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Landscape Plans

24. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Taylor Brammer, dwg's LA01-03, rev A, dated 13.04.17.
25. The Landscape Plans referenced above must be revised to now be consistent with the amended, rev C architectural plans dated 14/07/17, and must include the following requirements:
- a) Continuous evergreen screen planting, that will achieve a minimum height of 3.5 metres at maturity, in the area of deep soil between the eastern site boundary and new single hard-stand, to which, lower growing, decorative species may also be added;
 - b) A minimum of three additional feature trees (selecting one species only) in the garden area fronting Eastmore Place, and are to be spaced evenly between each of the two vehicle hard-stand areas, strategically selected and located in front of each of the three separate Ground Floor windows;

- c) The species selected must be one which will achieve a minimum height of between 4-7m at maturity, and must be advanced stock, of a minimum 100 litre pot/bag size at the time of planting;
- d) These new species which comply with the requirements species above must be clearly nominated on both the Planting Plan & Plant Schedule;
- e) Any 'buffer' planting along the length of the northern site boundary, fronting directly onto Eastmore Place, must only use those species which will not encroach out past the property boundary and onto public property/the road reserve;
- f) Other than the required feature tree specified in points b-c above, all other planting in the garden bed just to the west of the single, most eastern hardstand (unit 3), must be restricted to only those lower growing species that will not exceed 600mm in height at maturity, so as to maintain future lines of sight.

Sydney Water Requirements

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

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

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

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

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

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

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

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

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

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

Home Building Act 1989

28. 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

29. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

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

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

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

throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

31. 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.

Construction Traffic Management

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

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

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

2. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to commencement of any site work [or]

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements

- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

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

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

Public Utilities

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

Demolition Work Plan

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

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

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

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

37. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Site Signage

38. 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

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

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

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

Demolition Work Requirements

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

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

Removal of Asbestos Materials

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

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

Public Safety & Site Management

42. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
 - b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
 - c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

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

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

- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Road/Asset Opening Permit

43. 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.

Traffic Management

44. 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.
45. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.

46. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

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

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

Tree Removal

48. Approval is granted for removal of the following vegetation from within the subject site, subject to full implementation of the approved Landscape Plan:
- a) The two shrubs in the front setback, being an exotic, deciduous species towards the southern site boundary, then a Frangipani adjacent the northwest corner of the existing dwelling, as their small size makes them exempt from Council's DCP, and will also facilitate the new landscape works and feature planting that is shown for this same area;
 - b) The group of screening shrubs across the width of the rear/eastern site boundary, including those *Olea europaea* (European Olives), as despite being shown for retention, the amended plans now show a new vehicle hardstand being constructed just to their west, along with new pipes and pits associated with new hydraulic services in this same area as well.

Pruning

49. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the northern aspects of the three trees that are located wholly in the northern side setback of the adjoining private property to the south, no.215, against the common boundary, being from west to east, a *Jacaranda mimosifolia* (Jacaranda), a *Leptospermum patersonii* (Lemon Scented Tea Tree) and a *Hibiscus tileaceus 'Rubra'* (Ruby Hibiscus), 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, being the new semi-open brick wall that is shown parallel to the southern site boundary.
50. 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/s for access to perform this work.
51. All pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, 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).

Support of Adjoining Land, Excavations & Retaining Walls

52. 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.
53. 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.

54. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
 - as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

55. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

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

56. 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

57. 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.

Environmental Amenity

58. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the

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

Council's Infrastructure, Vehicular Crossings & Road Openings

59. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct concrete vehicular crossing behind roll-kerb opposite the new vehicular entrance to the site, if required.
 - b) Install 'No Parking' signage opposite the existing and proposed driveway entrances on the northern side of Eastmore Place, subject to the approval of Randwick Traffic Committee
60. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
61. 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.

Service Authorities

Sydney Water Requirements

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

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

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

Undergrounding of Site Power

63. The existing overhead power feed between the nearest mains pole on Bunnerong Road 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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
65. 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).
66. 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.

Site Parking

67. All vehicle, motorbike and bicycle parking must be provided in accordance with the approved plans and conditions of this consent to the satisfaction of the certifying authority.

Landscaping

68. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Taylor Brammer, dwg's LA01-03, rev A, dated 13.04.17, as well as any relevant conditions of consent.

69. Suitable strategies must be implemented to ensure that the completed landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
70. That part of the nature-strip upon either of Council's footways which is damaged during the course of the works 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

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

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.

Stormwater Detention/Infiltration System

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

Residential Parking Permits

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

Use of premises

76. The operation of the premises and all plant/equipment 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 Department of Environment & Climate Change Noise Control Guidelines.

77. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
78. Communal open space areas is permitted between :
Monday through to Sunday, from: 7.00am to 9.00pm only.

79. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **1 month after occupation certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the*

Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

80. The plan of management shall be complied with at all times.
81. All recommendations contained in acoustic report – prepared by Koikas Acoustics Pty Ltd titled "Acoustic report for Development Application proposed boarding house at 213 Bunnerong Road, Maroubra NSW" File Reference: 3326R20170719as213BunnerongRdMaroubra.docx, dated 25th July 2017- shall be incorporated into the design and construction of the building. Details of compliance shall be provided in the construction certificate plans submitted to the certifying authority prior to a construction certificate being issued.
82. The boarding house accommodation must be managed by a responsible person over the age of 18 years.
83. A notice is placed near the entrance to the property in a visible position to the public advising of the manager's name and after hours contact number.
84. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management) and that no variation shall be permitted without the further approval of Council.
85. A record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months (on-going) on site and made available to Council Officers upon request.
86. All residents in the boarding house accommodation are to sign a lease or licence agreeing to comply with the Plan of Management (PoM) for the boarding house, with the length of the lease to be determined by the management.
87. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
88. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
89. The individual rooms, common areas, shared facilities and yards are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
90. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council. No garbage bins shall be located in the front yard.
91. Places of shared accommodation must comply with the *Local Government (Orders) Regulation 1999* and the premises must be registered with the Council prior to occupation and on an annual basis, and the approved registration/inspection fee is to be forwarded to Council **prior to occupation**.
92. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

External Lighting

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

Plant & Equipment – Noise Levels

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

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

Air Conditioners

95. 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

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

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

ADVISORY NOTES

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A3 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A4 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A5 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.
- A6 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.
- A7 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9093 6944.
- A8 The design and construction of the premises must satisfy the requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004). Prior to finalising the design and fit-out for the development and prior to a *construction certificate* being obtained, advice should be obtained from an accredited Food Safety Consultant (or Council's Environmental Health Officer).
- A1 The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A9 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9093 6944.
- A10 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A11 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A12 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).

Registration

- A13 Places of Shared Accommodation must comply with the Local Government (General) Regulation 2005 and the Boarding Houses Act 2012 and the premises must also be registered with NSW Fair Trading and the Council, prior to issuing an occupation certificate.