

Development Application Compliance Report



Folder /DA No:	DA/536/2017
PROPERTY:	50 Shackel Avenue, CLOVELLY NSW 2031
Proposal:	Alterations and additions to the existing semi-detached dwelling house including new upper level addition and alteration to existing carport (variation to building height control).
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

State Environmental Planning Policy (Building Sustainability Index: BASIX)

A BASIX Certificate No. A270407 has been submitted with the development application and demonstrates that the proposal will achieve the required water efficiencies and thermal comfort requirements.

State Environmental Planning Policy No.55 (Remediation of Land)

The site has a long history of use for residential purposes and the proposal will continue the existing residential use. There are no historic uses which would indicate the site is likely to be contaminated. The proposed works will not increase the likely risk of exposure of humans or the environment to contamination risks. A condition is recommended for an audit of building materials to be completed with the Construction Certificate to identify the nature of building material to be disturbed and removed during the works and any specific management strategies for their treatment and removal. The requirements of SEPP 55 have been satisfied.

2. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposal development is classified as alterations and additions to an existing semi-detached dwelling and is permissible in the zone. The zoning objectives are addressed as follows:

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

The proposal continues the existing provision of housing in a low density environment. The development retains some of the design elements of the front façade of the existing

semi-detached dwelling in order that the main entry point to the dwelling has a degree of similarity with the paired dwelling although the front façade is not readily visible from Shackel Avenue. There is no consistent pattern of built form in the locality with a mix of original buildings, buildings with a variety of alterations and additions and contemporary dwellings recently built and under construction. The locality is undergoing transition in built form.

The design incorporates a layout and design features which give a high level of consideration to achieving high quality internal amenity and environmental performance of the dwelling as well as appropriately addressing the relevant controls, preserving parts of the existing building and fitting sensitively within the setting of neighbouring properties.

For these reasons the proposal is considered to be consistent with the objective for development in Zone R2.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.75:1	0.66:1	Yes
Height of Building (Maximum)	9.5m	9.702m max (party wall) Maximum variation 2.1%	No

The applicant has submitted a written request for variation to the building height development standard as is required by Clause 4.6 to RLEP 2012. The assessment of the Clause 4.6 variation request is contained in the Development Application Assessment Report.

3. Randwick Comprehensive DCP

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

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

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	Yes
2	Site planning	Site analysis	Yes
2.1	Minimum lot size and frontage		
	Minimum lot size (RLEP): • R2 = 400sqm	358.9m ²	No change to existing
	Minimum frontage		
	i) Min frontage R2 = 12m		

DCP Clause	Controls	Proposal	Compliance
	ii) No battle-axe or hatchet in R2 or R3 iii) Minimum frontage for attached dual occupancy in R2 = 15m iv) Minimum frontage for detached dual occupancy in R2 = 18m	Existing = 3.67m at Shackel Avenue boundary 15.24m at building line of dwelling	No change to existing
2.3	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 358.9m ² Existing = 32.5% Proposed = 29% Site coverage will decrease.	Yes
2.4	Landscaping and permeable surfaces		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% iv) 601 sqm or above = 35% v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front vii) Retain existing or replace mature native trees viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.	Site = 358.9m ² Existing = 28% Proposed = 32% Landscaped area is to be increased. The entire rear yard space is available for deep soil landscaping. Canopy trees have been established throughout the site. Landscaping within the setback to Shackel Avenue will be improved in quality and layout.	Yes
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Site = 358.9m ² Existing = 6m x 6m Proposed = No change to existing dimensions but improvements to the layout and landscaping quality particularly within the front setback.	Yes
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.75:1	Site area = 358.9m ² Existing FSR = 0.45:1 Proposed FSR = 0.66:1	Yes
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 9.7m max	No – see Clause 4.6 variation assessment
	i) Maximum external wall height = 7m (Minimum floor to ceiling height =	Proposed = 9.5m max	No – see

DCP Clause	Controls	Proposal	Compliance
	2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	external wall height	variation evaluation in the DA Assessment report
3.3	Setbacks		
3.3.1	Front setbacks i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	Existing carport = 0 m Proposed carport = 0 m	Yes - No change to existing setbacks of carport and dwelling
3.3.2	Side setbacks: Semi-Detached Dwellings: <ul style="list-style-type: none"> • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: <ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. Refer to 6.3 and 7.4 for parking facilities and outbuildings	Minimum = 900 mm Existing = 900 mm Proposed = 900 mm	Yes – no change to existing
3.3.3	Rear setbacks i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP. iv) For irregularly shaped lots = merit assessment on basis of:-	Minimum = 12.36m Existing = 11.475m Proposed = 11.475m The site is an irregular shape. Merit assessment requires consideration of: - Compatibility – the building footprint is consistent with that of the attached semi; - Private open space exceeds the minimum dimensions and is compliant; - Solar access issues are satisfactory; - Privacy is improved through	Yes – no change to existing and consistent with the adjoining semi detached footprint.

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>adjustments to rear setback of mid level and changes to floor plan layout;</p> <p>View sharing is maintained in the same manner as currently exists with view corridors dependent upon views across and between neighbouring properties.</p>	
4	Building design		
4.1	General		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	<p>Design responds to the characteristics of the site and the features of the existing dwelling.</p> <p>The building façade is currently not readily visible from the street. The new building components which will be visible are considered to be consistent with the streetscape. The proposal is integrated with the existing floor to ceiling levels and finished floor levels of the existing dwelling and the attached semi. There are no sections of external blank walls which exceed 12m in length. The design is considered to be innovative with high quality architectural merit.</p>	Yes
4.2	Additional Provisions for symmetrical semi-detached dwellings		
	<p>i) Enhance the pair as coherent entity:</p> <ul style="list-style-type: none"> • behind apex of roof; low profile or consistent with existing roof • new character that is first floor at front after analysis streetscape outcome 	<p>The proposal retains some elements of the front façade to ensure coherence with window dimensions, location and dimension of the entry</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	<p>ii) Constructed to common boundary of adjoining semi</p> <p>iii & iv) avoid exposure of blank party walls to adjoining semi and public domain</p>	<p>door and the pitched roof above the study room and above the first floor element of the front of the building.</p> <p>Additions and alterations are visible behind the front façade when standing within the front setback although the first floor front façade is not readily visible from the street due to the angle of the façade and the siting of carports for both semi detached dwellings at the front boundary.</p> <p>Construction will be to the common boundary and is anticipated to improve current waterproofing and weatherproofing for both dwellings.</p> <p>A small section of party wall will project above the roofline of the adjoining semi however the section is not considered to be out of character with the variety of parapet walls and flat roofs in the general locality and other sections of party walls exposed from the different timing of redevelopment of semi detached pairs in the locality and the street nor with sections of party walls exposed due to differences in design of alterations to semi detached pairs.</p> <p>The exposure of a section of blank party wall which is almost entirely below the maximum building height and is</p>	

DCP Clause	Controls	Proposal	Compliance
		considered to be not uncommon for semi detached developments where one dwelling undergoes additions and alterations at a different time to the other.	
4.4	Roof Design and Features		
	i) Rooftop terraces on dwelling (not roof) ii) Roof terraces above garages (low side) Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> • Celestial windows and skylights vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties.	No roof top terrace is proposed. No dormer windows proposed.	N/A
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	The schedule of colours, materials and finishes demonstrate that the building will be compatible in its external finishes to the variety of contemporary dwellings and residential buildings in this coastal locality. Materials and finishes are durable and non-reflective and will not be out of place in the locality and streetscape.	Yes
4.6	Earthworks		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m)	The proposal is integrated with the finished floor and ceiling heights of the existing dwelling and excavation proposed is limited to improving the waterproofing and	On merit

DCP Clause	Controls	Proposal	Compliance
	v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	structural integrity of the lowest floor level and using existing void space beneath the front entry area for storage.	
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	New north-facing clerestory windows within the split roof design will receive direct sunlight for more than 3 hours in midwinter and provide direct light to the proposed open plan living room. The rear private open space area is currently overshadowed throughout mid winter by the existing dwelling and by neighbouring dwellings as is it located on the southern side of the dwelling and downslope. However, the front section of private open space receives direct sunlight during the middle of the day and the minor additional overshadowing which will result from the proposed new carport structure will still allow approximately 50% of this area to receive direct solar access in midwinter.	Yes
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June.	No north-facing living room windows of neighbouring dwellings will be	Yes

DCP Clause	Controls	Proposal	Compliance
	iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	impacted by additional shadow. Areas of private open space for adjoining properties will continue to receive a minimum 3 hours direct solar access in midwinter. No solar panels will be impacted by the proposal.	
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas <i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	The roof design includes an innovative split in the centre to allow clerestory windows and abundant natural light through the centre of the uppermost storey providing natural light and ventilation to the open plan living room space. This is considered to be a skilled response to optimizing natural light on a site with a southerly aspect.	Yes
5.3	Visual Privacy		
	Windows		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures:	No windows provide a direct line of sight to the habitable windows of neighbouring	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). <p>ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard</p>	<p>dwellings. The new kitchen window has been designed to have an outlook towards the east and an existing viewing corridor to the ocean between neighbouring dwellings fronting Ocean Street. Overlooking has been resolved by the installation of a wide kitchen bench to the base of the window preventing a downward line of sight to the neighbouring rear private open space.</p> <p>The living and dining room windows at the uppermost level have low header heights to prevent direct lines of sight to the east. The retention of established screening vegetation along the eastern side boundary will also be effective on maintaining privacy.</p> <p>The new living space on the uppermost level will improve the privacy and amenity for the neighbouring semi-detached dwelling at No.48 Shackel Avenue as the current layout places both main living areas directly adjacent to each other with no privacy screening or physical separation.</p>	
	Balcony		
	<ul style="list-style-type: none"> i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or 	<p>Upper level balconies are provided. The existing mid-level balcony is to be reduced in dimensions and provided with a privacy screen to improve the relationship to the</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	<p>metal slats and louvers)</p> <p>iv) Supplementary privacy devices: Screen planting and planter boxes Not sole privacy protection measure)</p> <p>v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.</p>	<p>neighbouring balcony at No.48 Shackel Ave.</p> <p>Privacy screens and balustrade treatments as well as window sizes and orientation have been selected with the intent to optimise views and outlooks to existing utilised view corridors towards the ocean as well as maintain privacy and amenity to the extent possible to be compatible with views.</p> <p>The existing layout of rear yards, rear balconies and rear living room windows oriented south from properties along Shackel Avenue is such that there is very little privacy between dwellings and that retention and gaining of ocean views is typically given primacy over devices (landscaping and building works) which create privacy. This is demonstrated in Figure 10.</p> <p>Privacy to neighbouring properties is also examined in the merit assessment of the variation to external wall height below.</p>	
5.4	Acoustic Privacy		
	<p>i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies</p> <p>ii) Reduce noise transmission between dwellings by:</p> <ul style="list-style-type: none"> - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas 	<p>Acoustic privacy has been addressed through room layout, the size and potential utility of balconies and the inclusion of screens and fin walls.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	adjacent to the party wall to serve as noise buffer.		
5.5	Safety and Security		
	<ul style="list-style-type: none"> i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access) 	<p>The carport currently occupies the full width of the site and the proposal will maintain this arrangement. Pedestrian access is suitably secured. Treatments are the same as for the adjoining semi at No.48. The study window and front entry will provide adequate outlook to the front setback area. There are other dwellings in the cul de sac of Shackel Avenue which provide suitable surveillance of the street.</p>	Yes
5.6	View Sharing		
	<ul style="list-style-type: none"> i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used) 	<p>As stated above, the orientation and design of all surrounding dwellings is such that view sharing and obtaining ocean views is given primacy over privacy for immediately neighbouring dwellings to the east, west and south. Rear yards south and west of the site do not contain canopy trees, balconies and living room windows are not screened.</p> <p>As detailed in the response to submissions and examination of view impacts, the proposal will not reduce existing views from neighbouring properties in comparison to a</p>	

DCP Clause	Controls	Proposal	Compliance
		<p>compliant building envelope. The proposed roof profile has been designed to retain existing outlooks and views from neighbouring properties as well as optimise views and outlooks to the east and south towards the ocean from the interior spaces of the dwelling.</p> <p>The roof height at the front (north) of the dwelling includes retention of the existing front section of roof and a sloping roof form which is below the maximum height control to minimise additional building bulk to the north and distribute additional mass to the southern portion of the building footprint.</p> <p>Existing canopy and screening trees and vegetation are to be retained and these plants are effective at creating sufficient privacy and enhancing the quality of the space between the subject dwelling and the neighbouring properties to the east.</p>	
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	<ul style="list-style-type: none"> i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <p><i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i></p> <ul style="list-style-type: none"> iv) Single width garage/carport if 	<p>Single vehicle crossing to be maintained. There are no other options for vehicle access to the site.</p> <p>Single carport width maintained.</p> <p>Minimal change in</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	frontage <12m; Double width if: <ul style="list-style-type: none"> - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	ground surface levels required to accommodate two off-street stacked parking space as parking in the street is illegal due to the cul de sac frontage. Minimum driveway length proposed.	
6.2	Parking Facilities forward of front façade alignment (if other options not available)		
	i) - An uncovered single car space <ul style="list-style-type: none"> - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site's frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: <ul style="list-style-type: none"> - There is no alternative, feasible location for accommodating car parking; iii) Regardless of site's frontage, the forward parking structures are only considered where: <ul style="list-style-type: none"> - no alternative or feasible location - Significant slope down to street level - does not adversely affect the visual amenity of the street and the surrounding areas; - does not pose risk to pedestrian safety and - does not require significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) 	The proposal includes a partly enclosed parking space and improves upon the existing partly enclosed carport structure. The new carport is to be provided with open form walls and opening to give the appearance of a light weight structure and also to provide sufficient enclosure for security and privacy for the front area of private open space. Width is a single space. There is no alternative feasible location for on-site parking and the proposal is consistent with the current structures and the carport for the neighbouring property at No.48 Shackel Ave. The cul de sac frontage prevents an alternative form of on-site parking provision.	Yes
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: <ul style="list-style-type: none"> - nil side setback on adjoining property; 	Not possible – see above.	N/A

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing 		
6.4	Driveway Configuration		
	Maximum driveway width: <ul style="list-style-type: none"> - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	Single driveway width maintained.	Yes
6.5	Garage Configuration		
	<ul style="list-style-type: none"> i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): <ul style="list-style-type: none"> - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1 	N/A	N/A
6.6	Carport Configuration		
	<ul style="list-style-type: none"> i) Simple post-support design (max. semi-enclosure using timber or metal slats minimum 30% open). ii) Roof: Flat, lean-to, gable or hipped with pitch relates to dwelling iii) 3m maximum width. iv) 5.4m minimum length v) 2.6m maximum height with flat roof or 3.0m max. height for pitched roof. vi) No solid panel or roller shutter door. vii) front gate allowed (minimum 30% open) viii) Gate does not open to public land 	Simple support structure. Minimum roof bulk. Open form walls and door. Low slope roof. Max height 3.3m proposed. Conditions recommended for reduced height. Maximum length 12m for two stacked spaces and openings that do not obstruct the footpath. No openings to obstruct public space.	Conditions recommended to reduce height of new roof to a maximum 3m. Additional length for stacked arrangement of 12m required.
6.7	Hardstand Car Space Configuration		
	<ul style="list-style-type: none"> i) Prefer permeable materials in between concrete wheel strips. ii) 2.4m x 5.4m minimum dimensions 	N/A	N/A
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	<ul style="list-style-type: none"> i) Use durable materials ii) sandstone not rendered or painted 	Fencing materials unchanged.	Yes

DCP Clause	Controls	Proposal	Compliance
	iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street		
7.2	Front Fencing		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). - avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants)) iv) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii) The fence must align with the front property boundary or the predominant fence setback line along the street. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.	No front fencing. Enclosure achieved by carport.	N/AA
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Maintain existing fencing.	Yes
7.6	Air conditioning equipment		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings.	None proposed.	N/A

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings. 		
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not be prominently visible from the street	In rear yard.	Yes
8	Area Specific Controls		
8.3	Foreshore Scenic Protection Area		
	<ul style="list-style-type: none"> i) Consider visual presentation to the surrounding public domain, including streets, lanes, parks, reserves, foreshore walkways and coastal areas. All elevations visible from the public domain must be articulated. ii) Integrated outbuildings and ancillary structures with the dwelling design (coherent architecture). iii) Colour scheme complement natural elements in the coastal areas (light toned neutral hues). iv) Must not use high reflective glass v) Use durable materials suited to coast vi) Use appropriate plant species vii) Provide deep soil areas around buildings viii) Screen coping, swimming and spa pools from view from the public domain. ix) Integrate rock outcrops, shelves and large boulders into the landscape design x) Any retaining walls within the foreshore area (that is, encroaching upon the Foreshore Building Line) must be constructed or clad with sandstone. 	<p>Dwelling is largely obscured from Shackel Avenue by existing established canopy trees. All facades are well articulated with building alignment, windows and changes in materials, colours and finishes. Colour scheme is compatible with the contemporary appearance of other dwellings in the street and buildings along Ocean Street. Conditions are recommended to prevent the use of reflective surfaces. No works will be visually prominent from the foreshore.</p>	Yes

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent. See table below for compliance with development standards.</p> <p>The proposal 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</p>

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	<p>aesthetic character and protecting the amenity of the local residents.</p> <p>The site is within the Foreshore Scenic Protection Area and is consistent with the objectives and relevant requirements for foreshore development in that the building will be indistinguishable from the general built form and will have no detrimental impacts to public areas or views to and from public areas.</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 above.
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 have been addressed in this report.</p> <p>The proposed development is consistent with the dominant residential character in the locality which includes a wide variety of detached dwellings, semi detached dwellings and residential flat buildings ranging from two to four storeys. The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed additions to the existing dwelling and associated structures. The proposal has been designed to maintain character elements of the front façade to match the paired semi detached dwelling and to integrate with the existing floor and ceiling levels of those parts of the dwelling to be retained. 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 development standards 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

Council's Development Engineer has assessed the proposal and noted that no significant trees will be impacted by the development. Conditions as recommended by Council's Development Engineer have been included in those conditions listed below.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
DA000 (Rev 3) Title sheet	Nardone Architects	29 January 2018
DA001 (Rev 3) Plan – Site and Roof Plan	Nardone Architects	29 January 2018
DA002 (Rev 3) Plan – Lower Ground floor	Nardone Architects	29 January 2018
DA003 (Rev 3) – Plan – Middle Level Floor	Nardone Architects	29 January 2018
DA004 (Rev 3) Plan – Upper Level Plan	Nardone Architects	29 January 2018
DA005 (Rev 3) Proposed elevation – East + Finishes	Nardone Architects	29 January 2018
DA006 (Rev 3) Proposed elevation – north	Nardone Architects	29 January 2018
DA007 (Rev 3) Proposed elevations – south	Nardone Architects	29 January 2018
DA008 (Rev 3) Proposed elevation – West	Nardone Architects	29 January 2018
DA009 (Rev 3) Context elevations – East + Street	Nardone Architects	29 January 2018
DA010 (Rev 3) Section A-A	Nardone Architects	29 January 2018
DA011 (Rev 3) Section B-B	Nardone Architects	29 January 2018
DA012 (Rev 3) Section C-C	Nardone Architects	29 January 2018
DA013 (Rev 3) Section D-D	Nardone Architects	29 January 2018
DA014 (Rev 3) Plan – Existing + Demo floor plan	Nardone Architects	29 January 2018

BASIX Certificate No.	Dated
A270407	26 August 2017

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A privacy screen having a height of 1.6m (measured above deck level) shall be provided to the eastern edge of the rear decks at mid and upper floor levels.

Privacy screen/s must be constructed with either:

- Translucent or obscured glazing;
- Fixed lattice/slats with individual openings not more than 30mm wide;

- Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
- b. The overall height of the carport shall not exceed 2.6m above the finished floor slab.

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 and the following details indicated on the plans to be submitted with the Construction Certificate.

Long Service Levy Payments

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

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

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 \$2,316,246 the following applicable monetary levy must be paid to Council: \$23,162.46.

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 \$2,316.24 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.

Security Deposits

7. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; 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*:

- \$600.00 - Damage / Civil Works Security Deposit

Security deposits 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.

Stormwater Drainage

8. Surface water from building work and structures must satisfy the following requirements (as applicable), to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
 - a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater is to be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any new absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;

NOTE: Should the ground conditions preclude the use of infiltration, consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
9. Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
- There are suitable clear-outs/inspection points at pipe bends and junctions.
 - The maximum depth of the charged line does not exceed 1m below the gutter outlet.
10. 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 required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.
- The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.
11. All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.
- Sydney Water**
12. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

Structural Adequacy

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

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.

Stormwater Drainage

16. Surface water from building work and structures must satisfy the following requirements (as applicable), to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater is to be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any new absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;

NOTE: Should the ground conditions preclude the use of infiltration, consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
17. Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
- There are suitable clear-outs/inspection points at pipe bends and junctions.
 - The maximum depth of the charged line does not exceed 1m below the gutter outlet.
18. 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 required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.
- The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.
19. All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.

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

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

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

Home Building Act 1989

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

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

Construction Site Management Plan

22. 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.

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

Demolition Work Plan

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

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)

- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

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

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

Notes

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

Public Utilities

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

A Dilapidation report

26. A dilapidation report must be obtained from a Professional Engineer, Building Surveyor or other suitably qualified independent person, in the following cases:
 - excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises;
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings);
 - excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are within rock and may result in

vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises;

- as otherwise may be required by the *Principal Certifying Authority*.

The dilapidation report shall include details of the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises and shall include relevant photographs of the structures, to the satisfaction of the *Principal Certifying Authority*.

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

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

28. 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

29. 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

30. 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

31. 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

32. 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 and details are to be included in the *Construction site Management Plan*.
 - 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.

Support of Adjoining Land, Excavations & Retaining Walls

33. 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.

34. 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.

35. 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

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

Road/Asset Opening Permit

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

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

Occupation Certificate Requirements

38. 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

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

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

Council's Infrastructure & Vehicular Crossings

40. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
41. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Common Boundary Wall

42. The applicant shall comply with any requirements of NSW Land Property Information (LPI) relating to any vertical or horizontal extension of the common party wall (cross easements for support) with the neighbouring property at 48 Shackel Avenue. Confirmation of compliance with these requirements must be

obtained from a registered surveyor to the satisfaction of the PCA prior to the issuing of an occupation certificate.

OPERATIONAL CONDITIONS

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

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

Use of premises

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

External Lighting

44. 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

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

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

Rainwater Tanks

46. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

ADVISORY NOTES

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

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

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

non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9093 6944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or

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

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

- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

- A11 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.

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.

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.