Development Consent Conditions
(dwelling and dual occupancies)

Folder /DA No: DA/614/2019
Property: 67 Fern Street, CLOVELLY
Proposal: Ground and first floor alterations and additions to existing dwelling, construction of swimming pool to rear, legitimisation of use of secondary dwelling, landscaping and associated works (Heritage Item).
Recommendation: Approval

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:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Drawn by</th>
<th>Dated</th>
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<tbody>
<tr>
<td>DA-A00</td>
<td>Samantha Birtles</td>
<td>04.11.2019</td>
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<td>DA-D01</td>
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<td>DA-F01</td>
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<thead>
<tr>
<th>BASIX Certificate No.</th>
<th>Dated</th>
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<tbody>
<tr>
<td>1051653S</td>
<td>4th November 2019</td>
</tr>
<tr>
<td>A356718</td>
<td>28th October 2019</td>
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Amendment of Plans & Documentation

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

a. The following window must have a minimum sill height of 1.6m above floor level, or alternatively, the window are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
• Window to bedroom 3 in the southern side upper level elevation.

3. The existing unauthorized secondary dwelling (granny flat) must be upgraded in accordance with the BCA 2019 Assessment Report dated 11th November 2019 submitted with the development application.

4. The necessary upgrading works, assessments and certification works for the secondary dwelling must be completed and an occupation certificate obtained within a period of three months from the date of this consent. Failure to comply with this requirement may result in the issue of relevant notices, orders or penalties.

5. This determination does not approve or authorize any existing (or future) encroachment onto adjoining land.

6. The proposed solid fuel fireplace within the primary dwelling is not approved, as there is insufficient information provided to enable a full and proper assessment of the proposed works and potential impacts upon the locality. A separate application must be submitted to an approved by Council if it is proposed to install a fireplace and flue.

**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**

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

**Heritage Conservation**

8. Further detail is to be supplied of the proposed valance to the underside of the first floor balcony, labelled on the front elevation as “metal fenestration”. Amended drawings are to be submitted to and approved by Council’s Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

9. The rendered moulding above the front ground floor windows are match as closely as possible the rendered mouldings above the front ground floor windows of no. 65 Fern Street, i.e.- a separate moulding over each window, instead of one moulding over the pair of windows. Amended drawings are to be submitted to and approved by Council’s Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

10. The proposed first floor ensuite bathroom is to be inserted into the proposed master bedroom in a way which retains the original plaster ceiling and cornices in
this space. Amended drawings are to be submitted to and approved by Council’s Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

11. Details of the glazing to the be first floor ensuite bathroom are to be provided, and a metal balustrade is to be provided in front of the new window, to relate this enclosure to the adjacent open balcony and to improve privacy to the bathroom behind. Amended drawings are to be submitted to and approved by Council’s Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

12. In accordance with recommendations of the Heritage Report, detailing of the re-opened verandah is to closely match that to the adjoining residence at 65 Fern Street. Amended drawings are to be submitted to and approved by Council’s Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

13. The horizontal slat fencing which has been constructed detracts from the heritage value of the dwelling and should be removed. Consideration should be given to installation of a metal palisade fence to match the front fence to no.65 Fern Street. Amended drawings are to be submitted to and approved by Council’s Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

14. In accordance with recommendations of the Heritage Report, the external colour and finishes are to co-ordinate with those to the restored residence at 65 Fern Street, and consistent with the architectural style of the building. Amended details of 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 Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Section 7.12 Development Contributions

15. In accordance with Council’s Development Contributions Plan effective from 21 April 2015, based on the development cost of $864,370 the following applicable monetary levy must be paid to Council: $8,643.70.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council’s determination to the date of payment. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

\[
IDC = ODC \times \frac{CP2}{CP1}
\]

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
**Compliance Fee**

16. A development compliance and enforcement fee of $864.40 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

**Long Service Levy Payments**

17. 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 6.8 of the *Environmental Planning & Assessment Act 1979*.

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

**Sydney Water**

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

The approved plans must be submitted to 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.

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**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
19. In accordance with section 4.17 (11) of the Environmental Planning & Assessment
Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation
2000, it is a prescribed condition that all building work must be carried out in
accordance with the provisions of the Building Code of Australia (BCA). Details of
compliance with the BCA are to be included in the construction certificate
application.

BASIX Requirements
20. In accordance with section 4.17(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
21. A surface water/stormwater drainage system must be provided in accordance
with the following requirements, to the satisfaction of the Certifying Authority and
details are to be included in the construction certificate:-

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

b) The surface water/stormwater must be drained and discharged to the street
gutter or, subject to site suitability, the stormwater may be drained to a
suitably designed absorption pit;

c) Any absorption pits or soaker wells should be located not less than 3m from
any adjoining premises and the stormwater must not be directed to any
adjoining premises or cause a nuisance;

d) External paths and ground surfaces are to be constructed at appropriate
levels and be graded and drained away from the building and adjoining
premises, so as not to result in the entry of water into the building, or cause
a nuisance or damage to the adjoining premises;

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

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

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

**Certification, PCA & Other Requirements**

22. 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**

23. In accordance with section 4.17 (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**

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

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

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

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

Public Utilities
25. A Public Utility Impact Assessment must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction
27. Building works are required to be inspected by the Principal Certifying Authority, in accordance with 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
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:

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<tr>
<th>Activity</th>
<th>Permitted working hours</th>
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<tbody>
<tr>
<td>All building, demolition and site work, including site deliveries</td>
<td>• Monday to Friday - 7.00am to 5.00pm</td>
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<tr>
<td>(except as detailed below)</td>
<td>• Saturday - 8.00am to 5.00pm</td>
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<tr>
<td></td>
<td>• Sunday &amp; public holidays - No work permitted</td>
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<tr>
<td>Excavating or sawing of rock, use of jack-hammers, pile-drivers,</td>
<td>• Monday to Friday - 8.00am to 1.00pm</td>
</tr>
<tr>
<td>vibratory rollers/compactors or the like</td>
<td>• Saturday - No work permitted</td>
</tr>
<tr>
<td></td>
<td>• Sunday &amp; public holidays - No work permitted</td>
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An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Removal of Asbestos Materials
30. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

• Work Health & Safety legislation and SafeWork NSW requirements

• Preparation and implementation of a demolition work plan, in accordance with AS 2601 (2001) – Demolition of structures; NSW Work Health and Safety Regulation 2017 and Randwick City Council's Asbestos Policy. A copy of the demolition work plan must be provided to Principal Certifying Authority and a copy must be kept on site and be made available for Council Officer upon request.

• A SafeWork NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by SafeWork NSW 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 2014. Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal Certifying Authority and Council.

• 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 as soon as practicable after completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council’s Customer Service Centre.

Public Safety & Site Management

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

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

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

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

c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

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

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

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, 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.

g) 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.

Support of Adjoining Land, Excavations & Retaining Walls

32. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

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

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

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

Road / Asset Opening Permit

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

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

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

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**

35. 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**

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

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

**Swimming Pool Safety**

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

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

Gates to pool area must be self-closing and latching at all times and, the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

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

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

**Swimming Pool**

38. Swimming pools are to be designed, installed and operated in accordance with the following general requirements:

a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and

b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and

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

**Notification of Swimming Pools**

39. The owner of the premises must ‘register’ the swimming pool on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Office of Local Government and registration on the Swimming Pool Register may be made online via their website www.swimmingpoolregister.nsw.gov.au.

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

**Council’s Infrastructure, Vehicular Crossings, street verge**

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 "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.

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

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

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

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

Plant & Equipment
44. 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 $L_{A_{eq, 15 min}}$ sound pressure level at any affected premises that exceeds the background $L_{A_{90, 15 min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

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

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

Air Conditioners
46. 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
47. 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 4.17 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 can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. For further details contact Council on 9093 6944.

**A5** A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article

For further information please contact Council on 9093 6971.

**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.
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).

Council’s assessment of this application does not include an assessment of compliance with the Swimming Pool Act 1992. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the Swimming Pool Act 1992, BCA and relevant Australian Standards.

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

Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au 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](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.

Consideration should be given to reinstatement of rendered mouldings above first floor windows and rendered string courses at ground and first floor level, to match decorative mouldings at no.65 Fern Street.