

Randwick Local Planning Panel (Public) Meeting

Thursday 9 February 2023



RANDWICK LOCAL PLANNING PANEL (PUBLIC)

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting will be held in the Coogee Room on Thursday, 9 February 2023 at 1pm

Declarations of Pecuniary and Non-Pecuniary Interests

Address of RLPP by Councillors and members of the public

Privacy warning;

In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded.

Development Application Reports

D1/23 169 Rainbow Street, Randwick (DA/424/2022) 1

Kerry Kyriacou
ACTING GENERAL MANAGER

Development Application Report No. D1/23

Subject: 169 Rainbow Street, Randwick (DA/424/2022)


Executive Summary

Proposal:	Alterations and additions to the existing dwelling house including new rear roofed patio with subfloor storage area and associated works.
Ward:	East Ward
Applicant:	Mr J Spiteri
Owner:	Mr M A Archer & Ms C Christian
Cost of works:	\$165,000
Reason for referral:	More than 10 unique submissions by way of objection were received

Recommendation

- A. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/424/2022 for alterations and additions to the existing dwelling house including new rear roofed patio with subfloor storage area and associated works, at No. 169 Rainbow Street, Randwick, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1.  [RLPP Dev Consent Conditions \(dwellings dual occ\) - DA/424/2022 - 169 Rainbow Street, RANDWICK](#)

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1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as more than 10 unique submissions by way of objection were received.

The proposal seeks development consent for alterations and additions to the existing dwelling house including new rear roofed patio with subfloor storage area and associated works.

Amended plans were received on 24 October 2022, with revisions to the proposed deep soil area.

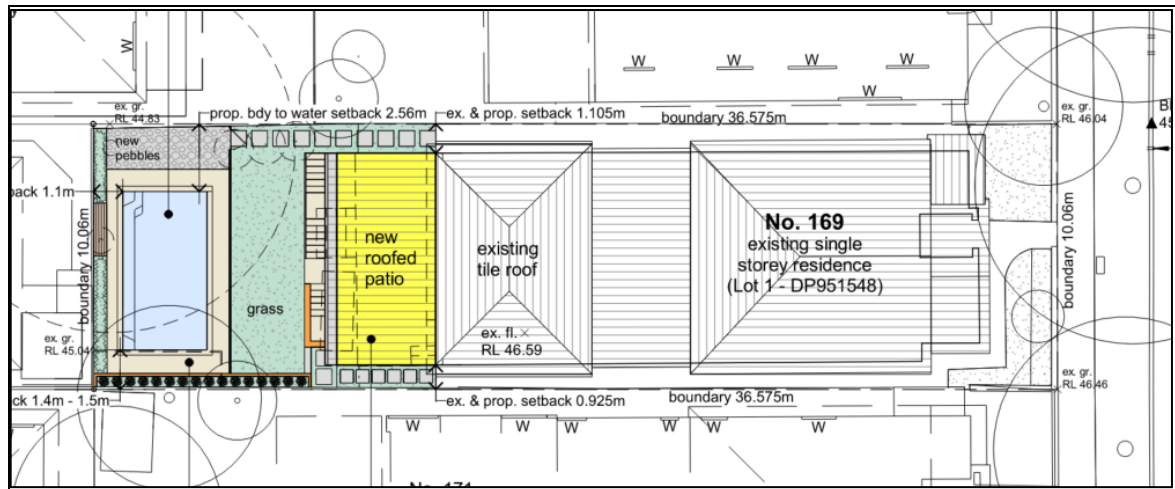
Note: The development application does not include the proposed pool and associated retaining walls and landscape works. As notated on the proposed plans, these works are subject to a separate Complying Development Certificate application.

The key issues associated with the proposal relate to earthworks and privacy.

The proposal is recommended for approval subject to non-standard conditions that require:

- The louvre panels on the eastern and western elevation of the proposed patio must be fixed, with either:
 - Individual openings not more than 30mm wide;
 - Individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
- This development consent relates to the new roofed patio and lower ground floor store room only. This consent does not grant approval for the swimming pool and associated retaining walls and landscaping. The plans are to be amended prior to the issue of the Construction

Certificate which clearly identifies the proposed works only and deletes all references to the swimming pool and associated works. The Construction Certificate plans should note that the swimming pool is under a separate development consent.



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Figure 1. Proposed site plan – 169 Rainbow Street, Randwick



Figure 2. Streetscape view – 169 Rainbow Street, Randwick
(Source: Google Street View, February 2021)

2. Site Description and Locality

The site is identified as Lot 1 DP 951548, 169 Rainbow Street, Randwick. The site is located on the southern side of Rainbow Street, between Avoca Street to the west and Canberra Street to the east. The site is rectangular in shape, with an area of 367.9m² and a frontage width of 10.06m. The site depth is 36.575m. The land falls approximately 1.7m from the front boundary to the rear boundary.

Existing on the site is a single storey dwelling house, with a timber deck attached to the rear. The front and rear yard is landscaped with lawn.

The surrounding area is characterised by low density residential development. The site is adjoined to the west, east and rear by dwelling houses.

3. Relevant history

The site has been used for residential purposes for an extended period of time. A search of Council’s records reveals the following relevant applications:

- CDC/303/2022 – Complying Development Certificate No. CDC/303/2022 was approved on 7/09/2022 for proposed inground pool and associated landscaping works.

4. Proposal

The proposal seeks development consent for alterations and additions to the existing dwelling house including new rear roofed patio with subfloor storage area and associated works.

The proposed patio (finished floor level RL 46.54) replaces the existing rear timber deck (finished floor level RL 46.57). The proposed patio has a depth of 3.75m and a width of 8.03m. External stairs provide access to the rear garden and subfloor storage area below.

The development application does not include the proposed pool and associated retaining walls and landscape works. As notated on the proposed plans, these works are subject to a separate Complying Development Certificate application.

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Participation Plan 2019. The following submissions were received as a result of the notification process:

- 32 Bundock Lane, Randwick

Issue	Comment
<p>The planned pool is located right on the corner of our property. Our bedrooms and home office are approximately 1-2m from this pool. The noise emanating from use of the pool, and pool equipment, would be invasive to our privacy and peace.</p> <p>In addition, we are concerned that any flooding as a result of the pool overflowing in a downpour would impinge upon our property. We are below the level of the proposed pool.</p>	<p>The pool proposal does not form part of this development application. As notated on the proposed plans, these works are subject to a separate Complying Development Certificate application.</p> <p>The pool has been approved under Complying Development Certificate No. CDC/303/2022.</p>

- 30 Bundock Lane, Randwick

Issue	Comment
<p>Firstly, we feel that the proposed pool will affect our property as the pool is extremely close to our house. It will have an impact on both our living space and back bedrooms. The tenants of our property have already voiced their concerns regarding privacy and noise.</p> <p>My next issue is with the amount of excavation that will be required to add the pool.</p> <p>We request a formal dilapidation report be undertaken from a structural engineer before works commence and after the building works have been completed so that there would not be any dispute about potential damage to our property.</p> <p>The other point that needs to be considered is any runoff water from the pool.</p>	<p>The pool proposal does not form part of this development application. As notated on the proposed plans, these works are subject to a separate Complying Development Certificate application.</p> <p>The pool has been approved under Complying Development Certificate No. CDC/303/2022.</p>
<p>The back patio, which is to be rebuilt and extended with a roof on top and storage below, will result in additional noise when in use and possibly light issues.</p>	<p>The proposed patio maintains a width consistent with existing. The proposed patio depth is 3.75m. The pergola and screens on either side of the patio assists in acoustic attenuation.</p> <p>Conditions of consent shall be imposed to minimise the impact of light spill.</p> <p>Hourly shadow diagrams demonstrate that neighbouring properties will maintain a minimum 3 hours of direct sunlight to the private open space and north-facing windows; in compliance with the DCP requirements.</p>

6. Relevant Environment Planning Instruments

6.1. SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted in accordance with the requirements of the SEPP (Building Sustainability Index: BASIX) 2004.

6.2. Randwick Local Environmental Plan 2012 (LEP)

The site is zoned R2 under Randwick Local Environmental Plan 2012 and the proposal is permissible with consent.

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.

The following development standards in the RLEP 2012 apply to the proposal:

Clause	Development Standard	Proposal	Compliance (Yes/No)
Cl 4.4: Floor space ratio (max)	0.75:1	0.46:1 (167.64m ²)	Yes
Cl 4.3: Building height (max)	9.5m	4.19m	Yes

6.2.1. Clause 6.2 - Earthworks

The objective of Clause 6.2 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The development satisfies Clause 6.2(3) in that:

- Conditions of consent are imposed to minimise impact on drainage patterns, soil stability and adjoining structures.
- The proposed excavation area is 8.03m by 3.75m, which is suitably scaled for the subject site. The size of the excavation does not have an adverse impact on the likely future use or redevelopment of the land.
- The site has been used for residential purposes for an extended period of time and there is unlikely to be contamination issues with the quality of the soil.
- Conditions of consent are imposed to manage demolition and waste removal.
- The proposed excavation does not have an adverse impact on the amenity of adjoining properties. The excavation is located beneath the proposed patio, which has a lower finished floor level than the existing rear deck. Therefore there is no adverse visual bulk impact.
- The proposal is unlikely to disturb relics – the site is not in a heritage conservation area nor is listed as a heritage item.
- The scale and siting of the proposal minimises impact on waterways, water catchments and environmentally sensitive areas.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

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

The relevant provisions of the DCP are addressed in Appendix 2.

8. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(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 in Appendix 2 and the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(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 character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(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 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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8.1. Discussion of key issues

Earthworks

As per Clause 4.6, Part C1 of the DCP, excavation within the building footprint must be limited to a depth of 1m. Excavation is proposed for the storeroom to an approximate depth of 1.7m.

This is acceptable because the storeroom is contained within the footprint of the new patio. The proposed patio level of RL 46.54 is lower than the existing level of RL 46.57. The proposed earthworks therefore do not give rise to adverse bulk impact. The existing ground levels are maintained adjacent to the external walls of the storeroom.

Thus, the proposed earthworks meet the following objectives of Clause 4.6, Part C1 of the DCP and are satisfactory in this instance:

- To maintain or minimise change to the natural ground levels.
- To ensure excavation and backfilling of a site do not result in unreasonable structural, visual, overshadowing and privacy impacts on the adjoining dwellings.
- To ensure earthworks do not result in adverse stormwater impacts on the adjoining properties.

9. Conclusion

That the application for alterations and additions to the existing dwelling house including new rear roofed patio with subfloor storage area and associated works be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013

- The proposal is consistent with the specific objectives of the R2 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The scale and design of the proposal is considered to be suitable for the location and does not have an adverse impact on the streetscape or neighbouring properties.

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Appendix 1: Referrals

1. Internal referral comments:

1.1. Development Engineer

An application has been received for a small extension at the rear of the house and an inground swimming pool in the back yard at the above site.

This report is based on the following plans and documentation:

- Architectural Plans by J Spiteri and dated 16/08/2022;
- Statement of Environmental Effects by J Spiteri;
- Detail & Level Survey by Ballenden Surveyors dated 13.04.2022.

Tree Management Comments

On Council's Rainbow Street verge, between the western site boundary and centrally located pedestrian access gate is a mature, 10m tall *Lophostemon confertus* (Brush Box) of good health and condition, which is protected by the DCP as well as being part of a significant single species avenue planting along both sides of the roadway, which as a group, are the main feature of this streetscape.

Despite there being no external works that would pose a direct threat to this tree, in recognition of its importance to the avenue planting, as well as the fact that all materials will need to be brought in through the access gate just to its east, protection conditions and a bond have been imposed so as to avoid secondary impacts associated with damage from deliveries, trucks and similar.

The other Brush Box street trees to the east and west of this site are offset far enough away that they should not be affected.

While the survey and plans show an established, 14m tall tree in the rear setback, in the southwest site corner, the site inspection of 17 September 2022 confirmed that a Peppercorn has already been physically removed as part of a separate approval process issued on 17/08/22 (TA/183/2022), due to being '*dead/dying, causing property damage and its inappropriate location*', so no comments are required for this application as no vegetation will be impacted.

Further, while a new pool is shown across the rear boundary, this will form part of a separate approval process (CDC), that is unrelated to this application, so no comments are required for any vegetation in and adjoining this part of the site.

Appendix 2: DCP Compliance Table

3.1 Section C1: Low Density Residential

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DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning		
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 = 367.9m ² Proposed = 51.4%	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 = 367.9m ² Proposed = 25.5%	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	Compliance demonstrated.	Yes
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.75:1	Site area = 367.9m ² Proposed FSR = 0.46:1 (167.63m ²) Includes storeroom, which is not at basement level, as per LEP definition.	Yes
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 4.19m	Yes
3.3	Setbacks		
3.3.2	Side setbacks: Semi-Detached Dwellings: <ul style="list-style-type: none"> • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: <ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1800mm above. Refer to 6.3 and 7.4 for parking facilities and outbuildings	Minimum = 900mm Proposed = 925mm	Yes

DCP Clause	Controls	Proposal	Compliance
3.3.3	<p>Rear setbacks</p> <p>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</p> <p>ii) Provide greater than aforementioned or demonstrate not required, having regard to:</p> <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of:-</p> <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>Minimum = 8m Proposed = 9.2m</p>	<p>Yes</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>The proposed addition is located to the rear of the dwelling. The side elevation of the patio comprises Colorbond louvre panels which provide articulation to the façade.</p>	<p>Yes</p>
4.4	Roof Design and Features		
	<p><i>Rooftop terraces</i></p> <p>i) on stepped buildings only (not on uppermost or main roof)</p> <p>ii) above garages on sloping sites (where garage is on low side)</p> <p><i>Dormers</i></p> <p>iii) Dormer windows do not dominate</p> <p>iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</p> <p>v) Multiple dormers consistent</p> <p>vi) Suitable for existing</p> <p><i>Clerestory windows and skylights</i></p> <p>vii) Sympathetic to design of dwelling</p> <p><i>Mechanical equipment</i></p> <p>viii) Contained within roof form and not visible from street and surrounding properties.</p>	<p>The proposed flat roof is sympathetic to the existing dwelling.</p>	<p>Yes</p>
4.5	Colours, Materials and Finishes		
	<p>i) Schedule of materials and finishes</p> <p>ii) Finishing is durable and non-reflective.</p>	<p>Conditioned</p>	<p>Conditioned</p>

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DCP Clause	Controls	Proposal	Compliance
	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 climate to withstand natural weathering, ageing and deterioration. vi) recycle and re-use sandstone (See also section 8.3 foreshore area.)		
4.6	Earthworks		
	i) Excavation and backfilling limited to 1m, unless gradient too steep ii) Minimum 900mm side and rear setback iii) Step retaining walls. iv) If site conditions require setbacks < 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm. 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 <i>where site has significant slope:</i> vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	Excavation to an approximate depth of 1.7m is proposed for the storeroom. This is acceptable because the storeroom is contained within the footprint of the new patio. The proposed patio level of RL 46.54 is lower than the existing level of RL 46.57. The proposed earthworks therefore do not give rise to adverse bulk impact.	Acceptable on merit.
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.	3 hours of direct sunlight maintained to private open space.	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. 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	The submitted shadow diagrams demonstrate that neighbouring properties will maintain a minimum 3 hours of direct sunlight to the private open space and north-facing windows.	Yes

DCP Clause	Controls	Proposal	Compliance
	and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may be acceptable subject to a merits assessment with regard to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 		
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries iii) living rooms contain windows and doors opening to outdoor areas <i>Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</i>	Compliance demonstrated.	Yes
5.3	Visual Privacy		
	Balcony		
	iii) Upper floor balconies to street or rear yard of the site (wrap around balcony to have a narrow width at side) iv) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) v) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) vi) For sloping sites, step down any ground floor terraces and avoid large areas of elevated outdoor recreation space.	The proposed patio level of RL 46.54 is lower than the existing level of RL 46.57. Screens are proposed to the sides of the patio. Thus, the privacy impact of the patio is minimised.	Yes
5.4	Acoustic Privacy		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows <i>Attached dual occupancies</i> ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> - Locate noise-generating areas and quiet areas adjacent to each other. 	The patio replaces the existing deck, albeit with larger dimensions, in the existing private open space.	Yes

DCP Clause	Controls	Proposal	Compliance
	- Locate less sensitive areas adjacent to the party wall to serve as noise buffer.	The patio roof and side walls/screens provide acoustic attenuation.	

Responsible officer: Eunice Huang, Environmental Planning Officer

File Reference: DA/424/2022

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Development Consent Conditions (Dwellings and Dual Occupancies)



D1/23

Folder /DA No:	DA/424/2022
Property:	169 Rainbow Street, RANDWICK NSW 2031
Proposal:	Alterations and additions to the existing dwelling house including new rear roofed patio with subfloor storage area and associated works.
Recommendation:	Approval

Development Consent Conditions

<p>GENERAL CONDITIONS</p> <p>The development must be carried out in accordance with the following conditions of consent.</p> <p>These conditions have been applied to satisfy the relevant requirements of the <i>Environmental Planning and Assessment Act 1979</i> and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of environmental amenity.</p>

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
A01	John Spiteri	20/10/2022
A04	John Spiteri	20/10/2022
A05	John Spiteri	20/10/2022
A06	John Spiteri	20/10/2022
A07	John Spiteri	20/10/2022

BASIX Certificate No.	Dated
A467429	1 August 2022

Amendment of Plans & Documentation

- The approved plans and documents must be amended in accordance with the following requirements:
 - The louvre panels on the eastern and western elevation of the proposed patio must be fixed, with either:
 - Individual openings not more than 30mm wide;
 - Individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

3. This development consent relates to the new roofed patio and lower ground floor store room only. This consent does not grant approval for the swimming pool and associated retaining walls and landscaping. The plans are to be amended prior to the issue of the Construction Certificate which clearly identifies the proposed works only and deletes all references to the swimming pool and associated works. The Construction Certificate plans should note that the swimming pool is under a separate development consent.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a relevant 'Construction Certificate' is issued for the development by a Registered (Building) 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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

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

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

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

6. **Section 7.12 Development Contributions**
In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$165,000 the following applicable monetary levy must be paid to Council: \$825.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone **9093 6000** or **1300 722 542** for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

7. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*.

Sydney Water

8. 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 wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

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

Street Tree Protection

9. In order to ensure retention of the mature *Lophostemon confertus* (Brush Box) that is located out on Council's Rainbow Street nature strip, between the western site boundary and centrally located pedestrian gate in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly shown.
 - b. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located a minimum distance of **1.5 metres** to its east and west, matching up with the back of the kerb to its north, and pedestrian footpath to its south to completely enclose the tree for the duration of works.
 - c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".

