

Randwick Local Planning Panel (Electronic) Meeting

Wednesday 25 September 2024
DEFERRED ITEM



RANDWICK LOCAL PLANNING PANEL (ELECTRONIC)

(ELECTRONIC CONSIDERATION OF DEFERRED MATTER)

The report contained in this business paper was circulated to panel members to be dealt with electronically, pursuant of cl 26 of Schedule 2 of the *Environment Planning & Assessment Act 1979*

Declarations of Pecuniary and Non-Pecuniary Interests

Development Application Reports

D75/24 3-7 Bona Vista Avenue, Maroubra (DA/811/2023) - DEFERRED ITEM 1

Meryl Bishop
DIRECTOR CITY PLANNING

Development Application Report No. D75/24

Subject: 3-7 Bona Vista Avenue, Maroubra (DA/811/2023) - DEFERRED ITEM


Executive Summary

Proposal:	Demolition of existing buildings and construction of 2-storey dwelling house with new in-ground swimming pool, central courtyard, retaining walls, and landscaping works.
Ward:	Central Ward
Applicant:	Mr A Delloye
Owner:	Game On Maroubra Holdings Pty Ltd
Cost of works:	\$6,438,619.00
Reason for referral:	Greater than 10 unique submissions by way of objection were received.

Recommendation

That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/811/2023 for demolition of existing buildings and construction of 2-storey dwelling house with new in-ground swimming pool, central courtyard, retaining walls, and landscaping works at Nos. 3-7 Bona Vista Avenue, Maroubra subject to the development consent conditions attached to the Supplementary Assessment Report.

Attachment/s:

-  1. Deferred Item - Draft Development Consent Conditions - DA/811/2023 - 3-7 Bona Vista Avenue, Maroubra

D75/24

D75/24



1. Executive summary

The subject Development Application (DA) was considered at the Randwick Local Planning Panel (RLPP) Public meeting on 08 August 2024. At the meeting, the Panel deferred the application under the following resolution:

RESOLUTION:

- A. That the RLPP defer consideration of Development Application No. DA/811/2023 for demolition of existing buildings and construction of 2-storey dwelling house with new in-ground swimming pool, central courtyard, retaining walls, and landscaping works at Nos. 3-7 Bona Vista Avenue, Maroubra.
- The Panel has deferred the matter for the Applicant to submit amended plans to reduce the visual impact and view impact of the building as viewed from the properties to the north (including 1 Bona Vista Avenue). In doing this the Applicant is to consider:
- Increasing the side and rear setback at the north-eastern corner at the First Floor level; and
 - Amending the design of the north-eastern elevation by reducing or relocating the Master Bed 5 and associated en-suite.

- B. *That the Applicant submit the amended plans to Council's Manager Development Assessment within 28 days from the date of this resolution.*
- C. *That a supplementary report is to be submitted to an electronic RLPP meeting for determination of the application comprising, as far as practical, the same Panel members.*

Amended documentation have been prepared by the applicant and received by Council between 30 August and 5 September 2024.

In response to the Panel's deferral decision, the proposal has been amended in the following manner:

- Increased first floor rear setback by approximately 3m (total setback over 12m) to bedrooms 3, 4 and 5/master bedroom;
- Green roof/terrace off master ensuite reduced by a commensurate 3m;
- Increased first-floor northern side setback by 550mm (total 2.26m);
- Increased ground floor northern setback by 300mm (total 2.45m);
- Reduced landscaping strip within pool area by 300mm (to increase ground floor northern setback for solar access given other changes);
- Add glazing to ground floor entry area to compensate for reduced solar access to internal living areas (due to increased rear setback at first floor and resultant roof covering to living room glazing);
- Extended study floor plate towards the north to provide additional shelter to outdoor dining area and to provide new covered walkway link from BBQ/outdoor dining area to games room;
- Minor pool and deck relocation to west to make up for lost solar access;
- Address recommended Condition 2(d) via plan changes (by reducing the length of the timber paneling), which stated:

The blade wall projection along the northern elevation of the first floor between the master bedroom ensuite and the roof garden must be reduced in height to be consistent with the rendered wall along the northern edge of the roof garden (1.6m high from RL/ FFL of 36.00)

It is also noted that the length of the first-floor northern elevation has been reduced by 2.930mm, which also partially addresses the concern above.

It is therefore requested that Condition 2(d) be removed in any recommendation and determination for approval;

- Address recommended Conditions 2(a) and 2(e) (as follows) by adding appropriate notes to the amended plans:
 - a. *The proposed side and rear fencing must be built in accordance with Part C1, Section 7.3 of the Randwick Development Control Plan. The fence must be stepped to follow the topography of the land, with each step not exceeding 2.2m above existing ground levels.*
 - e. *The Ground Floor Plan (DA03, Revision C) must be updated to notate that no solid fuel burning shall occur.*

It is therefore requested Conditions 2(a) and 2(e) be removed in any recommendation and determination for approval.

Additional Supporting Information:

1. Full set of architectural plans by DLDG;
2. Updated view impact analysis, including the existing views, views resulting from the proposal considered by the Panel and the views resulting from the latest amended proposal;
3. View analysis from two new locations from the north, one on the footpath to the immediate north of the proposed additions and one between No. 46 and 48 Sackville Street, generally equating to the ground floor level of those dwellings;

4. New photomontages from No. 1 Bona Vista Avenue, for better representation of visual impacts compared to the view impact massing (with and without proposed landscaping);
5. Letter from Dominic Levene, architect, addressing design issues and options considered;
6. Updated Landscape Plan; and
7. Updated BASIX.

It is considered that the additional information provided by the applicant has adequately addressed the reasons for deferral by the Panel.

2. Response to Deferred Resolution

View/Visual Impacts to No. 1 Bona Vista Avenue and to the North

Updated view impact analysis has been undertaken, which includes the existing view and potential view impacts from the proposal considered by the Panel and the latest amended proposal (increased rear and side setback). This has been done using the methodology of the Land and Environment Court. Documentation showing “wire frames” over existing/surrounding buildings has been provided to Council staff to verify the submitted methodology.

The analysis includes two new view locations from the north. One perspective from between No. 46 and 48 Sackville Street, generally equating to the ground floor level of those dwellings and the other is from the footpath to the immediate north of No. 1 Bona Vista Avenue’s rear yard. This was done due to reference to “other properties to the north” in the Panel resolution, and is in addition to the montages from No. 40 Sackville Street, which is also to the north of the subject site.

The owner of 46 Sackville Street only gave permission for a photograph from a standing position outside the front of their dwelling. This photo was taken from a standing position on the eastern side fence, which has a height generally aligning with the ground floor of both 46 and 48 Sackville Street.



Figure 1: Aerial Map showing location of photos included in the montages below (Source: Applicant)



Figure 2: Photomontage taken from the footpath on the north side boundary of No 1 Bona Vista Avenue (Source: Applicant)

As shown in Figure 2, the bulk of the proposal as perceived from the public footpath has been significantly reduced. Although the small section of Maroubra Beach will be lost from this perspective, the additional view loss is caused by the proposed ground floor level. Furthermore, a section of the headland will be retained in the amended design.

D75/24



Eastern side passage way at approximately ground floor level



Solid grey shading = new amended proposal, addressing DA deferral

Transparent grey shading = previously amended proposal submitted on 17.06.24, amended to respond to DA deferral

Figure 3: Photomontage taken from between No. 46 and 48 Sackville Street, generally at ground floor level of those dwellings (Source: Applicant)

As shown in Figure 3 above, the amended proposal results in much of the view towards Maroubra Beach being retained from the northern properties on Sackville Street. The amended first floor of the proposal approximately aligns with the balconies of the residential flat building at No. 9 Bona Vista Avenue. This demonstrates that almost the entire view of Maroubra Beach will be retained. This is considered to directly respond to the resolution requiring the amendments 'to reduce the visual impact and view impact of the building as viewed from the properties to the north'.

Garden level – No 1 Bona Vista Avenue

At the rear garden area from No. 1 Bona Vista Avenue, the amendments to the proposal results in an outcome whereby the outlook/view generally aligns with the rear wall of No.9 Bona Vista Avenue.

This is shown in the montage below, with the lighter grey shading showing the previous proposal considered by the Panel. Figures 5 & 6 show renders of how the building will present, with and without landscaping.



Figure 4: Photomontage taken from rear garden of 1 Bona Vista Avenue (Source: Applicant)

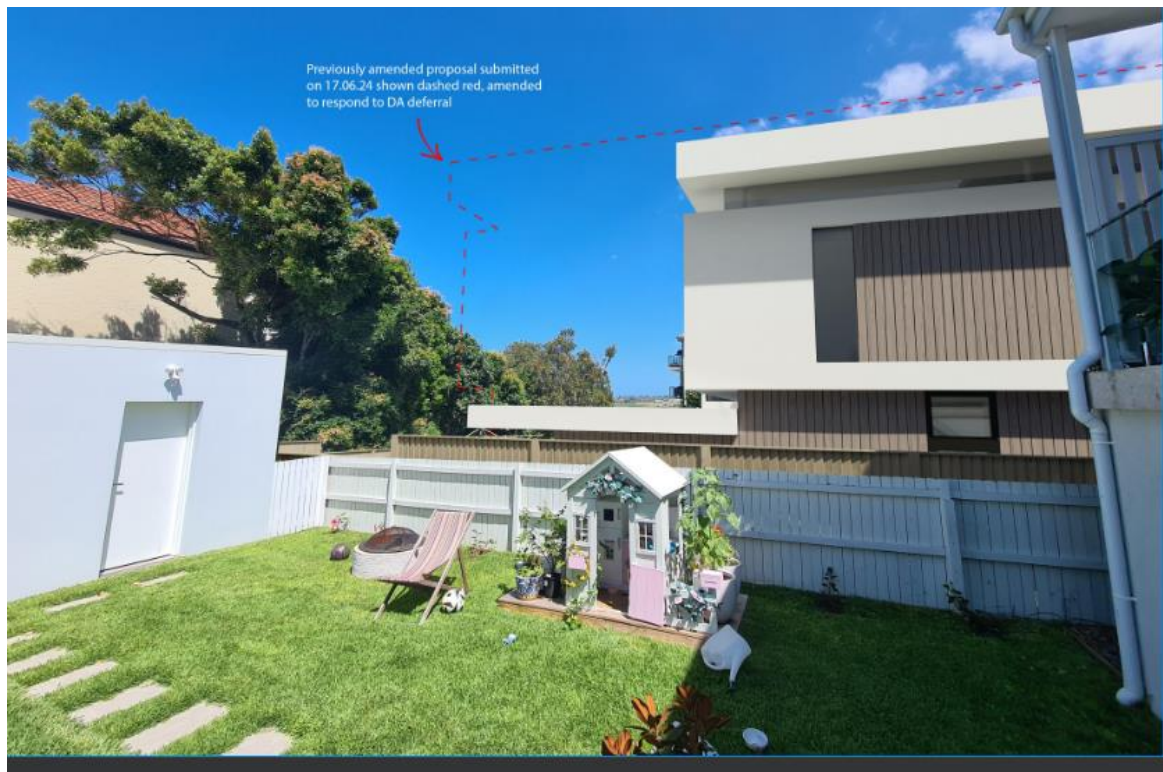


Figure 5: View from rear garden of 1 Bona Vista Avenue - Render demonstrating how the proposal will look (Source: Applicant)

D75/24

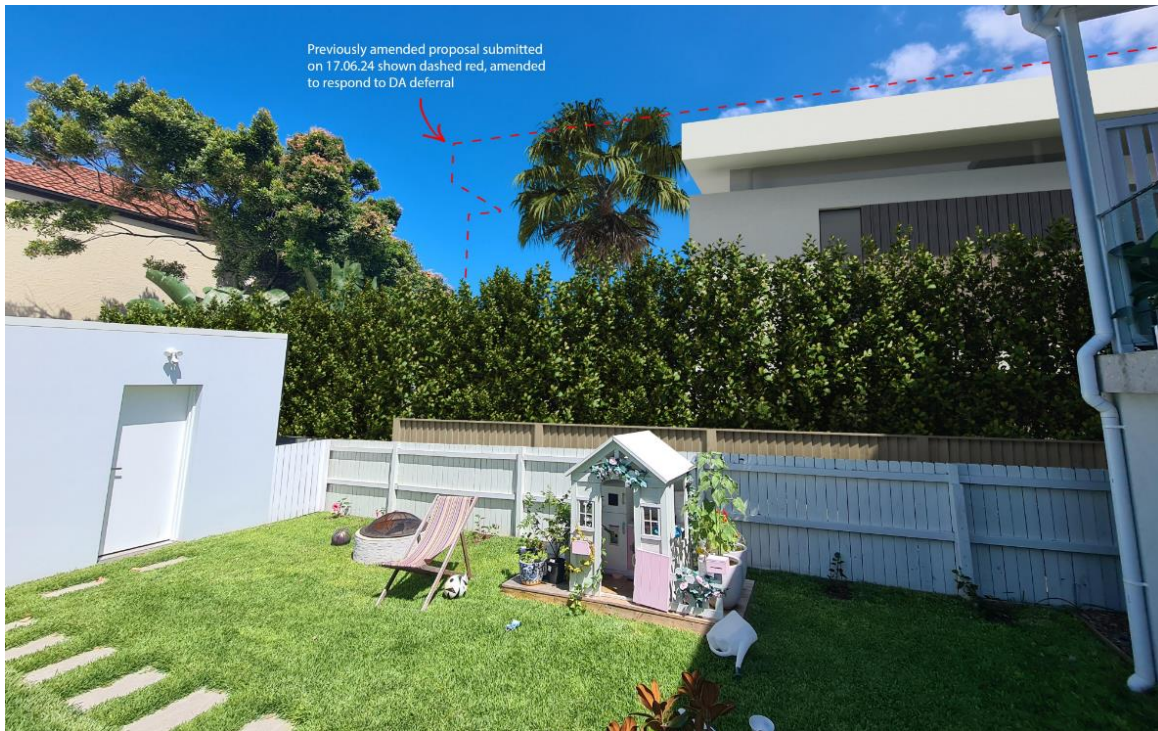


Figure 6: View from rear garden of 1 Bona Vista Avenue - Render demonstrating how the proposal will look with mature landscaping (Source: Applicant)

Ground Floor Rear Balcony Level – No 1 Bona Vista Avenue

At the ground floor level, the photo taken was at the northern end of the rear balcony of that property, near the stairs connecting from the rear garden level (which is almost a level below ground floor). It is noted that this is not in the middle of the balcony and not where the outdoor dining table and chairs of that ground floor balcony are located, which is near the southern end of the ground floor balcony. Therefore, the image location does not represent the area of the balcony that will be most utilised.

This is noted because the limited existing view in the photo of the southern headland of Maroubra Beach will not exist further south on the balcony. Therefore, the view will not exist where the primary use occurs, as the rear alignment of existing RFB at No. 9 Bona Vista Avenue already affects that view corridor.



Figure 7: Photomontage taken from the rear ground floor balcony at 1 Bona Vista Avenue (Source: Applicant)

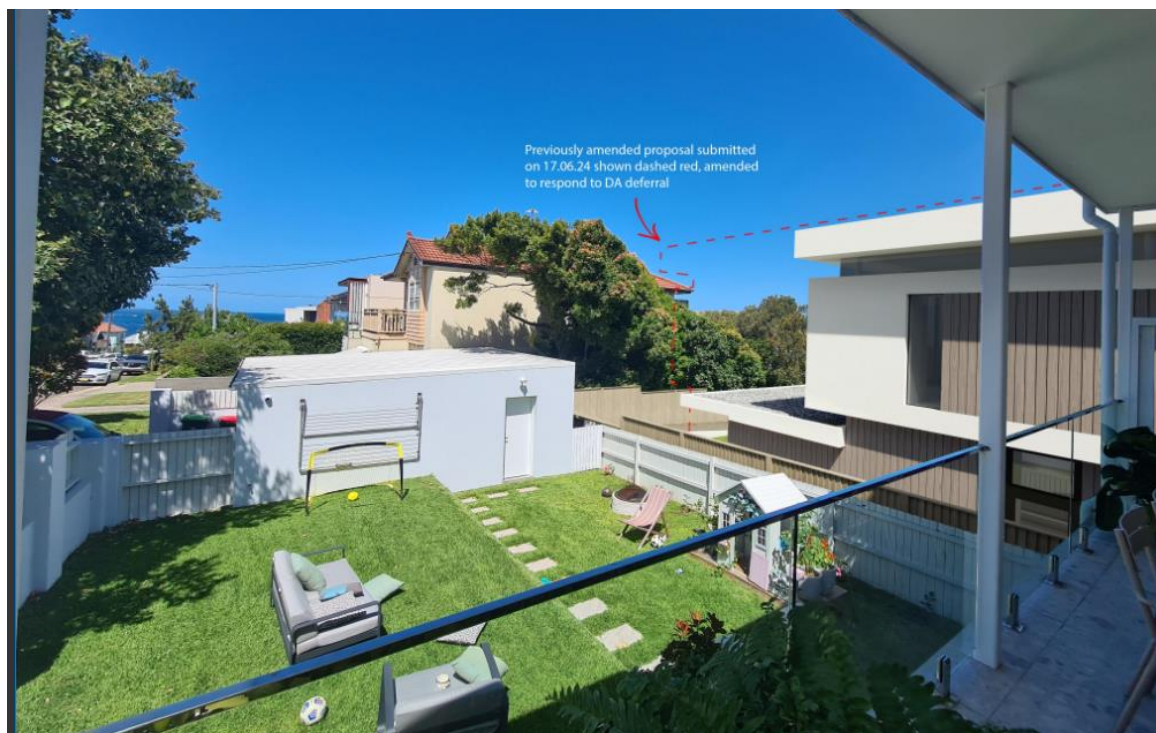


Figure 8: View from rear ground floor balcony of 1 Bona Vista Avenue - Render demonstrating how the proposal will look (Source: Applicant)

D75/24

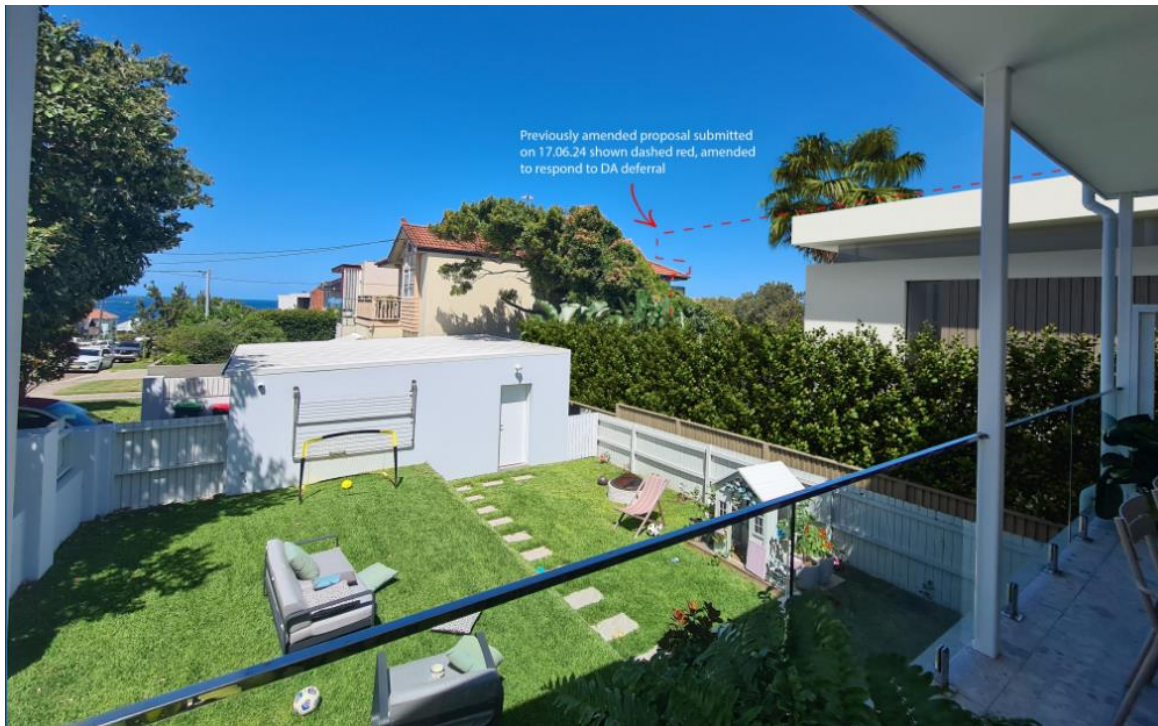


Figure 9: View from rear ground floor balcony of 1 Bona Vista Avenue - Render demonstrating how the proposal will look with mature landscaping (Source: Applicant)

First Floor Rear Balcony Level – No 1 Bona Vista Avenue

In the below renders, the image is taken from the southern end of the first-floor rear balcony at No.1 Bona Vista Avenue. This is where the view impacts from that balcony will be greatest, given the sightlines will be more affected by the rear setback of the proposal, along with the proximity to the viewpoint and potential view angles.

As shown in Figure 10, the ocean views to the east will not be affected by the proposal. The amendments result in reduced bulk when looking across to the southeast over the subject proposals property.



First floor balcony



Previously amended proposal submitted on 17.06.24 shown dashed red, amended to respond to DA deferral

Solid grey shading = new amended proposal, addressing DA deferral

Transparent grey shading = previously amended proposal submitted on 17.06.24, amended to respond to DA deferral

Figure 10: Photomontage taken from the 2nd Floor balcony facing East at 1 Bona Vista Avenue (Source: Applicant)

The increased rear and side setback in the amended proposal would retain the existing partial view of Maroubra Beach from the northern end of the eastern first-floor rear balcony at No. 1 Bona Vista Avenue.

This is considered to be a considered improvement when compared to the previous plan revision at the upper level.

D75/24



Figure 11: Photomontage taken from 2nd floor level balcony facing southeast (Source: Applicant)



Figure 12: Close up comparison between previous and amended plans (Source: Applicant)



Figure 13: Existing view from 1 Bona Vista Avenue - Upper Level Balcony (Source: Applicant)

Planner's Conclusion:

Overall, the principles of view sharing and Tenacity have been demonstrated in a satisfactory manner. There is significant view retention of the beach and headland from No. 1 Bona Vista Avenue.

Visual Privacy Assessment of amended first floor design:

It is noted that the amended design results in the first-floor master ensuite northern facing window being directly opposite to the southern facing window at 1 Bona Vista Avenue. The Sill height at 1 Bona Vista Avenue is at RL 37.23. The floor level of the subject site's first floor is RL36.00. Therefore, it will only be the top section of the obscured glazing bedroom window, which is at the same level as the sill of the window at 1 Bona Vista Avenue. The associated impacts are considered to be minimal in this context.

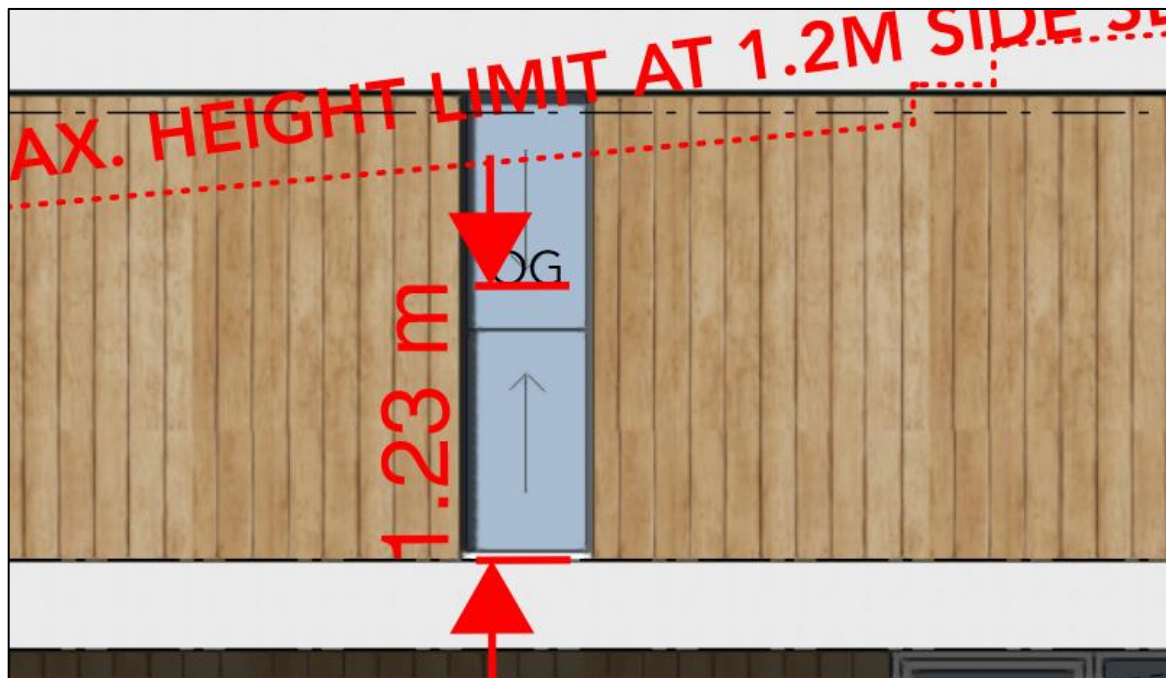
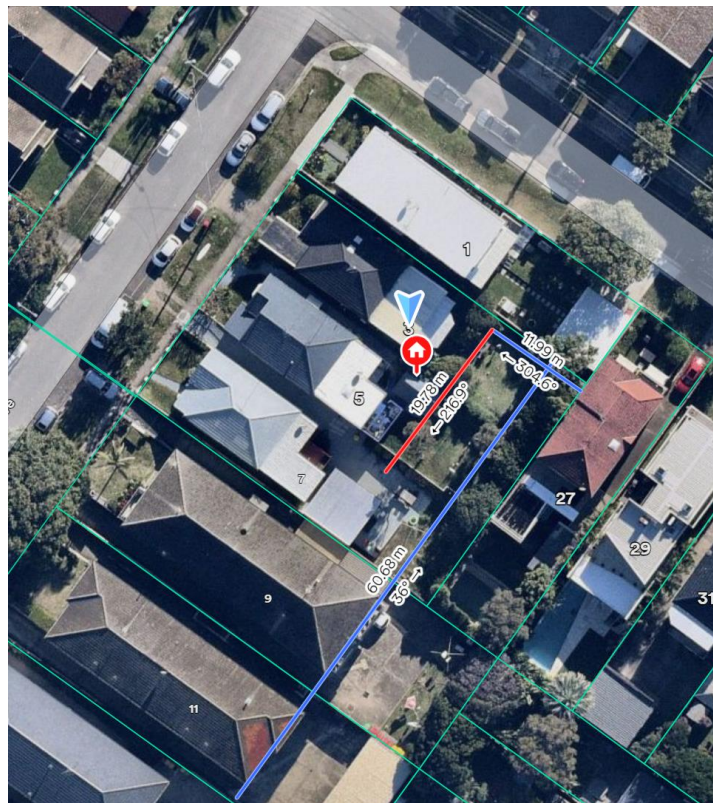


Figure 14: Northern Elevation of proposal, demonstrating the alignment with neighboring properties southern facing window (Source: Applicant)

Rear and Side Setbacks

The aerial photograph below shows the predominant rear building line of 9 and 11 Bona Vista Avenue. Council does not consider this to be the predominant rear setback of the urban block. However, it is useful to note that the amended proposal's first floor is setback halfway between the rear of No. 9 and the rear balconies of No 1 to provide an appropriate transition. The rear building line of the first floor is shown in red, in Figure 16 below.



Page 14

It is noted that the amended rear and side setbacks essentially comply with CDC requirements for side and rear setbacks for a block of this size, and significantly exceed those requirements if the previous allotment for No. 3 Bona Vista Avenue was retained in accordance with the former subdivision pattern.

Height of the proposal comparatively

The height and vertical scale of the proposal is comparatively smaller than the surrounding built context. This is shown in the northern elevation below which also includes the adjoining buildings of No's. 1 and 9 Bona Vista Avenue and No. 27 Sackville Street (red outline shows the proposal at the northern interface with No. 1 Bona Vista Avenue)

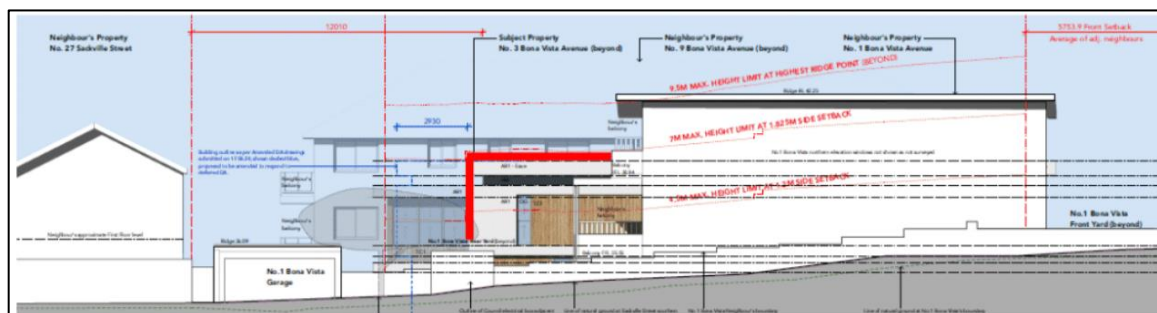


Figure 17: Northern Elevation of 1, 3-7 & 9 Bona Vista Avenue (Source: Applicant)

The figure above also demonstrates the rear setback compared to No. 1 and No. 9 Bona Vista Avenue, which is considered to be approximately the mid-point of those two adjoining properties.

3. Statement from Architect

A letter dated 02 September 2024 was provided by the applicant's architect and has been provided in the package of documents for the panel.

A key point regarding the final changes is copied below:

- *These changes strike a balance with significantly improving neighbour views and visual impact while maintaining adequate solar access to the courtyard and internal living areas.*
 - *Given the significant improvement in terms of views and visual impact of the building from No.1 Bona Vista, neighbours to the North of Sackville Street and, those from the public domain as shown in the updated and new view impact assessment studies, photomontages and, new northern elevation drawing (DA 30), we feel the outcome is successful in addressing the panel's concerns and is reasonable in terms of view sharing and compromise, also taking into account resounding compliance with LEP and DCP controls.*
- *Any further reduction in openness of the central courtyard space from the North or West, by repositioning the first floor toward the street, would mean the Amended DA 'courtyard concept' starts to fail due to overly reduced solar access and, would result in significant design changes and an overhaul of the proposal.*

4. Consultation of the amended design to 1 Bona Vista Avenue for comment

After receiving the final documentation, the relevant documents and plans were provided to the submitter at 1 Bona Vista Avenue on 3 September for review. The submitter was afforded with time to review the plans and provide any comments to Council.

On 9 September 2024, the submitter from No. 1 Bona Vista Avenue responded by email stating that based upon the montages in the view impact study the view from the bedroom is maintained. The

submitter is supportive of the work undertaken by the applicant to address the view impacts from their property and neighbouring properties.

The submitter stated they expect Council and the Panel to verify the accuracy of the montages and ensure the built form is consistent with the montages and plans.

Officers comment: The view impact assessment has been done using the methodology of the Land and Environment Court. Documentation showing “wire frames” over existing/surrounding buildings has been provided to Council staff to verify this methodology. This has also been documented as a part of the assessment file.

All works must be conducted in full compliance with the plans and conditions of approval.

5. Amended Conditions

The additional information and amended plans have resulted in the Draft Conditions of Consent being revised as follows:

- Condition 1 has been revised to include the new amended plans.
- Conditions 2(a) fencing and 2(e) fireplace be removed.
- Condition 2(d) building design / articulation to be removed.

A revised draft development consent has been prepared by the Assessment Officer which are attached to the supplementary development application report.

6. Conclusion

That the application (as amended) to seek development consent for the demolition of existing buildings and construction of 2-storey dwelling house with new in-ground swimming pool, central courtyard, retaining walls, and landscaping 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:
 - It provides for the housing needs of the community within a low density residential environment, being a single, detached dwelling house, which is permitted with consent in the R2 zone.
 - The proposal recognises the desirable elements of the streetscape and surrounding built form, having amended the proposal to maintain and enhance the streetscape and surrounding built form.
 - The area is going through a transition of newer modern development and provides an acceptable development outcome in the boundary interface with the R3 Zone (Medium Density Residential).
 - The redesigned proposal adequately protects the amenity of the surrounding residents and has maintained appropriate levels of view sharing to surrounding properties.
- The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- The development enhances the visual quality of the public domain/streetscape.

Responsible officer: Joseph Edmonds, Environmental Planning Officer

File Reference: DA/811/2023

Development Consent Conditions (Dwellings and Dual Occupancies)



Folder /DA No:	DA/811/2023
Property:	3-7 Bona Vista Avenue, Maroubra NSW 2035
Proposal:	Demolition of existing buildings and construction of 2-storey dwelling house with new in-ground swimming pool, central courtyard, retaining walls, and landscaping works.
Recommendation:	Approval

GENERAL CONDITIONS

Condition

- Approved plans and documentation**
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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Site/Roof Plan – DA02, Revision D	Dominic Levene	28 August 2024	03 September 2024
Ground Floor Plan – DA03, Revision D	Dominic Levene	28 August 2024	03 September 2024
First Floor Plan – DA04, Revision D	Dominic Levene	28 August 2024	05 September 2024
North Elevation – DA07, Revision D	Dominic Levene	28 August 2024	05 September 2024
East Elevation – DA08, Revision D	Dominic Levene	28 August 2024	03 September 2024
South Elevation – DA09, Revision D	Dominic Levene	28 August 2024	03 September 2024
West Elevation – DA10, Revision D	Dominic Levene	28 August 2024	03 September 2024
Section AA – DA11, Revision E	Dominic Levene	28 August 2024	03 September 2024
Section BB, Revision E	Dominic Levene	28 August 2024	03 September 2024
Section CC – DA13, Revision E	Dominic Levene	28 August 2024	03 September 2024
Ground Floor Landscape Plan – LP02-D4323, Revision F	Landscape Design Sydney	02 September 2024	03 September 2024
First Floor Landscape Plan – LP03-D4323, Revision F	Landscape Design Sydney	02 September 2024	03 September 2024
Crossover / driveway marking plan - C1.01, Revision 01	SDA Structures	24 June 2024	25 June 2024
Crossover / Driveway	SDA Structures	24 June 2024	25 June 2024

Condition			
Sections – C1.02, Revision 01			
BASIX Certificate No.	Dated	Received by Council	
1424472S_03	30 August 2024	03 September 2024	

In the event of any inconsistency between the approved plans and supplementary documentation, the approved drawings will prevail.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Amendment of Plans & Documentation**
The approved plans and documents must be amended in accordance with the following requirements:
- a. All windows identified to have obscured/opaque glazing must be fixed and be provided with obscured glazing below the specified height of 1.6m above the finished floor level.

b. A privacy screen consisting of horizontal louvres to a height of 1.6m above the finished floor level must be provided in the study on the eastern elevation of the first floor.

i. This must consist of fixed horizontal lattice/slats with individual openings not more than 30mm wide.

ii. The fixed horizontal louvres must have the individual blades angled and spaced appropriately to prevent overlooking into the private open space and swimming pool of 27 Sackville Street.

Details of compliance with the above conditions are to be submitted to and approved by the Manager Development Assessment prior to the issue of a construction certificate.

Condition Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
3.	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. Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.
4.	External Colours, Materials & Finishes The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Condition
Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.

5. **Section 7.12 Development Contributions**

In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$6,438,619.00 the following applicable monetary levy must be paid to Council: \$64,386.20.

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:

$$IDC = ODC \times CP2/CP1$$

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

Condition Reason: To ensure relevant contributions are paid.

6.	Long Service Levy Payments
	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.
	At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works.
	Condition Reason: To ensure the long service levy is paid.
7.	Security Deposits
	The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:
	<ul style="list-style-type: none"> \$5000 - Damage / Civil Works Security Deposit <p>The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.</p>

D75/24

Condition	
	<p>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.</p> <p>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.</p> <p>Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
8.	<p>Sydney Water</p> <p>All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>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.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> • 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. <p>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</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
9.	<p>Building Code of Australia</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
10.	<p>BASIX Requirements</p> <p>In accordance with section 4.17(11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 75 of the <i>Environmental Planning and Assessment Regulation 2021</i>, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>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 Certifier.</p>

Condition	
	<p>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.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
11.	<p>Excavation Earthworks and Support of Adjoining Land</p> <p>Details of proposed excavations and support of the adjoining land and buildings are to be prepared and be included in the construction certificate, to the satisfaction of the appointed Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
12.	<p>Excavation, Earthworks and Support of Adjoining Land</p> <p>A report must be obtained from a professional engineer prior to undertaking demolition, excavation or building work in the following circumstances, which details the methods of support for any buildings located on the adjoining land, to the satisfaction of the Principal Certifier:</p> <ul style="list-style-type: none"> • when undertaking excavation or building work within the zone of influence of the footings of a dwelling or other building that is located on the adjoining land; • when undertaking demolition work to a wall of a dwelling or other substantial structure 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; and • as otherwise may be required by the Certifier for the development. <p>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 Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
13.	<p>Design Alignment Levels</p> <p>The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be: Match the back of the existing Council footpath levels along the full site frontage.</p> <p>The design alignment levels at the property boundary as issued by Council and their relationship to the Council footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.</p> <p>Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.</p> <p>Condition Reason: To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.</p>
14.	<p>Design Alignment Levels</p> <p>The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1,862.00 calculated at \$60.00 per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.</p>

D75/24

Condition	
	Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements, to Council standard, and to ensure payment of fees to Council.
15.	<p>Internal Driveway Design</p> <p>The driveway opening at the front boundary is to be a maximum 3.00m's wide and the southern edge of the driveway opening is to line up with the southern edge of the garage door opening. This is required so as to maintain complying internal driveway gradients to the garage.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
16.	<p>Internal Driveway Design</p> <p>The internal driveway gradients are to match Council's existing Council footpath levels along the driveway opening. The top and bottom transitions of the internal driveway are to be 2.00m's long and not exceed a gradient of 1:8. The midsection of the driveway (approximately 2.45m) is not to exceed a gradient of 1:4 at any point.</p> <p>Details of compliance are to be included in the construction certificate and be to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
17.	<p>Stormwater Drainage</p> <p><u>Stormwater drainage plans have not been approved as part of this development consent.</u> Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:</p> <ul style="list-style-type: none"> a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition. b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories: <ul style="list-style-type: none"> i. Roof areas ii. Paved areas iii. Grassed areas iv. Garden areas d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof. e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels. f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc. <p>Condition Reason: To control and manage stormwater run-off.</p>

Condition	
18.	<p>Stormwater Drainage</p> <p>The site stormwater drainage system is to be provided in accordance with the following requirements;</p> <ol style="list-style-type: none"> The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the <i>Principal Certifier</i> and details are to be included in the construction certificate. The stormwater must be discharged (by gravity) directly to the kerb and gutter <u>in front</u> of the subject site in Bona Vista Avenue; Should stormwater be discharged to Council's street drainage system the maximum discharge from the site must not exceed 25L/S for all storm events up to the 1 in 20 year storm event. All stormwater run-off from the site exceeding this amount is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100-year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm. Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition. Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2-hour storm assuming both pumps are not working. The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code. Should a charged system be required to drain any portion of the site, the charged system must be designed such that; <ol style="list-style-type: none"> 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. Generally all internal pipelines must be capable of discharging a 5% AEP (1 in 20 year) storm flow. However, the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20-year storm) to the proposed drainage (detention/wet well) system. A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system. Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements: <ul style="list-style-type: none"> The base of the pit being located a minimum 300mm under the invert level of the outlet pipe. The pit being constructed from cast in-situ concrete, precast concrete or double brick. A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

D75/24

Condition	
	<ul style="list-style-type: none"> • A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent). • The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system. • A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring-loaded j-bolts or similar). <p>i) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/wet well area.</p> <p>j) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.</p> <p>Condition Reason: To control and manage stormwater run-off.</p>
19.	<p>Site Seepage Requirements</p> <p>The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:</p> <p>a) Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter drainage system</p> <p>b) <u>Adequate provision is to be made for the ground water to drain around the basement level (to ensure the basement will not dam or slow the movement of the ground water through the development site).</u></p> <p>c) The walls of the basement level of the building are to be suitably waterproofed to restrict the entry of any seepage water and subsoil drainage into the basement level of the building and the stormwater drainage system for the development.</p> <p>Details of the proposed stormwater drainage system including methods of any waterproofing of the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Principal Certifier and details are to be included in the construction certificate.</p> <p>Condition Reason: To ensure the adequate management of site seepage and sub-soil drainage.</p>
20.	<p>Public Utilities</p> <p>A <i>Public Utility Impact Assessment</i> 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.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>
21.	<p>Landscape Plans</p> <p>Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate is substantially consistent with the Landscape Plans by Dangar Barin Smith, dwg's LP01-03 D4323, issue 01, rev E dated 02/04/24, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.</p>

Condition	
	Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.
22.	<p>Street Tree Management</p> <p>The applicant must submit a payment of \$3,948.70 (GST inclusive) to cover the following costs:</p> <ol style="list-style-type: none"> For Council to remove, stump-grind and dispose of the <i>Banksia serrata</i> (Saw Toothed Banksia, T1 in the AMENDED Arboricultural Impact Assessment by Temporal Tree Management, rev 1 dated 29/03/24, 'the Arborist Report') in front of no.7, towards the southern site boundary, to allow for the new vehicle crossing and garaging to be provided over the lower side of the site, in this same location as shown, as well as the smaller <i>Callistemon citrinus</i> (Bottlebrush, T6) in front of no.3, towards the northern site boundary, as despite not being directly affected by any new external works, this will then allow for an evenly spaced row of new street trees to be provided across the width of this whole frontage which will then attain greater dimensions and presence in the streetscape into the future; For Council to supply, plant and maintain 3 x 25 litre <i>Banksia serrata</i> (Saw Toothed Banksia's) on the Bona Vista Street verge, spaced evenly between the northern side of the new vehicle crossing and the northern site boundary at the completion of all works; A loss of amenity fee in recognition that the only reason that the established native species T1 is being removed from public property is to accommodate the development of private property, with this part of the fee to then be directed towards additional public plantings elsewhere in the surrounding area. <p>This fee must be paid into Tree Amenity Income via Council's Customer Service Centre, prior to a Construction Certificate being issued for the development.</p> <p>The applicant must then contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) AND GIVING UP TO SIX WEEKS NOTICE to arrange for removal prior to commencement, then replacement upon completion.</p> <p>After advising of the receipt number, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6687.</p> <p>Condition Reason: Protection and/or maintenance of existing environment public infrastructure, community assets and significant trees.</p>
23.	<p>Swimming/Spa Pools</p> <p>Swimming Pools and Spa Pools are to be designed and installed in accordance with the requirements of the <i>Building Code of Australia</i> and be provided with a child-resistant barrier in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p> <p>Details of compliance are to be provided in the Construction Certificate.</p> <p>Temporary pool safety fencing is also required to be provided to swimming pools pending the completion of all building work and swimming pools must not be filled until a fencing inspection has been carried out and approved by the Principal Certifier.</p> <p><i>Note: This development consent does not approve the design and location of swimming/spa pool safety barriers. Swimming/spa pool safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2018 and</i></p>

D75/24

Condition	
	<i>relevant Standards. Details of compliance are required to be included in the Construction Certificate, to the satisfaction of the appointed Certifier for the development.</i>
	Condition Reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area.
24.	Swimming/Spa Pools Swimming pools are to be designed, installed and operated in accordance with the following general requirements: <ul style="list-style-type: none"> • 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. • Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed with a building to minimise noise emissions or result in a noise nuisance. • Water recirculation and filtrations systems are required to comply with AS 1926.3 (2010) Swimming Pool Safety – Water Recirculation and Filtration Systems. • Paving and ground surfaces adjacent to swimming pools are to be graded and so as to ensure that any pool overflow water is drained away from buildings and adjoining premises, so as not to result in a nuisance or damage to premises.
	Condition Reason: To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area.

BEFORE BUILDING WORK COMMENCES

Condition	
25.	Building Certification & Associated Requirements The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work: <ol style="list-style-type: none"> a) a <i>Construction Certificate</i> must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>. 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 Registered (Building) Certifier must be appointed as the <i>Principal Certifier</i> for the development 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 <i>Home Building Act 1989</i>, and the Principal Certifier and Council must be notified accordingly (in writing); 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 Certifier; and e) at least two days notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.

	Condition
	Condition reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.
26.	<p>Home Building Act 1989</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and sections 69 & 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>, in relation to residential building work, the requirements of the <i>Home Building Act 1989</i> must be complied with.</p> <p>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 Certifier and Council.</p> <p>Condition reason: Prescribed condition under section 69 & 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
27.	<p>Dilapidation Reports</p> <p>A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which may be affected by the works, to the satisfaction of the <i>Principal Certifier</i> for the development.</p> <p>The dilapidation report must be submitted to the Principal Certifier, Council 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).</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
28.	<p>Construction Site Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> • location and construction of protective site fencing and hoardings • location of site storage areas, sheds, plant & equipment • location of building materials and stock-piles • tree protective measures • dust control measures • details of sediment and erosion control measures • site access location and construction • methods of disposal of demolition materials • location and size of waste containers/bulk bins • provisions for temporary stormwater drainage • construction noise and vibration management • construction traffic management details • provisions for temporary sanitary facilities • measures to be implemented to ensure public health and safety. <p>The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.</p> <p>A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.</p>

Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

29. **Construction Site Management Plan**

A *Sediment and Erosion Control Plan* must be developed and implemented throughout the course of demolition and construction work in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom. A copy of the plan must be maintained on site and a copy is to be provided to the Principal Certifier and Council.

Condition Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

30. **Construction Noise & Vibration Management Plan**

Noise and vibration from the works are to be minimised and mitigated by implementing appropriate noise management and mitigation strategies.

A Construction Noise & Vibration Management Plan Guideline must be prepared by a suitably qualified person in accordance with the Environment Protection Authority Construction Noise and the Assessing Vibration: A Technical Guideline and be implemented throughout the works. A copy of the Construction Noise Management Plan must be provided to the Principal Certifier and Council prior to the commencement of any site works.

Condition Reason: To protect the amenity of the neighbourhood during construction.

DURING BUILDING WORK

Condition

31. **Site Signage**

It is a condition of the development consent that a sign must be erected in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name, address, contractor, licence number and telephone number of the principal contractor, including a telephone number on which the principal contractor may be contacted outside working hours, or owner-builder permit details (as applicable) and
- c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

32. **Restriction on Working Hours**

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

Activity	Permitted working hours
----------	-------------------------

Condition	
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
Excavations in rock, sawing of rock, use of jack-hammers, driven-type piling/shoring or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 3.00pm (maximum) 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.

Condition reason: To protect the amenity of the surrounding area.

33. **Construction Site Management**

Temporary site safety fencing must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works.

Temporary site fences must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control); heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.

Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.

All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.

Notes:

- Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.
- A separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.

Condition Reason: To require measures that will protect the public, and the surrounding environment, during site works and construction.

34. **Public Safety & Site Management**

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

- a) 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.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted

D75/24

	Condition
	to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
c)	Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
d)	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.
e)	Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
f)	Noise and vibration from the work shall be minimised and appropriate strategies are to be implemented, in accordance with the Noise and Vibration Management Plan prepared in accordance with the relevant EPA Guidelines.
g)	During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
h)	The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
i)	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.
j)	A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

35. **Demolition Work & Removal of Asbestos Materials**

Demolition work must be carried out in accordance with relevant SafeWork NSW Requirements and Codes of Practice; Australian Standard – AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.

Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,

Condition	
	<ul style="list-style-type: none"> Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request, A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works, <p>Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.</p> <p>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.</p>
Condition Reason:	
36.	<p>Excavations and Support of Adjoining Land</p> <p>The adjoining land and buildings located upon the adjoining land must be adequately supported at all times and in accordance with section 74 of the Environmental Planning and Assessment Regulation 2021 and approved structural engineering details.</p> <p>Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.</p> <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
37.	<p>Building Encroachments</p> <p>There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.</p> <p>Condition Reason: To ensure no encroachment onto public land and to protect Council land.</p>
38.	<p>Survey Report</p> <p>A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:</p> <ul style="list-style-type: none"> prior to construction (pouring of concrete) of footings for the building and boundary retaining structures, prior to construction (pouring of concrete) of new floor levels, prior to issuing an Occupation Certificate, and as otherwise may be required by the Principal Certifier. <p>The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.</p> <p>Condition Reason: To ensure compliance with approved plans.</p>
39.	<p>Road/Asset Opening Permit</p> <p>Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:</p> <p>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.</p> <p>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</p>

D75/24

Condition	
	<p>Council, prior to the issuing of a final occupation certificate for the development.</p> <p>Relevant Road / Asset Opening Permit fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.</p> <p>For further information, please contact Council's Road / Asset Opening Officer on 1300 722 542.</p> <p>Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
40.	<p>Tree Management</p> <p>Approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the approved Landscape Plans:</p> <ul style="list-style-type: none"> a) Despite not being assessed in the Arborist Report, a mature Frangipani in the front setback of no.5, as it is a common/insignificant specimen that is also in direct conflict with the new footprint; <u>Within the rear setback of No.5:</u> b) In the southwest corner, a small/insignificant <i>Viburnum tinus</i> (T2) within a low retained garden bed, as it is not protected by the DCP and will then allow for re-grading/levelling and associated landscape works in this same area as shown; c) Further to its west, just to the west of a low brick retaining wall and at a slightly higher ground level, a larger <i>Melaleuca quinquinervia</i> (Broad Leafed Paperbark, T3), as a combination of past heavy lopping has resulted in poor form and dieback; its central location will prevent any possibility of a re-design; is known to have an invasive and aggressive root system, as well as being in direct conflict with the southern dwelling/wing and new pool in this same area as shown; d) The same circumstances and poor condition rating described above also applies to another similarly sized <i>Broad Leafed Paperbark</i> (T4) on the opposite/eastern side, adjacent the low brick wall, so can also be removed for the same reasons; e) Just to its east, in the northeast site corner, an insignificant <i>Viburnum</i> (T5) that does not meet the minimum dimensions for protection in our DCP, and as it could already be removed even irrespective of this proposal, approval is also given as part of these works; <u>Within the rear setback of No.3:</u> f) The closely planted row that extends further to the east, across the rear boundary, being a small/insignificant <i>Murraya</i> (T12), a larger <i>Syzygium leuhmannii</i> (Small Leafed Lilly Pilly, T10), a similarly sized <i>Eleaocarpus reticulatus</i> (Blueberry Ash, T9), <i>Leptospermum laevigatum</i> (Coastal Tea Tree, T11) and another <i>Small Leafed Lilly Pilly</i> (T8), then a smaller <i>Camelia</i> (T7), as despite as a group performing a screening function of the adjoining unit complex at 27 Sackville Street, many are suppressed due to over-crowding/competition, which has reduced both their form, lifespan and suitability for future retention, with any benefit they provide being limited purely to the immediate area only, and as excavations for new stormwater lines/pipes and pits are shown in this same area, can be removed as sought.

Condition	
	Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
41.	<p>Occupation Certificate Requirements</p> <p>An Occupation Certificate must be obtained from the Principal Certifier 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 <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>Condition reason: Statutory requirement. To ensure the site is authorised for occupation.</p>
42.	<p>BASIX Requirements</p> <p>In accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.</p> <p>Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.</p> <p>Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.</p>
43.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>The owner/developer must meet the full cost for a Council approved contractor to:</p> <ol style="list-style-type: none"> Construct a new 3.00m wide concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site to Council's specifications and requirements. <p><i>Note: The 3.00m wide Council driveway is line up with the southern edge of the proposed garage door opening.</i></p> <ol style="list-style-type: none"> Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specifications and requirements. Reconstruct Council's concrete footpath and kerb and gutter along the site frontage where required by Council's Assets Engineers/ Technical Officers. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specifications and requirements. <p>Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
44.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>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.</p>

D75/24

Condition	
Condition Reason: To ensure rectification of any damage to public infrastructure.	
45.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>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:</p> <ol style="list-style-type: none"> 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 8 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. 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. 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. <p>Condition Reason: To ensure rectification of any damage to public infrastructure and that works are completed in accordance with Council's requirements with Council's approval.</p>
46.	<p>Street and/or Sub-Address Numbering</p> <p>Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.</p> <p>If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.</p> <p><i>Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.</i></p> <p>Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.</p>
47.	<p>Swimming Pool Safety</p> <p>Swimming Pools [and Spa Pools] are to be provided with a child-resistant barrier (i.e. fence, in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p> <p>Condition reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
48.	Swimming Pool Safety

Condition	
	<p>A 'warning notice' must be installed in a prominent position in the immediate vicinity of a Swimming Pool [or Spa Pool], in accordance with the provisions of the <i>Swimming Pools Regulation 2018</i>, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.</p> <p>Condition reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
49.	<p>Swimming Pool Safety</p> <p>The owner of the premises must 'register' their Swimming Pool and Spa Pool on the NSW Swimming Pool Register, in accordance with the <i>Swimming Pools Act 1992</i>. The Swimming Pool Register is administered by the NSW Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.</p> <p>Registration must be made prior to the issue of an Occupation Certificate for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifier and Council accordingly.</p> <p>Condition reason: To ensure registration of the swimming pool/spa in accordance with relevant legislation.</p>
50.	<p>Stormwater Drainage</p> <p>The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development consent.</p> <p>The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.</p>
51.	<p>Stormwater Drainage</p> <p>Should a pump-out system be provided, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):</p> <ul style="list-style-type: none"> • The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes; • Details of infiltration/absorption systems; and • Details of pumping systems installed (including wet well volumes). <p>Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.</p>
52.	<p>Removal of Rights of Carriageways from Title</p> <p>Prior to the issuing of an Occupation Certificate the applicant/owner is to have the Rights of Carriageway, as shown on the submitted Survey Plan by Survade (P736149) extinguished from the Title of the Lot. The applicant/owner should liaise with their Survey / Land Registry Services regarding this requirement. The Principal Certifier is to ensure compliance with this condition and confirmation of compliance is to be forwarded to Council.</p> <p>Condition Reason: to ensure the rights of carriageway are removed from the title as they are no longer necessary.</p>

D75/24

Condition	
53.	Landscape Certification
	Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Dangar Barin Smith, dwg's LP01-03 D4323, issue 01, rev E dated 02/04/24.
	Condition Reason: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.
54.	Landscape Certification
	The nature-strip upon Council's footway shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.
	Condition Reason: To ensure that community assets are presented in accordance with reasonable community expectations.

OCCUPATION AND ONGOING USE

Condition	
55.	Use of Premises The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes. Condition reason: To ensure the development is used for its intended purpose.
56.	External Lighting 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. Condition reason: To protect the amenity of the surrounding area and residents.
57.	Waste Management Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council. Condition Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste.
58.	Plant & Equipment Noise from the operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i> . Condition reason: To protect the amenity of the surrounding area and residents.
59.	Use of parking spaces The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building. Condition Reason: To ensure that adequate parking facilities to service the development are provided on site, and to prevent leasing out of car spaces to non-residents.
60.	Fireplace/ Solid Fuel Burning No solid fuel burning for the fire place has been approved as part of this development consent.

Condition

Condition Reason: To ensure any proposal for solid fuel burning meets the requirements of the NSW EPA and is appropriately assessed by Council's Environmental Health Officer.

**DEMOLITION WORK
BEFORE DEMOLITION WORK COMMENCES**

61. **Demolition Work**

A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council's Strategic Waste Team.

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

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

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

62. **Demolition Work**

Condition Reason: To ensure Council reviews the Waste Management Plan
A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:

- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
- b) The Demolition Work Plan must include the following details (as applicable):
 - The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
 - Details of hazardous materials in the building (including materials containing asbestos)
 - Method/s of demolition (including removal of any hazardous materials including materials containing 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 measures to be implemented to ensure public health and safety
 - Date the demolition works will commence/finish.

The Demolition Work Plan must be provided to the Principal Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

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

Notes: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.

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.

Condition Reason: To ensure demolition work area carried out in accordance with the relevant standards and requirements.

DURING DEMOLITION WORK

	Condition
63.	<p>Demolition Work</p> <p>Any demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard - AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:</p> <ul style="list-style-type: none"> • A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro), • Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations • A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress", • Council is to be given at least two days written notice of demolition works involving materials containing asbestos, • Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request, • A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works. <p>Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.</p> <p>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.</p> <p>Condition reason: To ensure that the handling and removal of asbestos from the site is appropriately managed.</p>