

Randwick Local Planning Panel (Public) Meeting

Thursday 12 May 2022



RANDWICK LOCAL PLANNING PANEL (PUBLIC)

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting will be held online via Microsoft Teams on Thursday, 12 May 2022 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

D16/22	451 Beauchamp Road, Maroubra (DA/640/2021)	1
D17/22	1-5R Knowles Avenue, Matraville (DA/576/2021)	47

Kerry Kyriacou
DIRECTOR CITY PLANNING

Development Application Report No. D16/22

Subject: 451 Beauchamp Road, Maroubra (DA/640/2021)

Proposal:	Demolition of existing structures and construction of 2 x part two and part 3 storey semi-detached dwellings, Torrens title subdivision, landscaping and associated works.
Ward:	South Ward
Applicant:	Mr M Sgammotta
Owner:	Ms S P Lim
Cost of works:	\$769,431.00
Reason for referral:	10 or more unique submissions received

Recommendation

That the RLPP refuse consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 640 of 2021 for Demolition of existing structures and construction of 2 x part two and part 3 storey semi-detached dwellings, Torrens title subdivision, landscaping and associated works, at No. 451 Beauchamp Road Maroubra, for the following reasons:

1. The proposal is inconsistent with Section 1.2 Aims of the Plan (d) under Randwick Local Environmental Plan 2012, in that it does not achieve a high standard of design, has adverse impacts on the community, and will not enhance the quality of life of the community.
2. The proposal is inconsistent with the objectives of the R3 Medium Density Residential zone under Randwick Local Environmental Plan 2012, in that it does not recognize the desirable elements of the existing streetscape and built form nor contribute to the desired future character of the area. The proposal does not protect the amenity of residents.
3. The proposal is inconsistent with the objectives and factors to be considered in section 6.2 Earthworks under Randwick Local Environmental Plan 2012, in that no geotechnical information has been provided to enable a proper assessment of the impacts on surrounding land and the amenity of adjoining properties.
4. The proposal does not comply with the Site Planning objectives in Part C1 Section 2 of Randwick Development Control Plan 2013 in terms of respecting the predominant subdivision and development pattern of the locality and to the props ensure that lands subdivision creates allotments that have adequate width and configuration to deliver suitable building design and to maintain the amenity of the neighbouring properties.
5. The proposal does not comply with the Landscaping and permeable surfaces objectives and controls in Part C1 Section 2.4 of Randwick Development Control Plan 2013 in terms of ensuring landscaped areas are effectively distributed on the site to achieve a visual balance between building structures and open space and provision of deep soil permeable surfaces.
6. The proposal does not comply with the private open space objectives and controls in Part C1 Section 2.5 of Randwick Development Control Plan 2013 in terms of provision of an adequate level of private open space.
7. The proposal does not comply with the building design objectives and controls in Part C1 Section 3 of Randwick Development Control Plan 2013 in terms of the maximum wall height

D16/22

D16/22

so as not to cause unreasonable impacts upon the neighbouring dwellings in terms of overshadowing, privacy and visual amenity.

8. The proposal does not comply with the setback objectives and controls in Part C1 Section 3.3 of Randwick Development Control Plan 2013 in terms of maintaining a consistent rhythm of street setbacks and front gardens that contributes to the character of the neighbourhood, to ensure the form and massing of development complement and enhance the streetscape character, to ensure adequate separation between neighbouring buildings for visual and acoustic privacy and solar access and to reserve adequate areas for the retention or creation of private open space and deep soil planting. The proposal does not comply with the front and rear setback controls.
9. The proposal does not comply with the earthworks objectives and controls in Part C1 Section 4.6 of Randwick Development Control Plan 2013 in terms of maintaining or minimizing change to the natural ground levels and ensuring that backfilling does not result in unreasonable visual, overshadowing and privacy impacts on the adjoining dwellings.
10. The proposal does not comply with the solar access and overshadowing objectives and controls in Part C1 Section 5.1 of Randwick Development Control Plan 2013 in terms of ensuring that development retains reasonable levels of solar access to the neighbouring dwellings and their private open space.
11. The proposal does not comply with the visual privacy objectives and controls in Part C1 Section 5.3 of Randwick Development Control Plan 2013 in terms of ensuring development minimizes overlooking or cross viewing to the neighbouring dwellings.
12. The proposal does not comply with the safety and security objectives and controls in Part C1 Section 5.5 of Randwick Development Control Plan 2013 in terms of ensuring relevant crime prevention principles are applied in the siting and design of buildings and landscaping, in particular that the main entry to a dwelling be located on the front elevation facing the street and be readily identifiable unless the site has a narrow frontage width.
13. The proposal is not satisfactory pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, in that the proposal is not in the public interest.
14. Insufficient information has been provided to enable a proper assessment of the overshadowing impacts to the adjoining properties. Further information is required for details on plans, cross sections showing boundary levels, lot widths and air conditioning units. No geotechnical assessment has been provided.

Attachment/s:

Nil

	
<p>Beauchamp Road 390, 398, 400, 449, 453</p>	<p>Subject Site</p>
<p>Amiens Way 11</p>	<p>24 including some multiples Petition of 32 signatures</p>
<p>White Ave 1, 2, 2B, 16</p>	<p>Submissions received</p> <p>▲ North</p>
<p>Anzac Pde 1094</p>	<p>Locality Plan</p>
<p>Rodman Ave 39 Plus various others from beyond the immediate vicinity</p>	

D16/22

1. Executive summary

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

The proposal seeks development consent for Demolition of existing structures and construction of 2 x part two and part 3 storey semi-detached dwellings, Torrens title subdivision, landscaping and associated works.

The application was lodged on 15 October 2021 and notified for 14 days from 21 October 2021 to 11 November 2021. On 18 February 2022, the Applicant commenced Class 1 proceedings in the Land and Environment Court against the deemed refusal of the development application. The Statement of Facts and Contentions was lodged on 17 March 2022 and the matter is set down for a Section 34AA conference on 21 and 22 June 2022. No amended plans have been proposed by the Applicant at the date of this report.

The key issues associated with the proposal relate to:

- Overdevelopment, bulk and scale leading to non-compliance with deep soil provisions
- Privacy arising from artificial raising of the dwellings above natural ground level
- Overshadowing of neighbouring properties
- Traffic and parking
- Streetscape and character of the area

The proposal is recommended for refusal for the reasons set out in the recommendation section of this report.

2. Site Description and Locality

The subject site is known as No 451 Beauchamp Road, Maroubra, and is legally described as Lot 402 in DP 235632. The site is 322.5m² by DP and 325.7m² by calculation, is regular in shape and has a 11.06m frontage to Beauchamp Road to the north-east. The rear boundary is 10.975m; the northwestern side boundary is 30.535m and the south eastern boundary is 28.672m. The site contains single storey brick and tile dwelling house.

The site slopes approximately 1.84m from the rear (south-west) boundary at RL39.27 down to the front (north-east) boundary at approximately RL37.43. This is a 6% fall over the site length.

Residential development surrounding the site comprises generally detached, semi-detached or terrace style dwellings which are mostly two storey, although there are some single storey dwellings.

The adjacent dwelling to the west at 449 Beauchamp Road is a single storey brick dwelling with tile roof. On 14 September 2018 development consent DA/808/2017 was granted for 449 Beauchamp Road for demolition of the existing dwelling and construction of a new 2 storey dwelling with garage basement level, front fencing and associated landscape works. Although described as a basement, the proposed garage is not excavated deeply and is not a basement under the RLEP 2012 definition. The approved development presents as two levels above a garage to Beauchamp Road with pitched roof. The approved development includes living, dining, kitchen and amenities on the ground floor, four bedrooms and a playroom on the first floor and a garage in the "basement". The approved FSR is 0.75:1, has a site coverage of 55%, soft landscaped area of 25% and the site is under the building height maximum of 8.5m.

Further to the west of 449 Beauchamp Road is a public reserve which is a relatively narrow area running along Malabar Road.

The adjacent site to the east is 453 Beauchamp Road and 2B White Avenue which are recently constructed semi-detached dwellings granted consent under DA/219/2018. 453 Beauchamp Road has driveway access and a double garage from Beauchamp Road, however pedestrian access to the house is from White Avenue. 2B White Avenue has pedestrian and a single garage access from White Avenue. At ground level each dwelling includes living, dining and kitchen with bathroom. On Level 1 both have four bedrooms and a bathroom. Private open space is to the rear, adjacent to the boundary with 451 Beauchamp Road. The resultant lot sizes after subdivision are 229.64m² and 195.56m² from an original lot size of 425.2m².

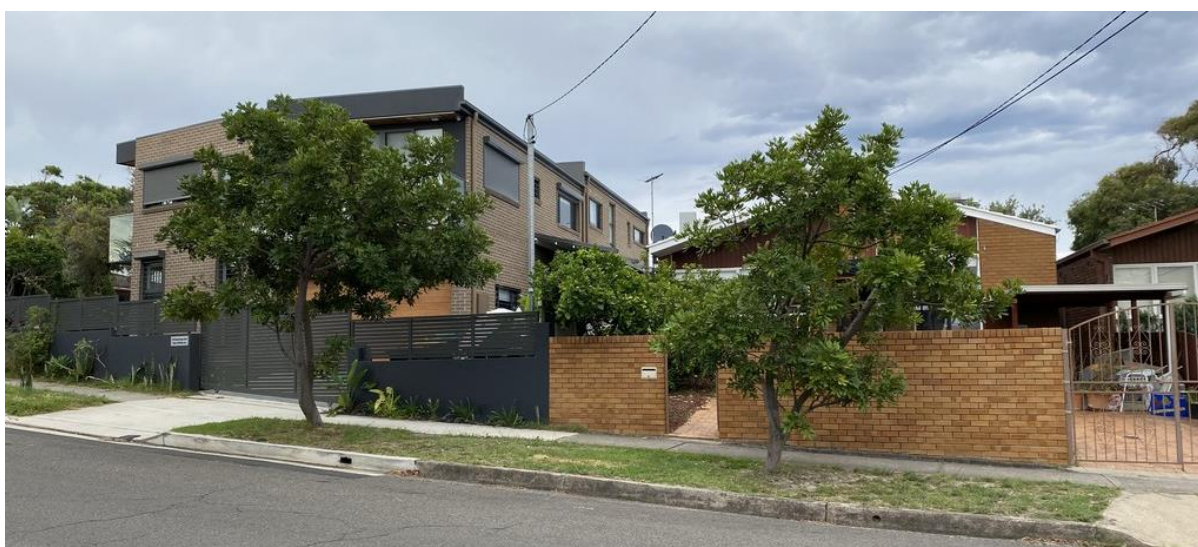
No. 2 White Avenue adjoins the rear boundary of the site. It is a two storey rendered dwelling with metal roof.

The land opposite the site to the north generally includes semi-detached or terrace dwellings. Many have garages or carports with a garage door on the front boundary. They are nearly all 2 storeys. They are generally all on lots of approximately 250m² with street frontages of approximately 8m wide.

On 2 March 2020, DA/459/2019 was approved at 412 Beauchamp Road to demolish existing structures and construct 2 x 3 level semi-detached dwellings with torrens title subdivision into two lots. The property is on the corner with Rodman Avenue. The original lot size is 297m² and the approved resulting two lots are 164m² and 133m². Works have not yet commenced.



Site (451 Beauchamp Road) is to the left with 449 Beauchamp Road on the right



453 Beauchamp Road on the left (with 2B White Avenue behind it). The site is central behind the brick wall.

3. Relevant history

The development application was lodged on 15 October 2021 and notified for 14 days from 21 October 2021 to 11 November 2021. On 18 February 2022 the Applicant commenced Class 1 proceedings in the Land and Environment Court against the deemed refusal of the development application. The Statement of Facts and Contentions was lodged on 17 March 2022 and the matter is set down for a section 34AA conference on 21 and 22 June 2022. No amended plans have been proposed by the Applicant at the date of this report.

The contentions in the court proceedings are summarised as:

- Non-compliance with the RDCP 2013 wall height control and objectives with a 15.3% variation to the control, adding to bulk and scale impacts and visual amenity impacts from the street;
- Non-compliance with the objectives and controls for the front setbacks with a 32.5% variation to the control;
- Non-compliance with the objectives and rear setback control with a 31.6% variation for dwelling 1 and 33% variation for dwelling 2;
- Inconsistency with the building design controls in section 4 of Part C1 of the RDCP 2013 and the control requiring the design to respect and follow the topography of the site;
- Non-compliance with the deep soil planting control in the RDCP 2013 with a variation of approximately 17%;

D16/22

- Non compliance with the private open space control;
- Inconsistency with clause 4.5 of Part C1 of RDCP 2013 regarding colours not enhancing the streetscape character;
- Insufficient information to satisfy clause 6.2 of RLEP 2012 regarding earthworks with a lack of information about boundary levels and the source of fill proposed on the site, and inconsistency with clause 4.6 of Part C1 of RDCP 2013 regarding earthworks for similar reasons;
- Unreasonable impacts on amenity;
- Insufficient information about solar impacts on neighbouring dwellings, but in any event there is likely non-compliance with the solar access controls in the RDCP 2013;
- Inconsistency with the visual privacy controls with the potential for overlooking from the elevated finished floor levels of the ground floor and dwelling entries;
- Potential acoustic privacy concerns due to the side entries located close to existing bedrooms of adjoining dwellings;
- Inconsistency with the objectives and controls of RDCP 2013 regarding safety and security due to the location of the dwelling entries;
- Fencing concerns arising due to the artificial elevated nature of the building and its surrounds;
- Incompatibility with the character of the local area, including the narrowness of the subdivided sites;
- Not in the public interest;
- Insufficient information in the plans, shadow diagrams, cross sections for the boundary levels and no geotechnical information provided.

4. Proposal

The proposal seeks development consent for demolition of existing structures and construction of 2 x part two and part 3 storey semi-detached dwellings, Torrens title subdivision, landscaping and associated works. The development comprises mirror imaged semi-detached dwellings as follows:

- Lower level: Single car garage, garbage room, stairs to the ground level (storage underneath) and a driveway from Beauchamp Road;
- Ground Floor: Dwelling entry from the side, half way along the dwelling, living area above the garage with balcony facing Beauchamp Road at the front, three internal stairs down to the combined kitchen and dining area with rear terrace, WC and laundry;
- Level 1: Three bedrooms (master with ensuite at the front of the house) with balcony to the street above the ground floor balcony, shared bathroom.
- Roof: low hipped pitched metal roof.

Setbacks are as follows (some are approximate as not all measurements are shown on the plans):

- Front:
 - DU1:
 - Lower ground garage between 6000-6500mm, nib wall 5750mm
 - Ground level to living windows between 7200mm to 7710mm
 - Ground level to balcony 4000mm
 - Level 1 to living windows between 7200 to 7710mm
 - Level 1 to balcony between 5500mm to 6000mm
 - DU2:
 - Lower ground garage between 5500m-6000mm, nib wall 5000mm
 - Ground level to living windows between 6500mm-7200mm
 - Ground level to balcony 3750mm
 - Level 1 to living windows between 7100 to 6500mm
 - Level 1 to balcony between 5000-5500mm
- Rear:

- DU1: 5463mm
- DU2: 5040mm
- Side:
 - Ground: Rear: 1000mm, Front: 1250mm, Centre 1800mm
 - Level 1: Rear: 1878mm, Front: 1250mm, Centre 1000mm

The proposed lot sizes following the Torrens title subdivision will be:

Lot 1: 165.38sqm

Lot 2: 160.28sqm

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Comprehensive DCP 2013. In essence the submissions can be summarised as:

- Non-compliance with the minimum lot size
- Non-compliance with the minimum lot frontage
- Non-compliance with the rear setback
- Width of the driveway – 7m wide
- Loss of on-street parking
- Bulk and scale
- Overdevelopment of the site, including increased density
- Impacts on the character of the area, including streetscape
- Amenity and quality of life impacts particularly through increased onstreet parking and density
- Lack of open space and removal of street tree

The following 24 submissions and one petition signed by 32 people were received as a result of the notification process:

- Local resident (unknown address)

Issue	Comment
The proposal does not comply with minimum lot size and frontage widths	There is no minimum lot size and frontage control relating to this development.
Adjoining subdivision at No 451 Beauchamp Road has created parking stress and dangerous parking conditions	Council's engineers are satisfied with the parking arrangements.

- Local resident (Name and address provided by requested to be withheld)

Issue	Comment
Subdivision The blocks in this part of the street are too small for subdivision. Non-compliance with DCP in relation to minimum lot size and frontage	There is no minimum lot size or frontage width control relating to this development. Council's engineers are satisfied with the parking arrangements.
Parking and Traffic Often residents use their garages for bedrooms or storage and park their cars in the street cluttering the neighbourhood and sometimes blocking driveways.	It will increase density, however Council's controls allow for this.

D16/22

Issue	Comment
Density and Character of Locality Increased density in an already densely populated area which will alter the character of the locality making it more like inner city than a suburb.	

- 400 Beauchamp Road, Maroubra

Issue	Comment
Subdivision Torrens Title subdivision does not comply with LEP as it should be 325m ² . The survey as calculated and as per DP has a discrepancy of 3.2m ² which presents doubt as to survey.	There is no minimum lot size and frontage control relating to this development.
Building Height and Bulk The proposed building is bulky and boxy and bigger than the existing neighbouring houses, it will result in overshadowing of neighbours. Excessive scale on the small narrow site	The bulk of the building is addressed in comments below. It is agreed that rear setbacks are inadequate.
Rear Setbacks Rear setbacks are less than the minimum which should be 7.6m but is between 5 and 5.5m	Council's engineers are satisfied with the parking arrangements. Removal and replacement of the street tree is acceptable to Council's landscape officer.
Streetscape, bulk and scale <ul style="list-style-type: none"> • The driveway will occupy almost the whole length of the curb and eliminate street parking. • The size of the existing grass area and existing street trees will be reduced. • The proposal appears as a 3 storey block and this is contrary to the character of the area, or 1 and 2 storeys. It eliminates openness and results in a negative aesthetic, occupy the entire block of land, result in excessive bulk and dominate the streetscape • It will be visually obtrusive and block existing views to City and to Botany Bay, of at least 4 houses opposite the site at Rodman Avenue. • Overdevelopment of the site • Development does not respect existing buildings in locality. • There is insufficient green space for trees and bushes on site, and almost no backyard, which is contrary to Council policy of greener environment. • The interior design contradicts modern living standards with tiny bedrooms, kitchens, basic facilities minimal entertaining and common areas almost no outdoor living space and looks more like apartments than houses. 	Bulk and the three storey appearance and overdevelopment of the site are considered in major issues below. View loss has not been identified or examined by the application. Bedrooms and living areas comply with the minimum sizes under the Apartment Design Guide.

Issue	Comment
<ul style="list-style-type: none"> The proposal does not comply with Council's codes and should be rejected. South Maroubra is already very dense with lots less than 300m². These are now subdivided resulting in loss of character, over-crowding, more traffic, loss of quality of life and unsustainable development. 	

- Local resident (address unknown)

Issue	Comment
<p>Parking Proposed development will result in loss of on-street parking which is needed in the locality</p> <p>Density increase Increase in density on an already small lot. The building on the corner of Beauchamp Road and White Avenue should not be used as precedent.</p>	<p>Council's engineers are satisfied with the parking arrangements.</p> <p>Density increase is permissible under Council's controls. Each application is assessed on its own merits.</p>

- 449 Beauchamp Road Maroubra x2

Issue	Comment
<p>Streetscape Site is unsuitable for proposed development. Driveway is almost the length of the streetfront boundary of property. General overdevelopment.</p> <p>Traffic Beauchamp Road is narrow and has high volume of traffic 24/7, including also a bus route but does not have enough pedestrian crossings, so proposal will result in additional traffic impact.</p> <p>Minimum Lot Size not met</p> <p>Parking Loss of on-street parking. The already approved driveway at No 453 Beauchamp Road was building wider at 4m rather than the 3m as approved. The proposed driveway for No 451 is far too wide at 7m.</p> <p>Impact on quality of life Proposal will have detrimental impact on quality of life for surrounding residents as it will result in increase in traffic, noise, and safety issues, take away parking spaces, provide little or no amenity due to small narrow lot size. Acoustic</p>	<p>Council's engineers are satisfied with the parking arrangements.</p> <p>It is agreed that the site is very small to subdivide.</p> <p>Changes to traffic controls on Beauchamp Road does not form part of this assessment.</p> <p>There is no minimum lot size control relating to this development.</p> <p>The fencing materials are not specified, although wooden or colorbond fencing is considered acceptable</p>

D16/22

Issue	Comment
barriers such as brick walls should be used not wooden fences	

- 11 Amiens Way, Matraville

Issue	Comment
<p>Overdevelopment The proposal is an overdevelopment of the site. This part of Maroubra is already over populated and there is insufficient infrastructure to support existing population.</p> <p>Lot is not suitable for subdivision This lot is too small for subdivision due to its size. The proposal will result in 2x 4m wide lots which are too narrow for the area.</p> <p>The proposal does not comply with the minimum lot size requirement.</p> <p>Wide driveway takes away parking spaces The very wide 7m driveway will take away more on street parking spaces and already there is parking scarcity in the area.</p> <p>Traffic The proposal will create additional traffic</p> <p>Minimum frontage The proposal does not comply with the minimum frontage requirement.</p> <p>Reduction in quality of life The proposal will impact on the quality of life of residents by changing the character of the street, taking away on street parking spaces, making it difficult for family and friends to visit, and stretch already insufficient services.</p>	<p>The provision of additional infrastructure is not the subject of this application.</p> <p>Council's controls allow for subdivision for this kind of development.</p> <p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>Quality of life is discussed below</p>

- 1 White Avenue, Maroubra

Issue	Comment
<p>Minimum frontage Proposed development does not comply with minimum frontage requirement for dwelling houses under the DCP, of 9m.</p> <p>Minimum Lot size Proposed development does not comply with minimum lot size requirement for dwelling houses under the DCP.</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Bulk is considered in the major issues below</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>It is agreed rear setbacks are inadequate.</p>

Issue	Comment
<p>Visual Mass The proposed development is too large compared to surrounding dwellings.</p> <p>Rear setback The DCP requires a rear setback of 25% of lot size which in this case is 7.6 m but the proposed setback is 5m and 5.4m.</p> <p>Site is not a corner lot The proposal should not be compared to No 449 Beauchamp Road as different controls apply to corner sites.</p> <p>Character of neighbourhood The neighbourhood is large single dwelling houses where kids can play in backyard. The proposal will result in higher density, less outdoor space and change the neighbourhood character.</p> <p>Increased traffic and pressure on parking The subdivision will result in a traffic increase and place more pressure on local parking.</p>	<p>Each development application is assessed on its own merits.</p> <p>Character of the neighbourhood is discussed below</p>

- Local resident (address unknown)

Issue	Comment
<p>Character of area Proposal is contrary to character of area which is low density.</p> <p>Density increase Proposal will result in increase in density in the area which is low density.</p> <p>Wide driveway Subdivision will result in wide driveways taking away from parking spaces and places to place rubbish bins on garbage collection days.</p> <p>Parking Proposed development will result in more loss of on-street parking which is needed in the locality</p>	<p>Character of the area is discussed below.</p> <p>The area is zoned medium density residential.</p> <p>Council's engineers are satisfied with the parking arrangements.</p>

- U3/1094 AnzacParade Maroubra

D16/22

Issue	Comment
<p>Narrow site The lot is too narrow to be subdivided and does not comply with frontage length or width for dwelling houses in DCP.</p> <p>Small lot The lot is too small to be subdivided and does not comply with minimum lot size in DCP.</p> <p>Overdevelopment The proposal is an overdevelopment of the site. The site is only suitable for a single dwellinghouse.</p> <p>Wide driveway It is proposed that a 7m wide driveway will replace the existing 3m wide driveway. If proposal is approved, only a single 3m wide driveway should be allowed.</p> <p>Parking Proposed development will result in loss of on-street parking which is needed in the locality. If approved, development should rely on one driveway to serve both dwellings.</p> <p>Density increase Development will result in increase in density for the area, which is an already densely built neighbourhood.</p> <p>Traffic and parking pressures Resultant traffic increase and lack of parking spaces will be felt as far as Anzac Parade due to cumulative knock-on effect.</p> <p>Loss of quality of life The proposed increase in density, the resultant increase in traffic, the resultant noise, the small lot size, the taking away of parking spaces, the difficulty in accommodating visitor parking, will result in a loss of quality of life for the local residents.</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>Overdevelopment and loss of quality of life is discussed below.</p>

- 2 White Avenue, Maroubra

Issue	Comment
<p>Building is out of scale Proposal is out of scale with No 2 White Avenue and surrounding buildings.</p>	<p>The building is below the height limit (but exceeds the wall height control).</p> <p>Further details are required regarding overlooking and overshadowing</p>

Issue	Comment
<p>Distance from boundary Proposal is only 2 m from side boundary of No 2 White Avenue and this is alarming.</p> <p>Proposal is 2 storeys high and 28m from the road.</p> <p>Overlooking Overlooking into No 2 White Avenue.</p> <p>Overshadowing Proposal will cause overshadowing of No 2 White Avenue, notably the living room.</p>	

- Michael Daley MP – forwarding comments from 449 Beauchamp Road

Issue	Comment
<p>Request to consider petition (as set out below)</p> <p>Overdevelopment Overdevelopment of the site from the existing house to 2 semi-detached houses.</p> <p>Inadequate site frontage The block has a frontage of only 11m which would be divided in two, with each accessed by its own driveway.</p> <p>Wide driveway The existing driveway to the dwelling house is 3 m and approx 27% of frontage. The proposed driveway width is 7 m and 64% of frontage.</p> <p>Reduced street parking availability Reduced on street parking as a consequence of the additional driveway.</p> <p>Insufficient rear setback Proposed rear setback is not-compliant and indicative of overdevelopment.</p> <p>Lot Frontage The frontage of the lot is too narrow to allow for subdivision</p> <p>Reduced quality of life Proposal will result in reduced quality of life for local residents.</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p>

D16/22

- Petition of 32 residents

Issue	Comment
<p>Overdevelopment Overdevelopment of the site from the existing house to 2 semi-detached houses.</p> <p>Inadequate site frontage The block has a frontage of only 11m which would be divided in two, with each accessed by its own driveway.</p> <p>Wide driveway The existing driveway to the dwelling house is 3 m and approx 27% of frontage. The proposed driveway width is 7 m and 64% of frontage.</p> <p>Reduced street parking availability Reduced on street parking as a consequence of the additional driveway.</p> <p>Insufficient rear setback Proposed rear setback is not-compliant and indicative of overdevelopment.</p> <p>Lot Frontage The frontage of the lot is too narrow to allow for subdivision</p> <p>Reduced quality of life Proposal will result in reduced quality of life for local residents.</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p>

- 39 Rodman Avenue, Maroubra

Issue	Comment
<p>Survey discrepancy The survey of the site is different as calculated and as registered, and this should be checked.</p> <p>Minimum subdivision lot size The lot is too small to be subdivided, as minimum lot size is 325m² under the LEP.</p> <p>Minimal rear setback Proposal has minimal rear setback that does not comply with DPC requirements, as it is only 5 to 5.5m but should be a minimum of 7.6m.</p>	<p>Noted re the survey, however as there is no minimum subdivision size this is not determinative of the proposal.</p> <p>There is no minimum lot size or frontage width control relating to this development.</p> <p>It is agreed that the rear setback is inadequate.</p> <p>Each development proposal is assessed on its own merits.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>Character of the area is discussed below.</p>

Issue	Comment
<p>The development at No 453 is different and should not be used for comparison of precedent.</p> <p>Wider driveways will result in less on-street parking Subdivision will result in additional wider driveways where the street is already crowded.</p> <p>Less room for trees and grass Proposal will result in less space for trees and grass and this is contrary to Council's policy.</p> <p>Area not suitable for higher density South Maroubra is already higher in density as it has smaller lots and these are not suitable for further subdivision.</p> <p>Loss of street character The quite neighbourhood will lose its character if subdivisions on relatively small lots are allowed.</p> <p>The area has a village quality which will be lost and area will become overcrowded. The development affects the whole neighbourhood, not just the adjoining neighbours.</p> <p>Insufficient notification and consultation Not all neighbours were notified of this DA, and local residents should have been consulted, but many did not receive notification. Such developments should not be considered without public discussion.</p>	<p>39 Rodman Avenue is beyond the notification area. Council's affected properties map indicates that properties opposite the site would have been notified.</p>

- 2B White Avenue, Maroubra

Issue	Comment
<p>Adverse amenity impacts Proposed duplex development will result in adverse impacts on the amenity of adjoining property at No 2B White Avenue. Proposal makes no effort to safeguard amenity of neighbouring properties.</p> <p>Overshadowing Proposal will dramatically overshadow the natural light of this property and will 'smother' this property in shadow. It will remove sunlight from the whole second floor</p>	<p>Overshadowing of 2B White Avenue is considered to be a major impact. It is agreed that shadow diagrams are inadequate.</p> <p>It is agreed that there are inadequate rear setbacks. Side setbacks do not meet the controls but are considered acceptable.</p> <p>Council's landscape officer has indicated removal of the street tree and replacement to the west is acceptable.</p> <p>Council's engineers are satisfied with the parking arrangements.</p>

D16/22

Issue	Comment
<p>Currently young children of this family play in the backyard in the sun. Non-compliance with the rear setback prohibits all sunlight to that area.</p> <p>Submitted shadow diagrams are inadequate and should show elevations.</p> <p>Proposal is contrary to objectives of development controls Development controls identify amenity of residents and specifically overshadowing as key objectives but proposal results in overshadowing. Development is contrary to the key objectives of the zone.</p> <p>Insufficient setback Proposal has insufficient rear setback which adds to amenity impacts.</p> <p>Visual bulk The proposed bulk will take away direct sunlight from whole second floor of No 2B White Avenue, and adversely impact on the amenity of the adjoining properties.</p> <p>Loss of privacy Proposal will result in loss of privacy in the POS of No 2B White Avenue.</p> <p>Inadequate SEE The SEE is inadequate and it falsely claims that the adequate consideration of neighbour's amenity.</p> <p>Site unsuitable for higher density Whereas No 2B White Avenue is part of a duplex, not all sites are suitable for duplex development, and No 451 Beauchamp Road is a particularly small site for this kind of development.</p> <p>Damage to and loss of street trees Trees on the verge in front of No 451 Beauchamp Road will be damaged.</p> <p>Loss of street parking The increased driveway width will result in loss of on street parking.</p> <p>Inadequate size and width of proposed verge crossing</p>	

Issue	Comment
<p>The driveway will allow 4x cars to reverse out onto Beauchamp Road which is a busy street carrying buses. This will result in an unsafe outcome so close to the Malabar Road roundabout.</p> <p>Inadequate design</p> <p>Proposed development is out of proportion in terms of scale and bulk, and it is far too close to the boundaries with insufficient setbacks, especially at the sides and rear.</p>	

- 2B White Avenue, Maroubra

Issue	Comment
<p>Amenity impacts</p> <p>Proposal will have negative impact on amenity of this property by way of its size and location.</p> <p>Sunlight</p> <p>No 2B White Avenue relies heavily on natural light and sunshine into the living space and small backyard from the west. This is the sole source of sunlight in these areas and the yard is the only area where clothes can dry outside. Otherwise direct access to sunlight from the east stops at 9:30 am down stairs and at about 10:30 am upstairs in this property. Currently this property enjoys direct sunlight into the yard and living area from about 10:30 am to about 5:30 pm. This natural light from the west will be blocked by the proposed development.</p> <p>The upstairs hall windows of this property receive the only direct light upstairs after about 10:30 am and sunlight access to these will be blocked by the proposed development.</p> <p>Privacy</p> <p>Privacy will be greatly impacted as the proposed development will overlook this property and particularly into the sole living space downstairs, and into the bedrooms upstairs.</p> <p>Photos provided of areas likely to be impacted by proposed development.</p>	<p>Overshadowing of 2B White Avenue is considered to be a major impact.</p> <p>It is agreed that privacy impacts are possible without highlight windows at the first floor but also possibly because of the elevated nature of dwelling 2.</p>

- 398 Beauchamp Road, Maroubra

Issue	Comment
Streetscape	Character of the area is discussed below.

D16/22

Issue	Comment
<p>Proposed development is totally inconsistent with the streetscape of 1-2 storey houses. No other (house) on this part of the street is this high. Development is out of character. Due to car parking level it is actually 3 storeys not 2.</p> <p>Building Height The max height for vertical walls is 7m in Randwick DCP. The proposed building has 9.5m walls close to the side boundaries.</p> <p>Overshadowing The height of the proposed building will result in overshadowing of adjoining properties.</p> <p>Street frontage / Driveway The wide driveway will take away all the on street parking on this part of Beauchamp Road. Parking for residents and visitors has become a premium in this area due to the many dual occupancies.</p> <p>Dangerous Traffic Conditions The proposed driveways will be close to the Malabar Road roundabout and result in dangerous driving conditions.</p> <p>Green Impact The street tree will be lost as a result of the driveway.</p> <p>This development offers insufficient open space.</p> <p>There is insufficient space for 6 bins for the two proposed properties. The bins will likely be left on the nature strip and this will impact on the amenity of the neighbourhood.</p> <p>Colour Scheme The proposed colours are different to those of other homes in the locality, and will do nothing to enhance the street, they are not in keeping with the streetscape of the neighbourhood, but are more consistent with a shopping district.</p> <p>Overdevelopment Proposal is an overdevelopment which will ruin the streetscape.</p>	<p>It is agreed that the wall height control is not met.</p> <p>It is agreed that there will be additional overshadowing.</p> <p>Council's engineers are satisfied with the parking arrangements</p> <p>Council's landscape officer finds that removal and relocation of another street tree is acceptable.</p> <p>Bins are located in the garages.</p> <p>Character and overdevelopment are considered below.</p>

- No 2B White Avenue, Maroubra - objection provided by Canberra Town Planning

Issue	Comment
<p>Rear setback and open space The rear setback should be at least 7.5m. Greater open space at the rear is required.</p> <p>Relocation of building closer to street Proposed building should move 1.5m to the streetfront.</p> <p>Side entries The side entries are a poor urban design solution and should be moved to the front to address the street, and minimise impacts.</p> <p>Noise The side entries will generate acoustic issues for residents of Nos 2B White Avenue.</p> <p>Minimum lot width Does not comply with minimum lot width of 9m.</p> <p>Loss of street tree A suitable replacement tree should be provided</p> <p>Solar impacts Accurate shadow diagrams should be provided to demonstrate impacts of proposal on adjoining properties.</p> <p>Dilapidation report A dilapidation report should be required noting the sandy soils of the area.</p> <p>Inadequate details</p> <ul style="list-style-type: none"> • GFA /FSR diagrams • Shadow diagrams • Deep soil/landscaping compliance • Site coverage • Air conditioning equipment 	<p>It is agreed that the rear setbacks are inadequate and greater private open space is required.</p> <p>Relocation of the building 1.5m to the front would worsen the already non-compliant front setback.</p> <p>It is agreed that the side entries are poorly located and should be relocated closer to the front of the dwellings.</p> <p>It is agreed better shadow diagrams are required</p> <p>There is no minimum frontage width control relating to this development.</p> <p>Council's landscape officer has nominated a replacement street tree be located on the western boundary</p> <p>Dilapidation reports can be conditioned</p>

- 16 White Avenue Maroubra

Issue	Comment
<p>Strongly object to this development Residents do not know whether this proposal is compliant with Council's controls. Council should state if it complies.</p>	<p>This report considers compliance with the controls</p>

- 40 Bancroft Road Abbotsbury, on behalf of 449 Beauchamp Road, Maroubra

D16/22

Issue	Comment
<p>Overdevelopment for the site and street The site is small and narrow, the proposed two attached houses replace one home and this is an overdevelopment on this site.</p> <p>Driveway The driveway at 7m width is too wide for this part of the street and results in reduction of on-street parking.</p> <p>Street parking The parking availability in the area has worsened since the subdivision of No 453 Beauchamp Road. The proposed development will take away the capacity to park close to his family on the street.</p> <p>If development is approved, the driveway width should be retained at 3m wide, centrally located in front of No 451 Beauchamp Road.</p> <p>Subdivision The small size and narrow frontage of No 451 Beauchamp Road do not make it suitable for duplex style development. The resultant lots would be too narrow for the street, and the driveway too wide.</p> <p>Impact on character of area Area was built in the 1960s and it is an already densely built neighbourhood. The proposed subdivision will increase density of area beyond that already allowed when neighbourhood was developed.</p> <p>Adverse Impacts The creation of the second dwelling on this property will result in a decrease of quality of life for residents, additional traffic, loss of street parking increased pollution, increased acoustic impact, create difficulty for visitors and limit accessibility of services including emergency and service vehicles.</p> <p>Increase rainwater runoff Lack of details in DA. There is potential for water ingress onto adjoining properties due to the increased height of new ground level and seeming lack of appropriate water runoff management proposed.</p> <p>Rainwater already flows from No 451 Beauchamp Road and 2 White Avenue into the</p>	<p>Council's engineers are satisfied with the parking arrangements.</p> <p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Character of the area and reduction in quality of life is considered below.</p> <p>Stormwater issues can be conditioned. The raising of the level of the site for the development is considered to be unacceptable.</p> <p>It is agreed that the DA documents lack sufficient detail in a number of areas.</p>

Issue	Comment
<p>backyard of No 449 Beauchamp Road, as it is not managed 100% within those lots.</p> <p>The backyard of No 449 Beauchamp Road has been flooded many times due to lack of water management being in place in the adjoining sites and on occasion water depth reached 21cm against the rear wall of No 449 Beauchamp Road.</p> <p>Insufficient development conditions</p> <p>The development at No 2 White Avenue has worsened the situation when the backyard ground level was increased by about 35 cm near the fence with No 449 Beauchamp Road, under DA 296/2016. This soil now rests against the wooden dividing fence causing it to decay. DA 296/2016 should have required the development at No 2 White Street to have a retaining wall on the boundary, but it did not. It is feared that a similar situation will arise with the development No 451 Beauchamp Road and insufficient conditions might be in place to prevent this.</p> <p>DA documents lack sufficient detail</p> <p>The DA documents do not show sufficient detail.</p> <p>The use of retaining walls should be considered.</p> <p>A water management solution should also be submitted for assessment.</p>	

- Local resident (address unknown)

Issue	Comment
<p>Subdivision</p> <p>The site is small and narrow, to be subdivided. The resultant lots at approx. 160m² each are unsuitable for the area.</p> <p>The DCP requires a street frontage of 9m for subdivided lots for the purpose of dwelling houses and this proposal does not meet this requirement.</p> <p>The area is already in dense format and is not suited to subdivisions.</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>Character of the area is discussed below.</p>

- 390 Beauchamp Road, Maroubra

D16/22

Issue	Comment
<p>The lot is too small to subdivide The two resultant lots will only have frontage of 5.4m each and this is too narrow for the area, and will increase the density which is already a problem.</p> <p>Driveway width The proposed driveway of 7m will replace an existing 3m driveway and remove valuable on street parking space.</p> <p>Parking and traffic issues Beauchamp Road already experiences parking issues with limited spaces and proposed development will add to traffic congestion</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p>

- Registered Architect and Town Planner, on behalf of No 449 Beauchamp Road Maroubra – two submissions

Issue	Comment
<p>Overdevelopment of the site The proposal is overdevelopment from the existing house to 2 semi-detached homes.</p> <p>Inadequate site frontage The block has insufficient street frontage, which will be smaller for each lot when divided into 2.</p> <p>Driveway width The proposed driveway is too wide and will result in reduced on street parking availability.</p> <p>Non-compliance with rear setback The proposal does not comply with the rear-setback requirements, leading to non-compliant rear open space.</p> <p>Amenity and privacy impacts from site entries Boundary surface levels between 451-449 Beauchamp Road House side wall access to 449 Beauchamp Road Inadequate supporting information</p>	<p>There is no minimum lot size or frontage width control relating to this development.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>It is agreed rear setbacks are inadequate.</p> <p>Overdevelopment is considered below.</p> <p>Other issues see response to next submission</p>

- Registered Architect and Town Planner, on behalf of No 449 Beauchamp Road Maroubra - 3rd submission

Issue	Comment
In addition to first submission additional issues were raised subsequently as follows:	There is no minimum lot size or frontage width control relating to this development.

Issue	Comment
<p>Overdevelopment of the site The inadequate rear setback and inadequate private open space are indicative of over development of the site which is a small block of land.</p> <p>Inadequate site frontage If the DCP is to be taken into account, the development constitutes a 40% deficiency, that is less than 3.6m than the DCP requirement.</p> <p>Character of the area The subdivision of the small lot will have consequences on the character of the area and create a dangerous precedent.</p> <p>Street parking The proposal will have adverse consequences on the provision of street parking due to the loss of 5.5 m of street kerb.</p> <p>Driveway width The large driveway width will have the effect of sterilising 40% of site frontage for provision of on street car parking. The driveway will result in effectively sterilising the whole of the street frontage to parking because effectively the remaining 2x 2.5m lengths of kerb will not be able to accommodate a car space each.</p> <p>Non-compliant rear setback Proposal does not comply with RDCP cl 3.4.3(ii) which requires for attached dwellings a minimum rear setback of 25% of lot depth or 8m whichever is lesser.</p> <p>Non-compliant rear private open space Randwick DCP cl 2.5 stipulates contiguous area of private open space at ground level with minimum dimensions of 6m x 6m. The proposal does not meet this requirement</p> <p>Amenity and privacy impacts The location of dwelling entries on the sides of this development will result in amenity impacts on the neighbouring properties, including loss of privacy and noise impacts.</p> <p>The proposed dining areas contain 2 sets of external sliding doors one to the rear and one to the side. The side doors face directly towards</p>	<p>Character of the area is discussed below.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>It is agreed rear setbacks are inadequate.</p> <p>Overdevelopment of the site and impact on character of the area are considered below</p> <p>The private open space requirement is 5m x 5m.</p> <p>It is agreed the location of the dwelling entries is unsatisfactory.</p> <p>The additional dining room doors to the side are not considered unreasonable however the elevation of the property with fill has the potential to lead to unreasonable privacy impacts. It is agreed that there are no retaining wall details and the additional fill is not supported.</p> <p>Stormwater can be conditioned.</p> <p>If 449 Beauchamp Road requires access over 451 Beauchamp Road to carry out maintenance, it should obtain an easement for those purposes.</p> <p>It is agreed further information is required for many matters.</p>

D16/22

D16/22

Issue	Comment
<p>and overlook the neighbouring properties and should be deleted.</p> <p>The proposed fences measure 1.6m from ground level which will facilitate overlooking of neighbouring properties. The boundary fences should be a minimum of 1.8m from ground level.</p> <p>Boundary surface levels</p> <p>The boundary surface levels between Nos 451 and 449 Beauchamp Road should be considered when assessing the development.</p> <p>The proposed surface level at No 451 Beauchamp Road at the boundary fence with No 449 Beauchamp Road is proposed to be increased by up to 1.2m in places, but no information is provided in relation to retaining structures.</p> <p>No stormwater design is provided to demonstrate how water will be stopped from crossing boundary at No 449 Beauchamp Road.</p> <p>As proposed, the surface level difference between these two adjoining properties will result in storm water being directed to enter No 449 Beauchamp and this is in breach of Building Code of Australia performance requirements, and specifically FP1.1.</p> <p>The proposed increase in ground level permanently blocks access to the wall air vents near existing ground level at No 449 Beauchamp Road.</p> <p>There should be no height increases at ground level at No 451 Beauchamp Road.</p> <p>House side</p> <p>The house side wall access to No 449 Beauchamp Road should be considered when assessing application.</p> <p>The houses on Nos 449 and 451 Beauchamp Road were built at the same time in 1968. They were designed to allow mutual side access to each of these homes. The side access at No 449 Beauchamp Road has been used since then for air-conditioning and access to gutters. The proposal will block access to side wall of this property.</p>	

Issue	Comment
<p>Inadequate documents</p> <p>The DA has inadequate supporting information.</p> <ul style="list-style-type: none"> No GFA diagram No site coverage No deep soil/ permeable surfaces Solar access demonstrating daylight access to neighbour's living and open space areas not supported by geotechnical investigation. lack of information in relation to locations of rainwater tank, air conditioning, hot water tanks 	

- 453 Beauchamp Road, Maroubra

Issue	Comment
<p>Dramatic reduction to sunlight access</p> <p>Proposed development will dramatically reduce sunlight access and result in overshadowing of living areas and open space of properties to the southeast and notably No 453 Beauchamp Road.</p> <p>Insufficient / incorrect shadow diagrams</p> <p>These diagrams already show substantial reduction of sunlight access to living spaces and open space in winter for No 453 Beauchamp Road.</p> <p>But diagrams do not correctly include additional impacts due to changed ground levels and proposed fence.</p> <p>Reduction of indoor environment quality</p> <p>The amenity impacts on the living spaces of No 452 Beauchamp Road will result in dramatic reduction of indoor environment quality for this property and impact on residents' mental health and wellbeing.</p> <p>The proposed development envelope should be adjusted to avoid overshadowing.</p> <p>Adverse impact of increased ground level</p> <p>The proposed ground level at the boundary between Nos 451 and 453 Beauchamp Road will be increased by approximately 400mm. This will subject the dividing zincalume fence to a structural retaining weight which it was not designed to withstand.</p>	<p>It is agreed inadequate shadow and solar access diagrams are provided and there will be a substantial reduction in solar access for 453 Beauchamp Road.</p> <p>The increase in ground levels is not supported.</p> <p>Stormwater matters can be conditioned.</p> <p>There is no minimum lot size or frontage width control relating to this development.</p> <p>The side entry and elevation about natural ground level is not supported and lead to privacy and acoustic impacts.</p> <p>Council's engineers are satisfied with the parking arrangements.</p> <p>The proposal meets the height control of the LEP.</p> <p>There is no minimum lot size or frontage width control relating to this development.</p>

D16/22

Issue	Comment
<p>If proposal is approved, a proper diving wall should be constructed capable of containing the increase in ground level and developers of No 451 Beauchamp Road should be solely responsible for this cost.</p> <p>Stormwater</p> <p>The stormwater design directs stormwater to the boundary and the proposed ground level difference will encourage stormwater to enter No 453 Beauchamp Road. This a breach of the performance requirements of Building Code of Australia as stipulated in FP1.1.</p> <p>Compliance with the BCA is mandatory at CC stage, so this should be given some weight during assessment, and Randwick Stormwater DCP also requires compliance with BCA.</p> <p>Location of entries</p> <p>The proposed entrance door to one of the entries is directly opposite the door accessing the backyard of No 453 Beauchamp Road from its dining space.</p> <p>The proposed RL at the entry door is 540mm above the finished floor level of No 453 Beauchamp Road, and this creates privacy issues that are compounded by the lower side fence.</p> <p>Lower side boundary fence</p> <p>The proposed fence is 1060 mm lower than the current boundary fence and may also be a non-compliance with BCA in relation to balustrade heights.</p> <p>But a standard 1.8m high fence will block in the outlook of the property at No 453 Beauchamp Road, as the window outlook on that side would be towards a 2.4m high wall. This will result in further reduced amenity and access to sunlight.</p> <p>Inadequate plans</p> <p>The architectural plans and shadow diagrams do not allow for a standard dividing fence and its impacts on the adjoining properties by way of overshadowing. When the correct dimensions are shown, the resultant impacts would be much greater than indicated in the current plans.</p>	

Issue	Comment
<p>Proposal is inconsistent with objectives of LEP in relation to height</p> <p>These objectives are to ensure that development does not adversely impact on amenity of adjoining and nearby properties in terms of visual bulk, loss of privacy, overshadowing and views. The DA plans do not achieve compliance with these objectives and breach privacy and overshadowing including also views, as the outlook from No 453 Beauchamp Road would be towards a 3.5m wall and the future residents of No 451 Beauchamp Road would be able to overlook into this property.</p> <p>Driveway width and street parking</p> <p>The proposed driveway takes too much of the street front and renders street parking unusable in that section of Beauchamp Road.</p> <p>Small lot</p> <p>The lot is too small to be subdivided so no subdivision should be permitted.</p> <p>Inadequate design</p> <p>The design of the proposal does not take into account the environmental effects or the impact on the amenity of the neighbouring properties, while the DA documentation does not accurately reflect existing ground levels or fence level conditions.</p> <p>The proposed built form envelope should be modified to adequately maintain natural sunlight and to facilitate amenity of No 453 Beauchamp Road. As proposed, the development will render existing habitable spaces uninhabitable by reducing indoor environmental quality.</p>	

- 18 Hargraves Place, Maroubra

Issue	Comment
<p>Rear Setback</p> <p>The proposed setback of 5m to 5.46m is a major non compliance with the required minimum of 7.6m in the DCP.</p> <p>Bulk and Scale and solar access</p> <p>As a result of the insufficient setback, the bulk and scale of the proposed development is inappropriate for such as small site and will result in severe overshadowing of neighbouring</p>	<p>It is agreed rear setbacks are inadequate.</p> <p>Character of the neighbourhood and overdevelopment of the site is discussed below.</p> <p>It is agreed that further details regarding overshadowing are required.</p> <p>Council's engineers are satisfied with the parking arrangements.</p>

D16/22

Issue	Comment
<p>properties and significantly restrict sunlight access to these.</p> <p>Car Parking and Access The proposed wide driveway serving 2 dwellings is located in very close proximity to the main intersection roundabout of Beauchamp Road and Malabar Road. This will create dangerous traffic conditions.</p> <p>Removal of Street Tree The construction of this 'monster size driveway' will result in the removal of a street tree.</p> <p>Overdevelopment of site The proposal will impact adjoining and nearby homes by way of insufficient setbacks, its bulk and scale, resultant overshadowing, parking impacts and is therefore an over development of the site.</p> <p>Character of location South Maroubra Estate was building in 1968 in already dense format of small lots and is not suitable for further subdivisions.</p> <p>Streets in the area are targeted by developers who subdivide small lots and building out of scale development. Every subdivision creates additional wider driveways, and results in fewer street parking spaces while adding additional cars and traffic to the streets.</p>	<p>Council's landscape office has indicated a replacement tree can be located on the western boundary.</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. SEPP 55 (Remediation of Land)

The site has been residentially occupied for many years. There is nothing evident that would indicate that the site was unsuitable for use as residential accommodation.

6.3. SEPP (Vegetation in Non-rural Areas) 2017

There are no trees located in the site site which are subject to a tree preservation order.

6.4. Randwick Local Environmental Plan 2012 (LEP)

The site is zoned Residential R3 Medium Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with consent.

The proposal is not consistent with the specific objectives of the zone in that the proposed activity and built form has not recognized the desirable elements of the existing streetscape and built form, or in precincts undergoing transition, that contribute to the desired future character of the area. The proposal does not protect the amenity of residents.

The proposal is not consistent with the specific objective of the LEP to achieve a high standard of design in the private and public domain that enhances the quality of life of the community.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
CI 4.4: Floor space ratio (max)	Nil		NA
CI 4.3: Building height (max)	9.5m	7.7-8.8m	Yes
CI 4.1B: Lot Size (min)	None is mapped. As the use is semi detached no minimum lot size control applies	DU 1 = 165.38m ² DU 2 = 160.28m ²	NA

D16/22

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 has a number of non-compliances with 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(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	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development is consistent with the dominant residential character in the locality.

D16/22

Section 4.15 'Matters for Consideration'	Comments
environment and social and economic impacts in the locality	The proposal will not result in detrimental social or economic impacts on the locality.
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 does not promote the objectives of the zone and will result in significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered not to be in the public interest.

8.1. Discussion of key issues

Minimum lot size for subdivision

No minimum lot size is mapped for the site. The provisions of section 4.1B of RLEP 2012 provides for a minimum lot size for lots in R3 which is to be used for a dwelling house or a purpose other than residential accommodation, to be 325m². As the proposal is for semi-detached dwellings this section is not application. There is no minimum lot size relating to this proposal.

Minimum frontage width for subdivision

Section 2.1 of Part C1 of the RDCP 2013 sets out minimum frontage widths for allotments resulting from subdivision in R3 zones for the purposes of dwelling houses to be 9m. The proposal is for semi-detached dwellings. The only minimum lot provision in R3 zoned land relating to semi-detached dwellings is that there not be battle-axed lots. No battle-axe lot is provided. Therefore there are no relevant minimum frontage width controls which relate to the proposal.

Wall height control exceedance

Section 3.2 of Part C1 of RDCP 2014 establishes a maximum wall height of 7m. The site is not considered to be steeply sloping as it has a slope of 6%, therefore the 8m wall height control is not triggered. The wall height is at least 8.07m in the north-western corner of the site, leading to a 1.07m or 15.3% variation to the control. The exceedance is concentrated at the street frontage which affects visual amenity from the street. It is inconsistent with the objectives of the wall height control in that the proposal does not contribute to the character of the street nor establish a suitable scale to the street. It leads to a development which has the appearance of 3 storeys. The wall height exceedance contributes to unreasonable impacts on neighbouring dwellings from overshadowing, privacy and visual amenity.

The elevation of the dwellings above ground level existing is inconsistent with the objective which seeks to respect the topography of the site as it leads to amenity impacts on neighbours and unresolved boundary level differences.

Therefore the wall height exceedance is not considered to be an acceptable outcome from the proposal.

Non-compliance with front setback controls

The applicant states that it meets the front setback controls and they are greater than the approved development at 449 Beauchamp Road. However building setback under the RLEP 2012 is measured to the outside edge of any balcony. Instead of the stated setback of 6.2m to 7.7m, the front setbacks are approximately (because they are not set out in the plans):

- Lower level: 5m to the blade wall of Dwelling 2 garage
- Ground level: 3.9m to the outer edge of each balcony

- Level 1: 5m to the outer edge of Dwelling 2's balcony

The existing setback of 449 Beauchamp Road is 10m to the house and 3.5m to the garage, and the approved setback is 5.78m. The setback for 453 Beauchamp Road is not relevant given that it is effectively the secondary street frontage. Taking the approved development at 449 Beauchamp Road, the proposal is therefore inconsistent with the front setback controls by 1.88m or a 32.5% variation to the control. This results in insufficient front gardens which detracts from the character of the street and presents as a massing which does not complement the streetscape character.

Non-compliance with rear setback controls

The required rear setback for each dwelling is not met. The applicant has again incorrectly applied the definition of building setback. The provisions are below:

	Dwelling 1	Dwelling 2
Rear setback requirement	7.6m	7.2m
Applicant's stated setback	5.463m	5.04m
Actual setback as per LEP (taking into account the blade wall)	5.2m	4.8m
Variation to control	2.4m (31.6% variation)	2.4m (33% variation)

The non-compliance with the rear setback controls do not provide adequate separation to the neighbouring building at 2 White Avenue for visual and acoustic privacy. It also leads to poor solar access for 2 White Avenue and 2B White Avenue's private open space. The private open space in the rear of each dwelling is also compromised.

Non compliance with deep soil planting areas

The control in clause 2.4 of Part C1 of the RDCP 2013 requires 25% lots of 301-450m² to have 25% deep soil landscaping. Whilst the plans indicate 92.08m² (28%), that calculation incorrectly includes areas of less than 900mm wide. In fact the likely area is 67m² (20%), with 14m² deficit, being a 17% variation to the control.

Earthworks and excavation

The proposal includes substantial fill for the majority of the site, including over 1 metre. This leads to unacceptable impacts on the visual privacy of neighbouring sites due to overlooking from elevated positions, including from ground floor levels and the side entries. It creates unresolved uneven boundaries and no details are provided about retaining walls and fencing details.

No geotechnical information has been provided as to how excavation will be managed on the site or how both the excavation and the fill will impact drainage patterns in the area.

Solar Access and overshadowing

Inadequate overshadowing and solar access information has been provided to demonstrate the impacts on the neighbours at 2 and 2B White Avenue and at 453 Beauchamp Road. In any event, it appears that the overshadowing impacts on the living and private open spaces will be unacceptable.

Visual and acoustic privacy

The finished floor level of Dwelling 1 Ground floor kitchen and entry is at RL39.54. The finished floor level of the existing dwelling at 449 Beauchamp Road is RL38.99. Dwelling 1 will be 0.55m higher than the existing dwelling and private open space at 449 Beauchamp Road. This allows for the potential to overlook the private open space private open space of 449 Beauchamp Road from the proposed kitchen doors and private open space above any 1.8 metre fence on the boundary. This provides an unacceptable level of visual privacy intrusion.

The finished floor level of Dwelling 2 Ground floor kitchen and entry is at RL39.54. The finished floor level of 453 Beauchamp Road's dining room has sliding doors onto the private open space is at RL38.55. The dining room and private open space are adjacent to the entry for Dwelling 2. Dwelling 2 will be 0.99m higher than 453 Beauchamp Road's private open space and dining room sliding doors. The owner of 453 Beauchamp Road advises that the height of the existing dividing fence is at RL40.6 – just 1.06metres above the height of the proposed entry to Dwelling 2. Residents and visitors to Dwelling 2 will easily be able to view the dining room and private open space of 453

Beauchamp Road from the entry way which provides an unacceptable level of visual privacy intrusion. If a 1.8m fence was erected on the elevated ground of Dwelling 2 this would result in a boundary fence height of RL41.34 or a fence height of 2.79m as viewed from 473 Beauchamp Road. That will provide an unacceptable overbearing feature and reduce sunlight access to the dwelling and private open space in an unacceptable manner.

Control i) of section 5.4 of Part C1 of the DCP requires dwellings to be sited to limit the potential for noise transmission to the sleeping areas of adjacent dwellings. The entry to Dwelling 2 at the side of the dwelling is directly opposite bedroom 4 and 5 of 453 Beauchamp Road, creating unreasonable potential acoustic impacts for those bedrooms.

Building design and safety and public domain interface

The side entries of the dwellings do not provide for readily identifiable entries to the dwellings and are set well back – about half way into the block up two sets of stairs. The proposal is therefore inconsistent with section 5.5 of Part C1 of RDCP 2013 regarding safety and security of buildings. It also provides for a poor public domain interface.

Overdevelopment and character of the area

At the heart of many of the submissions is that the block is already small at 325.66m² and to subdivide it further and construct two dwellings is an overdevelopment of the site and not in keeping with the character of the area. A number of submissions state that a comparison with the subdivision at 453 Beauchamp Road / 2B White Avenue is not relevant given it is on a corner lot. A similar argument could be made with respect to the other approved subdivision at 412 Beauchamp Road which is on the corner with Rodman Avenue. In both cases, the approved driveways are one on each road rather than two immediately beside each other.

No other lots in the area have lot widths of approximately 5.5m save where there is a splay to the rear or the front. The narrow lot widths (generally approximately 2.5m narrower than the majority of the narrow lots in the area) will not be contributing to the desired future character of the area which is already a densely occupied area within a suburban setting. The failure to comply with the front and rear setbacks, the deep soil and private open space controls, and the impacts to neighbouring developments from overshadowing and privacy, lead to a conclusion that the narrowness of the lots and their small sizes provides for an unsuitable lot shape in this location, and that the proposal is an over development of the site.

Loss of quality of life through increased onstreet parking and density

This is a difficult concept to measure but certainly the amenity of the immediate neighbours will be impacted by the proposal, particularly through overshadowing and loss of privacy.

The neighbours are also deeply concerned that the proposal will lead to greater traffic and use of on-street parking in an area in which parking is already at a premium. The proposal provides the required two car parking spaces for each dwelling under RDCP 2013. Whilst the neighbours' concern is that the garage will be used for storage, it is noted that the garage is wide enough to have some storage within the garage. Although some storage is located under the stairs in the basement it is unclear how this could be accessed.

Whilst it is acknowledged that the approved development at 449 Beauchamp Road includes a garage under two levels of dwelling, the three storey style of development is not generally seen within the streetscape of the area. 449 Beauchamp Road's approval differs from this proposal in that it is for a dwelling house without subdivision, there is a single driveway of 4.2m wide (representing a driveway width of 38% of the site). The proposal includes two driveways each of 2.4m wide with an entrance width from the kerb of approximately 5.6m. Once combined with the entry pathways, the front setback will be dominated by hard surfaces with little space for any substantive planting to soften the streetscape appearance.

The development would slightly increase the traffic using the local roads and there is a chance that some on street parking will be taken up by the residents and their visitors. Currently there appears to be space for a small car between the driveways of 449 and 451 Beauchamp Road, and space for 2 cars between the driveways of 453 and 451 Beauchamp Road (3 in total). The approved development for 449 Beauchamp Road does not appear to alter this. Under the proposal it appears that there will be a reduction of one onstreet car space between 451 and 453 Beauchamp Road.

Whilst not determinative, the proposal will increase pressure on the already tight on street parking in the area.

9. Conclusion

That the application for demolition of existing structures and construction of 2 x part two and part 3 storey semi-detached dwellings, Torrens title subdivision, landscaping and associated works be refused for the following reasons:

1. The proposal is inconsistent with Section 1.2 Aims of the Plan (d) under Randwick Local Environmental Plan 2012, in that it does not achieve a high standard of design, has adverse impacts on the community, and will not enhance the quality of life of the community.
2. The proposal is inconsistent with the objectives of the R3 Medium Density Residential zone under Randwick Local Environmental Plan 2012, in that it does not recognize the desirable elements of the existing streetscape and built form nor contribute to the desired future character of the area. The proposal does not protect the amenity of residents.
3. The proposal is inconsistent with the objectives and factors to be considered in section 6.2 Earthworks under Randwick Local Environmental Plan 2012, in that no geotechnical information has been provided to enable a proper assessment of the impacts on surrounding land and the amenity of adjoining properties.
4. The proposal does not comply with the Site Planning objectives in Part C1 Section 2 of Randwick Development Control Plan 2013 in terms of respecting the predominant subdivision and development pattern of the locality and to the props ensure that lands subdivision creates allotments that have adequate width and configuration to deliver suitable building design and to maintain the amenity of the neighbouring properties.
5. The proposal does not comply with the Landscaping and permeable surfaces objectives and controls in Part C1 Section 2.4 of Randwick Development Control Plan 2013 in terms of ensuring landscaped areas are effectively distributed on the site to achieve a visual balance between building structures and open space and provision of deep soil permeable surfaces.
6. The proposal does not comply with the private open space objectives and controls in Part C1 Section 2.5 of Randwick Development Control Plan 2013 in terms of provision of an adequate level of private open space.
7. The proposal does not comply with the building design objectives and controls in Part C1 Section 3 of Randwick Development Control Plan 2013 in terms of the maximum wall height so as not to cause unreasonable impacts upon the neighbouring dwellings in terms of overshadowing, privacy and visual amenity.
8. The proposal does not comply with the setback objectives and controls in Part C1 Section 3.3 of Randwick Development Control Plan 2013 in terms of maintaining a consistent rhythm of street setbacks and front gardens that contributes to the character of the neighbourhood, to ensure the form and massing of development complement and enhance the streetscape character, to ensure adequate separation between neighbouring buildings for visual and acoustic privacy and solar access and to reserve adequate areas for the retention or creation of private open space and deep soil planting. The proposal does not comply with the front and rear setback controls.
9. The proposal does not comply with the earthworks objectives and controls in Part C1 Section 4.6 of Randwick Development Control Plan 2013 in terms of maintaining or minimizing change to the natural ground levels and ensuring that backfilling does not result in unreasonable visual, overshadowing and privacy impacts on the adjoining dwellings.

D16/22

D16/22

10. The proposal does not comply with the solar access and overshadowing objectives and controls in Part C1 Section 5.1 of Randwick Development Control Plan 2013 in terms of ensuring that development retains reasonable levels of solar access to the neighbouring dwellings and their private open space.
11. The proposal does not comply with the visual privacy objectives and controls in Part C1 Section 5.3 of Randwick Development Control Plan 2013 in terms of ensuring development minimizes overlooking or cross viewing to the neighbouring dwellings.
12. The proposal does not comply with the safety and security objectives and controls in Part C1 Section 5.5 of Randwick Development Control Plan 2013 in terms of ensuring relevant crime prevention principles are applied in the siting and design of buildings and landscaping, in particular that the main entry to a dwelling be located on the front elevation facing the street and be readily identifiable unless the site has a narrow frontage width.
13. The proposal is not satisfactory pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, in that the proposal is not in the public interest.
14. Insufficient information has been provided to enable a proper assessment of the overshadowing impacts to the adjoining properties. Further information is required for details on plans, cross sections showing boundary levels, lot widths and air conditioning units. No geotechnical assessment has been provided.

Appendix 1: Referrals

1. Internal referral comments:

1.1. Development Engineer

An application has been received for construction of a new dual occupancy at the above site with Torrens Title Subdivision.

This report is based on the following plans and documentation:

- Architectural Plans by Sgammotta Architects;
- Statement of Environmental Effects by Sgammotta Architects;
- Landscape Plan by Zenith Landscape Designs;
- Detail & Level Survey by D & C Surveying dated 10.08.21

Parking Comments

Under Part B7 of Council's DCP 2013 each of the proposed **3** bedroom residences is required to provide a minimum of **2** off-street car spaces. The submitted plans **do** demonstrate compliance with this requirement as the 2nd car space can be located on the internal driveway.

The proposed garages and driveways **comply** with the minimum requirements of Australian Standard 2890.1:2004 in regards to size, grades, and overhead clearances.

Drainage Comments

On site stormwater detention is required for this development.

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

The stormwater must be discharged (by gravity) either:

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

Undergrounding of power lines to site

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

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

The subject **is not** located within 15m of a mains power distribution pole on the same side of the street hence the above clause **is not** applicable.

Landscape Comments

There are no trees covered by Council's Tree Preservation Order located within the site.

Permission is granted for the removal of the Council Street tree to allow for the construction of the vehicular crossing, subject to the planting of a replacement street tree near the western side boundary.

Appendix 2: DCP Compliance Table**3.1 Section C1: Low Density Residential**

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R3	Yes
2	Site planning		
2.1	Minimum lot size and frontage		
	Minimum lot size (RLEP): <ul style="list-style-type: none"> R2 = 400sqm R3 = 325sqm for dwelling houses No min subdivided lot size for semi detached 	DU 1 165.38m ² DU 2 160.28m ²	NA
	Minimum frontage		
	i) Min frontage R2 = 12m ii) Min frontage R3 = 9m for dwelling houses iii) No battle-axe or hatchet in R2 or R3 iv) Minimum frontage for attached dual occupancy in R2 = 15m v) Minimum frontage for detached dual occupancy in R2 = 18m	Min = n/a	Not applicable as none of the controls relate to semi-detached dwellings in R3 (other than the no battle-axe provisions)
2.2	Layout Detached dual occupancy		
	i) Detached dual occupancies may be developed only if: <ul style="list-style-type: none"> Dual frontage Secondary access Street frontage of at least 18m in width. 		NA
	Minimum separation: <ul style="list-style-type: none"> Dual frontage = 10m min. Secondary access: Merit assessment Detached in R2 = 1800mm min. (18m minimum frontage) 		NA
	900mm minimum footpath at rear lane Note: N/A to corner allotment.		NA
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 = 325.66m ² Lot 165.38m ² Lot 2 160.28m ² Proposed = 141.8m ² · 44%	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 = 325.66m ² Proposed stated as = 92.08 (28%). However it includes areas of <900mm so actual area is approximately 67m ² (20.6%) – (17% variation)	No (17% variation)
2.5	Private open space (POS)		

DCP Clause	Controls	Proposal	Compliance
	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	Lot 1 site 165.38m ² : 5.2 x 4.5m Lot 2 site 160.28m ² = 5.04 x 4.5m	No
	Dual Occupancies (Attached and Detached) POS		
	451 to 600 sqm = 5m x 5m each 601sqm or above = 6m x 6m each ii) POS satisfy the following criteria: <ul style="list-style-type: none"> Situated at ground level (except for duplex) No open space on podiums or roofs Adjacent to the living room Oriented to maximise solar access Located to the rear behind dwelling Has minimal change in gradient 		NA
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.75:1 However cl 4.4(2B) of LEP has no FSR control for a semi-detached dwelling on a lot area of less than 300m ² . Therefore there is no FSR control	Proposed FSR= Lot 1: 120.6/165.38m ² = 0.73:1 Lot 2: 120.6/160.28m ² = 0.75:1	NA
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Existing = 5.32 Proposed = 7.7-8.8	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed= 8.07m in NW corner (15.3% variation)	No
3.3	Setbacks		
3.3.1	Front setbacks i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	449 Beauchamp is 10m dwelling and 3.5m to garage. Approved is 5.78m 453 is a side boundary so NA. So control is 5.78m Proposed= Lower Level 5m to blade wall Ground 3.9m to balcony Level 1 5m to Dw 2's balcony	No 1.88m exceedance (32.5% variation)
3.3.2	Side setbacks: Semi-Detached Dwellings: • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all	Proposed= 1m	On merit considered acceptable

D16/22

DCP Clause	Controls	Proposal	Compliance
	<p>levels</p> <p>Dwellings:</p> <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. <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>		
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 = Dw1 = 7.6m Dw2 = 7.2m</p> <p>Proposed = Dw1: 5.2m Dw2: 4.8m</p>	<p>No: Dw1: 2.4m (31.6% variation)</p> <p>Dw2: 2.4m (33% variation)</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>Does not follow natural topography with fill required. Side elevations less than 12m</p>	<p>No</p> <p>Yes</p>
4.2	Additional Provisions for symmetrical semi-detached dwellings		
	<p>i) Enhance the pair as coherent entity:</p> <ul style="list-style-type: none"> behind apex of roof; low profile or consistent with existing roof new character that is first floor at front only after analysis streetscape outcome <p>ii) Constructed to common boundary of adjoining semi</p> <p>iii & iv) avoid exposure of blank party walls to adjoining semi and public domain</p>	<p>Only relevant to redevelopment of existing buildings</p>	<p>NA</p>
4.3	Additional Provisions for Attached Dual Occupancies		
	Should present a similar bulk as single dwellings		NA

DCP Clause	Controls	Proposal	Compliance
	i) Garage for each dwelling shall have a single car width only ii) Articulate and soften garage entry iii) Minimise driveway width iv) Maximum 2m setback of front entry from front façade v) Maximise landscape planting at front		
4.4	Roof Design and Features		
	<i>Rooftop terraces</i> i) on stepped buildings only (not on uppermost or main roof) ii) above garages on sloping sites (where garage is on low side) <i>Dormers</i> iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <i>Celestial windows and skylights</i> vii) Sympathetic to design of dwelling <i>Mechanical equipment</i> viii) Contained within roof form and not visible from street and surrounding properties.	No rooftop terraces or dormers or rooftop equipment. Skylights are acceptably located	Yes
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climate to withstand natural weathering, ageing and deterioration. vi) recycle and re-use sandstone (See also section 8.3 foreshore area.)	Schedule provided. Colours are bold	Colours are not sympathetic to the existing streetscape and do not enhance the streetscape. Alternatives could be conditioned
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.	Proposed up to 1.22m near the front door of Dw 1. The whole building is backfilled by 0.5m or more. Site is not steep. No details on retaining walls or adjustments to boundaries	No. Insufficient information. Insufficient justification of level of fill. Leads to unreasonable impacts on neighbours
5	Amenity		

D16/22

DCP Clause	Controls	Proposal	Compliance
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.	Not shown for living room. Not shown compliance for POS of Dwelling 2	No. Insufficient information. No
	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 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. 	Insufficient information for 2 White Ave 2B White Ave and 453 Beauchamp Road will have barely any sunlight at all	Insufficient information. No
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:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	Skylights provided to stairwells. Windows and ventilation are provided	Yes Yes

DCP Clause	Controls	Proposal	Compliance
5.3	Visual Privacy		
	Windows		
	i) proposed habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up to 1600mm minimum. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)	Windows on Level 1 not shown at 1.6m. Elevation of the development above natural ground level leads to visual privacy impacts to 449 Beauchamp Road's approved development and private open space and to 453 Beauchamp Roads internal living areas and private open space	No. 1.6m could be conditioned No. Unacceptable privacy impacts caused by elevation of building
	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.	Balconies face street and privacy screens are included	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. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer. 	The front door of Dwelling 2 is opposite bedroom 4 and 5 of 453 Beauchamp Road	No. Entry should be located closer to the street.
5.5	Safety and Security		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	Main entry is set well behind the façade – about half way along the block. Street numbering will	Although it is a narrow site the location up stairs and half way along the block is not considered acceptable Yes

D16/22

D16/22

DCP Clause	Controls	Proposal	Compliance
		be on front pillars. Living room overlooks street. No front fence	 Yes Yes
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)		NA
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 for circumstances when parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages vi) Avoid long driveways (impermeable surfaces)	Will be one driveway per semi detached. Positioned within the dwelling Single width Excavation is limited. Driveway is short	Yes Yes Yes Yes Yes
6.2	Parking Facilities forward of front façade alignment (if other options not available)		
	i) The following may be considered: - An uncovered single car space - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site's frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: - There is no alternative, feasible location for accommodating car parking; - Significant slope down to street level	Hardstand parking is on the driveway forward of the façade. It is a narrow site and for this narrow site it is not feasible for a double garage	Considered acceptable

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - does not adversely affect the visual amenity of the street and the surrounding areas; - does not pose risk to pedestrian safety and - does not require removal of significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) 		
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: <ul style="list-style-type: none"> - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing 	i) Yes ii) NA iii) NA	Yes
6.4	Driveway Configuration		
	Maximum driveway width: <ul style="list-style-type: none"> - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	2.4m	Yes
6.5	Garage Configuration		
	i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): <ul style="list-style-type: none"> - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1	i) Behind the balconies but not the front façade. ii) Max width 3.6m iii) length 5.4m ii) NA iii) Unclear from plans iv) Approx 400mm v) Perhaps only 2.1 to garage door	No No Yes NA Further information required Yes No but could be conditioned
6.6	Carport Configuration		
	i) Simple post-support design (max. semi-enclosure using timber or metal slats minimum 30% open). ii) Roof: Flat, lean-to, gable or hipped with pitch that relates to dwelling iii) 3m maximum width. iv) 5.4m minimum length v) 2.6m maximum height with flat roof or 3.0m max. height for pitched roof. vi) No solid panel or roller shutter door. vii) front gate allowed (minimum 30% open) viii) Gate does not open to public land	NA	NA
6.7	Hardstand Car Space Configuration		
	i) Prefer permeable materials in between	Standard	No for materials.

D16/22

DCP Clause	Controls	Proposal	Compliance
	concrete wheel strips. ii) 2.4m x 5.4m minimum dimensions	driveway. Materials not stated	Yes for dimensions
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	Materials not stated	Insufficient information
7.2	Front Fencing		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). <i>Note: Any solid fences must avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants))</i> iv) 150mm allowance (above max fence height) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii) The fence must align with the front property boundary or the predominant fence setback line along the street. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.	None proposed	Yes
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Taper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Fence heights not illustrated but if at 1.8m, they will not protect privacy given fill to the site, or alternatively will be an excessive height when viewed from neighbouring	Insufficient information. Fill on land makes compliance difficult

DCP Clause	Controls	Proposal	Compliance
		properties	
7.6	Air conditioning equipment		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	Location not shown on plans	Not identified. Could be conditioned
7.7	Communications Dishes and Aerial Antennae		
	i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: <ul style="list-style-type: none"> - Located behind the front and below roof ridge; - minimum 900mm side and rear setback and - avoid loss of views or outlook amenity iii) Max. 2.7m high freestanding dishes (existing).	NA	NA
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not be prominently visible from the street	In rear yard	Yes

D16/22

3.2 Section B7: Transport, Traffic, Parking and Access

DCP Clause	Controls	Proposal	Compliance
3.2	Vehicle Parking Rates		
	1. Space per dwelling house with up to 2 bedrooms 2. Spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed.	1 space in garage and one space on driveway.	Yes

Responsible officer: Urban Perspectives, Town Planners

File Reference: DA/640/2021

Development Application Report No. D17/22

Subject: 1-5R Knowles Avenue, Matraville (DA/576/2021)

Proposal:	Demolition of existing structures and construction of new community hall with outdoor covered space, landscaping works including tree removal, new pathways and stairs, bicycle racks, fencing and associated works.
Ward:	South Ward
Applicant:	Randwick City Council
Owner:	Randwick City Council
Cost of works:	\$4,962,683
Reason for referral:	Land is managed by Council and the application is lodged by Council. More than 10 submissions

Recommendation

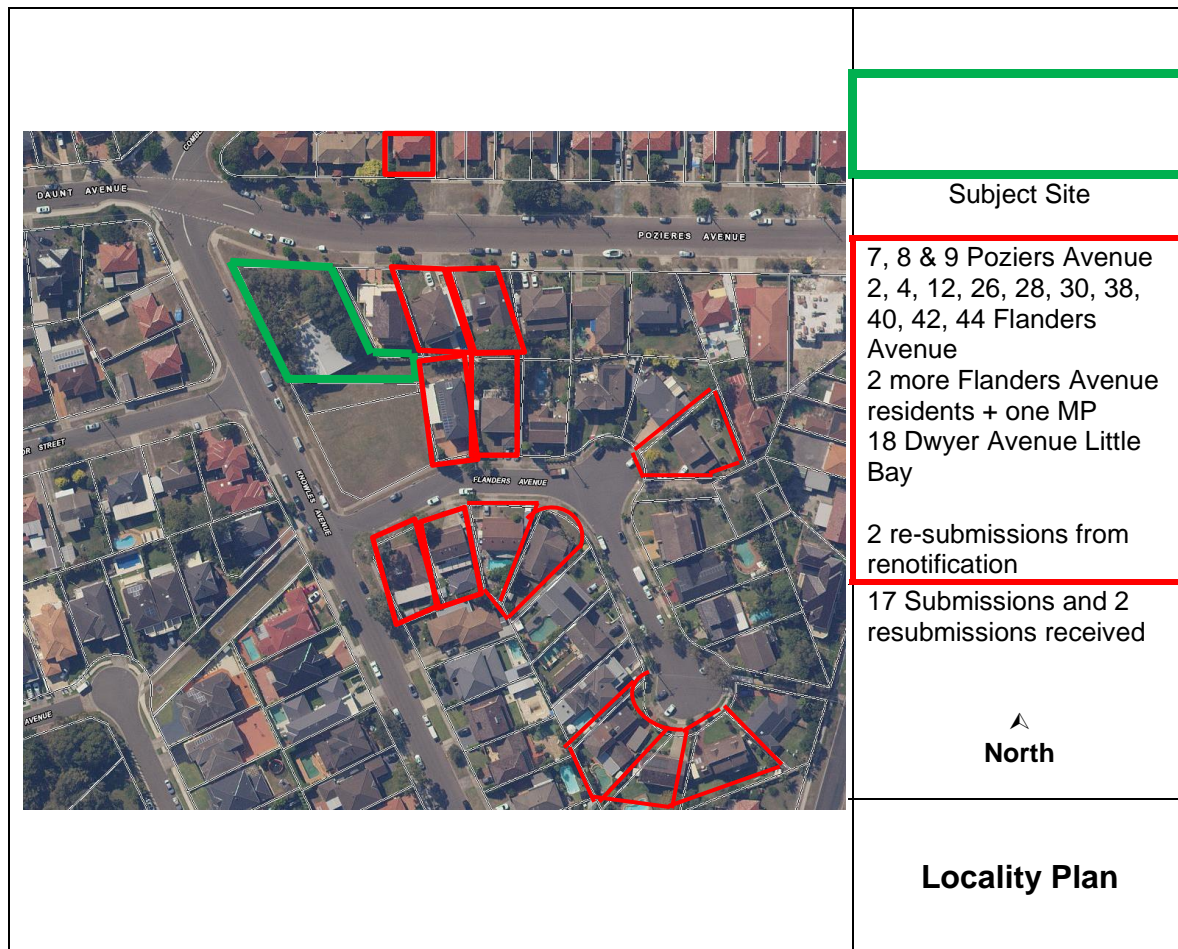
That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/576/2021 for demolition of existing structures and construction of new community hall with outdoor covered space, landscaping works including tree removal, new pathways and stairs, bicycle racks, fencing and associated works at No. 1-5R Knowles Avenue Matraville, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1. RLPP Dev Consent Conditions - DA/576/2021 - 1-5R Knowles Avenue, MATRAVILLE

D17/22

D17/22



1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as:

- The applicant is Randwick City Council.
- 17 unique submissions by way of objection were received, with a further two providing an updated submission after renotification.

The proposal seeks development consent for the demolition of existing Matraville Youth and Community Hall structures and construction of new community hall with outdoor covered space, landscaping works including tree removal, new pathways and stairs, bicycle racks, fencing and associated works. The proposal originally envisaged a maximum of 160 persons using the site. Amended documents have been provided, including an updated traffic assessment report with a reduction in maximum numbers to attendees to 100 people, a CPTED report, BCA report and removal of the southern stairs from the outdoor covered area.

The key issues associated with the proposal relate to:

- traffic generated by the development, and increase in existing safety concerns
- the lack of parking on site and reliance upon on-street parking
- the likely noise generated by the use,
- the possible impact on the privacy of the adjoining neighbours and the impact on the quiet enjoyment of their properties,
- the provision of the southern outdoor covered space encouraging use of the pocket park to the south with consequent amenity issues
- the landscape design including the proposal to plant fruit trees and possible bats,
- the hours of operation,

- security and safety including the potential of the design to facilitate anti-social behaviour,
- nuisance from outdoor lighting
- management of the facility.

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

- Stormwater drainage
- Tree protection measures, tree management, landscape certification, and arborist certification
- Council's infrastructure, vehicular crossings and street verge
- Remediation action plan and hazardous materials
- Food safety
- Noise controls
- Plan of Management
- Operational conditions including restriction of numbers of hall users at any one time to 100 persons, operating hours, closing of windows and doors when music is played, location of speakers.
- Control of possible unwanted obtrusive effects of the outdoor lighting proposed to illuminate the development for purposes of mitigating anti-social behaviour.

2. Site Description and Locality

The subject site is known as 1-5R Knowles Avenue, Matraville and is legally described as Lot 21, Section 1 in DP 253676.

The site is zoned RE1 and is Crown land, being Crown Land Reserve number 90742 with a reserve purpose of Public Recreation. Randwick Council is the appointed Crown Land Manager for the site.

The site is 1396m², and is irregular in shape. It has a 42.41m frontage to Knowles Avenue to the west and 34.5m frontage to Pozieres Avenue to the north. To the south it is bounded with a 44.6m boundary with land owned by Ausgrid onto which the existing building on site appears to encroach. To the east it shares a boundary of 33.9m with the residential property at No 5 Pozieres Avenue and a 7.82m boundary with No 2 Flanders Avenue Matraville. The site contains Matraville Youth and Community Hall, which is a single storey metal clad building possibly stemming from the 1940s. The building is enclosed by a very high wire fence which prevents any access without a key.

The Ausgrid site zoned SP2 Electricity Generating Works, has an electrical substation near Knowles Avenue. On the southern side of the narrow Ausgrid site is a pocket park also zoned RE1. There is no development on the pocket park and it is simply grassed and is unfenced on Knowles and Flanders Avenues.

The site has a cross fall from approximately RL25.35 in the north east to RL23.19 in the south west. The western boundary is approximately 0.5 – 1.0 metres lower than the eastern boundary and the southern boundary is approximately 1.0 to 1.5m lower than the northern boundary.

17 trees or groups of trees were assessed on the site, none of which are listed on the register of significant trees or are heritage listed. Two native trees and three undesirable species are to be removed. The proposal has been designed to ensure retention of a *Eucalyptus pilularis* (Blackbutt).

The property is surrounded by R2-low density residential zoned land which contains one and two storey dwellings, in Pozieres Avenue to the north, Flanders Avenue to the south of the pocket park, and Knowles Avenue to the west.

The existing hall (even before COVID-19) had relatively light function patronage with generally no more than 40 people at any time, although there was one event with 100 people in 2019. The hall has clearly been used regularly for some community activities such as karate or taekwondo and dance.

D17/22



View of existing hall from Poziers Avenue looking south



Existing hall looking northeast with Ausgrid substation in the foreground and the pocket park to the right. 5 Poziers Avenue is the creab house to the right of the hall. Three 3 is the tallest tree visible in this photograph



View of the site from the junction of Flanders Avenue and Knowles Avenue looking north with the pocket park in the foreground. 5 and 7 Poziers Avenue are the two houses in the centre. The wall with white breezeblocks and two storey house on the left hand side is 2 Poziers Avenue.

3. Relevant history

There is no development history that is relevant to this application.

4. Proposal

The proposal seeks development consent for the demolition of the existing community hall and the construction of a new multi-purpose centre for community use. The building includes a timber floor hall with a high ceiling, kitchen and store room. The proposed gross floor area of the hall is 226m² – similar to the existing hall size of 227m².

The proposed building has pedestrian access from Poziers Avenue to the north and has both steps and an accessible ramp access from Knowles Avenue. The building also includes toilets including an accessible toilet, store, cleaning room and an entry foyer. To the south is a covered outdoor space which is now to have a balustrade and which overlooks the Ausgrid land and the pocket park to the south. The original design included stairs leading to the Ausgrid site directly from the outdoor covered area.

No fencing is proposed to the site, save relocation of the fence to 5 Poziers Avenue onto the boundary line. The existing fence on the eastern side is located some distance inside the boundary to the site. Palisade fencing is proposed on the boundary with 5 Poziers Avenue as requested by the owner of that site.

The proposal includes parking for 6 bicycles on site. No parking is provided on the site (which retains the existing position). Separately (and not forming part of this application), Council is proposing public domain works which will include an upgrade to the intersection of Poziers, Knowles, Daunt avenue and Combles Parade by creating a roundabout with spitter pedestrian refuges. Two public accessible car parking spaces and two electric vehicle charging stations are proposed on the east side of Knowles Avenue opposite Windsor Street and near the accessible entry to the proposed location of the community hall.

Some fruit trees are proposed in the part of the site near the junction of 5 Poziers Avenue and 2 Flanders Avenue's rear boundaries. The applicant advises that this is intended to form part of a future community garden on the pocket park. 10kW of Solar panels are proposed on the roof.

The amended plans and documents now include a development to cater for a maximum of 100 attendees (reduced from the originally proposed 160).

The proposed hours of operation are 8.00am to 9.00pm 7 days a week. The acoustic report has identified that a maximum of 40 persons can be outside on the covered outdoor space at any time.

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Comprehensive DCP 2013. The following submissions (17) were received as a result of the notification process. As the concerns are generally similar to the users, the concerns have been covered in section 7.1 – Key Issues.

- 7 Poziers Avenue Matraville

Issue
<p>The objector lodged the same submission a number of times.</p> <p><u>Covered outdoor area</u></p> <ul style="list-style-type: none"> - Proposed covered outdoor area will encourage people to loiter in the park. - This potentially results in serious privacy issues including likely overlooking into living and sleeping areas of the home, and particularly the children's bedroom, also into the private open space and pool where children swim. - People spilling out onto the adjoining properties including the park is potentially frightening to parents of young children. - The outdoor covered space will likely be used by smokers and the smoke will travel to the adjoining homes.

D17/22

Issue

- Potentially the noise generated and possible inappropriate language use by patrons will be heard by these neighbours including children.
- The outdoor covered area will send message that it's OK to continue to party even after even is over.
- There is no indication as to who will supervise use of space particularly on the weekend.

Usage and operating hours

- Hours of operation should be limited to 9am – 7pm, to limit usage options.
- Later hours of operation might encourage use as a function centre, alcohol use and antisocial behaviour.

Building design

- Building design will generate traffic, noise, and safety concerns, young people will use outdoor area to hang out even after hours, and this will also lead to antisocial behaviour.

Traffic and Parking

- Traffic assessment report is incorrect and misleading and does not foresee that the surrounding streets will be flooded with cars generated by the proposed use.
- Whereas the hall may currently accommodate more people, in the past 10 years the hall has only accommodated about 30 people at a time, while this resulted in serious traffic and parking impacts.
- As the proposed development is intended to accommodate around 160 people, the traffic and parking impacts would be greater.
- Issues with supervision of patrons entering and leaving hall.
- Upgrade of existing hall is needed, but current proposed design will result in more adverse impacts than it solves.
- If proposal is to go ahead, outdoor covered area should be replaced with solid wall.
- Fence boundary but not to the south.
- Reduce capacity to 60 people.
- Reduce hours of operation to 9am -7pm.

- 7 Poziers Avenue Matraville – submission by MP for the area enclosing the submission from 7 Poziers Avenue

Issue

This is further copy of concerns from residents of this property already mentioned above and is forwarded from office of local member. Further concerns highlighted are:

- Capacity of building - to hold larger events than existing.
- Building design.

- 8 Poziers Avenue Matraville

Issue

- Hours of operation. Should cease by 7pm
- Traffic increase. Traffic report is misrepresentative
- Building design and use of outdoor area leading to disturbance
- Service of alcohol and related issues.

- 9 Poziers Avenue Matraville

Issue

- Proposed hall is double the size of unobtrusive existing hall.
- Lack of perimeter fence around hall will allow patrons to spill out on to street and result in people using property after hours.
- Proposal will result in intensified use.
- There is no off-street parking and patrons will need to park on street and resident's driveways.
- There will be noise resulting from use.
- There will be increase in vehicle and people traffic.
- Council needing to recoup cost of development may allow intensified use of property.
- There will likely be no supervision of use.
- increased noise and disruption

- Flanders Avenue Matraville

Issue

- New building will be too tall.
- Noise likely generated by use.
- The south elevation glazed doors open directly onto rear yards of homes in Poziers Avenue and Flanders Avenue.
- Unacceptable noise levels potentially generated from hall usage – acoustic report was prepared for empty hall and is not accurate.
- Hours of operation often go beyond 9 pm and this results in further noise impacts.
- No security fence proposed around hall and there is vandalism problem in the area.
- Security sensor spotlights if installed will impact use of living areas and bedroom in neighbouring homes.
- Traffic report is incorrect – traffic and parking are already a major issue in the area particularly when existing hall is in use and the proposal will exacerbate these.
- Asbestos should be removed in accordance with EPA guidelines.
- Landscape Plan proposes fruit trees to be planted which are inappropriate as there is a big bat problem in the area.
- Hall is not suitable for the area and it should be moved to location that is better serviced by transport and accommodates parking., eg Heffron Park
- A smaller Community Hall similar to Kensington Hall should built on this site.

- Flanders Avenue Matraville

Issue

- Happy for hall to be replaced by a better designed hall.
- Use of proposed covered area fronting Flanders Avenue will generate more noise impacting neighbours in Flanders Avenue near Knowles Ave.
- Proposed hours of operation are too long and will result in increased traffic, parking and noise impacts.
- There is no security fence around hall which would allow people gathering around hall after event.
- There are already traffic issues in Knowles and Flanders Avenues, which will be exacerbated by increase in traffic resulting from use of hall.
- No off street parking is proposed and this will further impact on the existing parking and traffic situation.
- Many residents in Flanders Avenue are families with young children who play in the street, and intensified traffic will place children at risk.

- 2 Flanders Avenue Matraville

Issue

- Lack of security.
- There is no security fence around hall which would result in further vandalism.
- Loss of privacy.
- Hours of operation are not clarified and if too long, will result in noise impacts.
- management of facility – who to call to complain?

D17/22

Issue

- Traffic report did not address issues of traffic and parking when hall is in use.
- There is insufficient street parking already, and people park in residents' driveways.
- The envisaged 160 people using the hall will be using the streets to park and there is already lack of parking in the area.
- The intersection of Knowles Avenue, Poziers Street, leading onto Daunt Avenue is dangerous and cannot accommodate the potential additional traffic.
- The building design does not take into consideration the noise and privacy impacts on neighbours, and the location of the doors will generate additional 'foot traffic' and potentially noise.
- Door should be relocated to where door is currently situated.
- Lighting of entries will impact on neighbours and encourage loitering after hours.
- New design facilitates potential loss of privacy particularly resulting in potential overlooking of private open space, living areas, and children's bedrooms.
- The proposed fruit trees will bring bats and adverse health impacts.
- There is likely to be overshadowing of private open space.
- Hall users currently throw rubbish and broken glass and some of it lands over the fence on this property, so intensification of use will make this worse.
- The pocket park may end up being used as a parking lot and this will increase noise, light pollution and car exhaust being experienced by this property.
- Council should make an effort to protect privacy and security of neighbouring properties.

- 4 Flanders Avenue Matraville

Issue

- Mature trees should be preserved as there are not enough in the area.
- Development will result in:
 - an increase in traffic
 - increased noise in a quiet residential area
 - alcohol related issues when young adults use the hall.

- 12 Flanders Avenue Matraville

Issue

- Existing Hall was not maintained properly.
- Proposed improved facility will result in intensification of use and patronage of site.
- Application was not addressed amenity significant impacts resulting from proposed intensification of use.
- Hours of operation should be reduced to minimize impact on neighbouring properties.
- Parking is already limited in the surrounding streets and a major issue, which will be made worse by proposed development and intensification of use.
- The traffic assessment report is inadequate as it does not consider traffic generated by proposed development nor parking spaces likely to be required. Use of Nearmap is inadequate.
- Trailers, caravans vessels etc use the parking on Knowles Ave.
- Traffic likely generated by proposed intensification of use will overwhelm the surrounding streets, and particularly Flanders Avenue.
- Site is not well serviced by public transport.
- Knowles Avenue and surrounding streets already experience traffic safety issues, and this proposed development will make this worse.
- Sliding windows to the southern elevation are not supported as they permit users and noise to spill out onto neighbouring properties including also the adjoining Ausgrid site and the pocket park.
- Concerns about effective management
- The site should be physically contained by a fence.
- The building should be redesigned to ensure users do not spill out onto neighbouring properties.
- Windows should be introduced to the northern façade to make most of daylight.
- CPTED - Multiple entries are unsafe particularly since the proposed use of the building is targeted towards children.

- 26 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Resident not notified of DA. - Parking is already a problem on Flanders Avenue and Knowles Avenue and proposal will exacerbate this. - boats, caravans, trucks and trailers already illegally park on the street - No allowance made for private bus parking. - Insufficient bike racks for number of users. - Concern for noise potentially generated by users. - There is no need for another community hall. - This use should be moved to Heffron Park which has sufficient space for necessary parking and noise there may not be an issue. Should be smaller like Kensington Hall. |
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- 28 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Parking is a major issue in the street already, and parking generated by proposal will exacerbate it. - The corner with Flanders and Knowles Avenue will become dangerous |
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- 30 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Hall users should not use Flanders Avenue as their parking lot. - The Flanders Avenue / Knowles Avenue intersection is dangerous and cannot accommodate more traffic. - Traffic signs should be installed at the entry of Flanders Avenue indicating it is a no through road, and resident only parking should apply to the street. - There should be a tall security fence around hall. |
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- 38 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - A new hall would be great for the area, but noise, traffic, parking and waste removal considerations should be addressed. - All noise should be finished by 9pm. The doors to the common areas require this. - Flanders Avenue is not able to accommodate the additional cars of hall users looking for a parking spot. - The street intersection near the hall is already dangerous and serious accidents have happened including recently so the extra traffic will make traffic conditions worse. - Removal of rubbish |
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- 40 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Parking is already a big issue in the area. No parking is proposed and it is needed when hall is in use, because hall users currently park across driveways of residents. - There is no drop off and pick up location proposed. - There is no hours of operation indicated. - Hall use would generate too much noise. - Intensified hall use would exacerbate impacts. - Light from the Hall would spill onto living areas of neighbouring dwellings. - Building is inappropriate for the area because it will likely accommodate large groups and this will result in adverse impacts on the locality by way of noise, and traffic. - A better location for the proposed use is in Heffron Park where there is more parking availability and any noise generated would be away from homes. |
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- 42 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Traffic increase – there is already a high volume of cars using streets surrounding site and this will increase if proposal is approved. - No parking is provided and this affect residents needing to park their cars. - There is no pick up / drop off point for buses of community groups intended to use property. - Hours of operation – difficulty with monitoring use if late opening hours are allowed. - There will be noise increase. - Security - no fence is proposed and area is already experiencing graffiti and vandalism issues. - Lighting of building and outdoor areas will impact quite enjoyment of neighbouring properties. - Building design will facilitate noise and traffic issues. Building should be redesigned and orientated to open towards Poziers Avenue so that the noise impacts on Flanders Avenue are minimized. - The proposal will facilitate patrons spilling out on to the pocket park which is not properly maintained by Council. - It is not similar to Kensington Park Community Hall. - Noise will affect residents living opposite the park. - Acoustic report does not accurately consider all potential noise levels and impacts. - Intensification of use is inappropriate for the surrounding quite residential area. - There is now no grass on Poziers Ave side of the site and trees have been stripped of bark. |
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- 44 Flanders Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Appreciates need for new hall, but at Heffron Park, not on this site. - Use of hall and hours of operation should be monitored. - The number of patrons envisaged to use property at 160 is too high. - Traffic increase. - Council does not have history of responding to complaints and addressing concerns, so issues should be addressed now. - Building should be redesigned to better address potential noise and safety issues. - Noise potentially generated by use of hall will impact on residents. - Asbestos on site will pose health risk for residents - Security of hall should be considered as there is already unsocial and vandalizing behaviour experienced locally. - The fruit trees proposed to be planted are inappropriate as area is experiencing problem with bats, so native trees should be planted. |
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- 18 Dwyer Avenue Little Bay

Issue

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| <ul style="list-style-type: none"> - Hall is well designed and needed for the area. - There is no security fence around hall which would be needed for proposed use for birthday parties and play group. |
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Following lodgement and renotification of amended plans the following two submissions were received:

- 7 Poziers Avenue Matraville

Issue

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| <ul style="list-style-type: none"> - Not opposed to the new community centre - Defects in the crash analysis data in the traffic assessment - errors in the traffic report – Daunt Avenue states as Dawes Avenue - hours on weekends should be limited to 10am to 3pm and closed on Sundays and public holidays to give residents a day off and reduce risk of alcohol violence. For example two liquor stores in residential areas in Kingsford and Maroubra have shorter hours - the changes to the southern side of the building still do not discourage patrons from using the pocket park which is a privacy concern. - kids using the park and their screaming has not been taken into account in the acoustic report - no fence encourages the community to think that the hall is open all day and night. Is that what Council is encouraging? - The outdoor covered area is encouraging people to use the park as part of the hiring of the hall |
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- Flanders Avenue

Issue

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| <ul style="list-style-type: none"> - removal of southern stairs is appreciated but still allows for spilling out of people into the pocket park leading to amenity issues. - The acoustic report limits the outdoor area to 40 people. It should be reduced in size to further limit the number of people in this area. - conditions of consent should require all amplified music be restricted to within the hall and hours of operation be reduced on weekends in the evenings. - significant increase in on-street parking demand in Flanders Avenue. The traffic impacts have not been assessed including queuing - sightlines from Flanders Avenue to Knowles Avenue are poor and will exacerbate existing safety issues. - Traffic report considers parking in Combles Parade but it is very unlikely it would be used as it has poor connectivity to the site - Traffic report mentions the main intersection upgrade planned for late 2022 but it doesn't mention any reductions in on-street parking, including from disabled and electric vehicle charging spaces. - appreciate reduction in numbers to 100 persons but it will still increase patronage and the site is poorly serviced by public transport and there will be increased on-street parking - the management plan should ensure sufficient time between bookings to avoid overlap |
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5.1. Renotification

A meeting was held on 8 December 2021 with the Applicants and Council's development assessment team and consultants in which the issues of concern were discussed including also the matters raised in the submissions. As a result, the traffic and parking study was updated, and some minor changes were made to the design of the community centre, including removing the southern stairs from the covered outdoor area to the pocket park/Ausgrid land.

Amended documentation including plans were lodged with Council and were placed on notification for 14 days from 24 March 2021. Two submissions were received from the amended documentation. Their comments are above.

6. Relevant Environment Planning Instruments

6.1. SEPP (Vegetation in Non-rural Areas) 2017

The Vegetation SEPP came into effect in NSW on 25 August 2017. The aims of the Vegetation SEPP are:

- “(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.”

The Vegetation SEPP applies to the clearing of:

- a. Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- b. Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

This policy is applicable pursuant to Clause 5(1) of the SEPP as the site is within both the City of Randwick local government area, and the RE1 Public Recreation zone.

Pursuant to Clause 8(1) of the SEPP, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 - specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).

The proposal includes removal of one tree (T4), a *Melaleuca quinquinervia* broad leaved paperbark (T4). Consideration was given to relocating the new entry ramp to retain this tree, however that would impact more desirable species and it is therefore recommended for removal. Three (3) *xCupressocyparis leylandii* (Leyland's cypress) near the street boundary with 5 Poziers Avenue will be removed as these are undesirable species. Tree 16 – a *Syzygium paniculatum* (Lillypilly) will be removed as it is within the construction zone of the hall.

Six (6) replacement trees form part of the landscape design, including one *Corymbia Ficifolia* “Baby Orange”, one *Tristanopsis laurina* “Lucious” and four fruit trees. Protection of the existing trees and the landscape design form part of the recommended conditions of consent. The species for planting were discussed with the owners of 5 Poziers Avenue which resulted in the change of one proposed species to the *Corymbia Ficifolia* “Baby Orange.” The application was referred to Council's Landscape Officer, who made comments as per Appendix 1, including that the significant street trees will not be affected provided tree sensitive construction methods are adopted.

6.2. SEPP 55 – Remediation of Land

No change of use is proposed. A preliminary site investigation report has been conducted and indicated that contaminants of concern were below the required criteria. Some asbestos fibres were found and there is the potential for asbestos on the site. Site remediation will be required and a remedial action plan should be prepared. Conditions of consent have been included by Council's health and safety officer

6.3. Randwick Local Environmental Plan 2012 (LEP)

The site is zoned RE1 Public Recreation under Randwick Local Environmental Plan 2012 and the proposal to construct a community facility is permissible with consent.

The objectives of the zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

- *To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.*

The proposal is generally consistent with the specific objectives of the zone in that the proposed activity and built form will provide an indoor facility suitable for recreational and community use.

The RLEP 2012 does not provide development standards in relation to the zone that may apply to the proposal. The site is not mapped as terrestrial biodiversity, subject to acid sulfate soils, heritage or other constraining details.

The proposal does not seek to vary a development standard contained within the Randwick Local Environmental Plan 2012 (RLEP 2012)

6.4. 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.

7. 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(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 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 contains an existing community hall which is to be replaced on land zoned RE1 Public Recreation. There is adequate on-street parking in the area to support the use of the facility. The site is about 600-700m from public transport on Bunnerong Road and Anzac

D17/22

Section 4.15 'Matters for Consideration'	Comments
	Parade. 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.

7.1. Discussion of key issues

1. Lack of parking

One of the main issues raised in the submissions received during the notification period was the lack of on-site car parking. The residents have had previous experience with users parking in Flanders Avenue leading to traffic congestion. They are also concerned that vehicles (boats, caravans, trailers, etc) are frequently parked on Knowles Avenue in a long term manner which reduces on-street parking opportunities.

The parking traffic study carried out by TTPP as part of the amended documents received by Council, finds that there are sufficient on street spaces available to not warrant on site car parking in relation to the use of this property, provided that the maximum number of attendees is reduced to 100. Council's Development Engineer has carefully considered the revised traffic report and taking into account that the hall already relies upon on-street parking, the availability of on-street parking as shown in the report, and the fact that only 3-4 parks could be accommodated on the site and that would involve the removal of many trees, Council's Development Engineer is satisfied that the proposal can satisfactorily accommodate the car parking on the street without any provision within the site.

The proposed development is on land managed by Council. The roadways including the streets bounding the proposed development are Council land. Council may note the concerns raised by the residents of the neighbouring properties and consider some time limitations to prevent long term parking of vehicles including caravans, trailers and boats, which are unrelated to the use of the hall.

2. Traffic

Submissions raised concerns about the adequacy of the traffic report. The amended parking and traffic report prepared by TTPP indicates that the traffic envisaged to be generated by the use of the new Cultural and Youth Centre will not be such so as to warrant traffic amelioration measures to be installed other than those already planned by Council at the intersection of Poziers Avenue, Knowles Avenue, Daunt Avenue and Combles Parade. The planned measures include the provision of accessible parking on Knowles Avenue, in close proximity to the site, and the constructions of pedestrian island refuges in the approaches to the roundabout on the intersection of Knowles, Poziers, and Daunt Avenue and Combles Parade.

3. Noise

Submissions raised concerns about the adequacy of the acoustic report. The submissions also advised that when the existing hall is in use, the noise can be quite discernible, and depending on the time of day, it can detract from the quiet enjoyment of the residents of the neighbouring properties. The residents have raised concerns about noise emanating from the existing hall when the existing hall users have regularly been only up to 30 persons, and in any case rarely up to 60 persons.

The environmental noise assessment report recommended the restriction of numbers to 160 so as to minimise noise potentially generated by the use of the hall. Randwick City Council proposes to further limit the use of the hall to 100 persons per event. This will assist to further mitigate potential noise generated by the use of the proposed hall. The acoustic report recommended various treatments and restrictions to ensure that noise from 160 persons was acceptable. As the applicant has now reduced the proposed maximum number of attendees on site to 100, the recommendations from the acoustic report are now considered to be conservative – having been made on the basis of 160 and not 100 people. Conditions of consent are provided which require the incorporation of the recommended treatments and management techniques by the acoustic report.

No plan of management was submitted with the application and Council's health and environment officer has recommended that this be conditioned. The plan of management should assist with some of the concerns which the residents have regarding monitoring of the use of the hall.

4. Antisocial behaviour of patrons

The existing hall is behind a high wire fence. The resident objectors have identified that vandalism has been an issue at the site despite the high fence and they are very concerned that having no fence will lead to vandalism and anti-social behaviour, particularly at night and with alcohol.

In order to highlight the proposed efforts to minimise the effect of any potential vandalism, the Applicant submitted a Crime Prevention Through Environmental Design (CPTED) Report which sets out the measures built-in to the proposed development. Part of the design brief has been to remove the boundary fences to encourage people to engage and use the spaces in both a formal and informal way to foster a sense of ownership towards the facility. Territorial re-enforcement is one of the CPTED principles and the desire to remove the high fencing for the site is supported on the basis of improving the community's perspective on the ownership of the space.

The material proposed to be used for the walls is painted brick which the CPTED report states could be easily repainted in case of graffiti.

Internally the report states that the layout enables the surveillance of spaces by the users, including entry points, toilets corridor, and places of gathering, both as seen from the hall and from the kitchen area, through direct sightlines. A CCTV is also proposed to further assist with surveillance.

Whereas no perimeter fence is proposed for the site, the building itself is proposed to be secure and not generally accessible when not in use. The ground cover surrounding the building is proposed to be mulch or similar surface to discourage the congregation of visitors on areas other than where it is intended that users of the hall might gather.

The CPTED report states that the use of the hall is expected to be popular, according to Council's community consultation feedback and this popularity of use is to be relied on to activate the space and result in community ownership and surveillance, so to discourage antisocial behaviour.

The CPTED report also states that external lighting is proposed to safely illuminate the building and entry paths to further deter anti-social behaviour when the hall is in use, while being turned off outside of use hours.

The use of alcohol during occupation of the hall can be managed with the Plan of Management. The issue of anti-social behaviour has therefore been addressed in the proposal to the degree possible.

5. Design of building

The design of the building is contemporary Australian and utilises elements such as painted brick plinth walls, corrugated metal / zincalume roofing and polycarbonate cladding above the brickwork, articulated air and light shafts, one of which marks the point of entry, automated adjustable louvres, and a solar panel array which highlights the environmental sustainability objectives of the design.

The building as proposed has a hall use capacity to accommodate no more than 100 guests.

D17/22

It is noted that the BCA report by Anthony Protas Consulting Pty Ltd indicates that the proposed works comply or are capable of complying with the Deemed to Satisfy provisions of National Construction Code 2019.

Concern was raised about the access stairs on Knowles Avenue encroaching onto Council's verge in Knowles Avenue. The proposal allows for additional height above the roots of Tree 3 (the Blackbutt) which would not be possible if the steps were fully within the site. To internalise the steps would require the removal of the Blackbutt. Council's technical services have indicated that they support the use of the verge for this purpose. It is noted that the steps from Poziers Avenue are fully within the site.

Concern was raised by residents about the height and massing of the building. The proposed building is taller than the existing building, providing the appearance of a two storey building. At its maximum height the proposal is approximately 8.855m. The surrounding residential development has a height limit of 9.5 metres under RLEP 2012, however there is no height control for the site. The proposed roof ridge is at RL32.105 and the existing is at RL29.55 (a difference of 2.555m). The roof ridge of the adjacent dwelling at 5 Poziers Avenue is at RL33.88 (with an apparent height of 9.6 metres towards the rear). The building is not out of context in terms of its height for the area.

6. Outdoor covered area

The outdoor covered area was initially designed to spill out via steps onto the Ausgrid land and then onto the pocket park to the south. Various residents raised concern about the additional noise and loss of privacy arising from the de facto use of the pocket park in conjunction with the use of the hall. Concern was also raised that the design necessitated the use of the Ausgrid land, despite it not being Crown land or connected to the site. Neighbours are also concerned about the noise from people gathering on the covered outdoor area. The acoustic report has suggested limiting the numbers in this area to 40.

One neighbour is concerned about smokers using this area with the smell wafting into their homes. The existing hall is identified on Council's website as a non-smoking venue. This is a matter which Council could include in the Plan of Management which is proposed in the draft conditions of consent.

In response, the amended plans removed the steps to the south and have included a balustrade around the covered outdoor area which will have the general effect of discouraging hall users from spilling out onto the land to the south. Whilst there will be gates to access the sides of the hall around to the grass in the south eastern corner of the site and to the elevated walkway near the kitchen, it provides much less incentive to use this area than as originally proposed. This is expected to help to reduce noise impacting on 2, 42 and 44 Flanders Avenue and 5 and 7 Poziers Avenue.

It is noted that the pocket park itself is Crown land, unfenced and is available to be used by residents at any time. Whilst the hall is proposed to no longer be fenced off from this area, there will be no change to the pocket park as a result of this application.

7. Visual Privacy

There is concern about privacy impacts from overlooking from the covered outdoor area into the rear yard of neighbours. The covered outdoor space is at R23.785. The survey indicates the rear yard of 5 Poziers Avenue is at RL24.28 – nearly 0.5m above the covered outdoor area. The owners of 5 Poziers Avenue have requested a palisade fence on this boundary. Whilst a solid fence would improve their privacy that is not the desire of the owners of the adjoining site. The lower balcony level is not shown but the lower edge of the ground floor balcony door for 5 Poziers Avenue is shown at RL26.44 – 2.655 metres above the covered outdoor area.

The survey does not indicate the levels for 7 Poziers Avenue. The covered outdoor area will be approximately 23 metres from their dwelling. This is a considerable distance, well over the ADG requirement of 12 metres for separation between habitable spaces for dwellings at up to 4 storeys. It is considered that the opportunities for overlooking are distant and the position and location of the outdoor covered area in relation to 7 Poziers Avenue is acceptable.

The owners of 2 Flanders Avenue hold privacy concerns mostly related to their anticipated increase in use of the pocket park. This application does not include use of the pocket park. The covered outdoor space has been revised to reduce the likelihood of hall users from venturing into the pocket park, by removing the southern stairs and including a balustrade on the covered outdoor area. It is not considered that privacy to 2 Flanders Avenue will realistically be impacted by the construction and use of the hall, given that the pocket park is currently unfenced (except from being fenced off from the existing hall). Those privacy matters may well be an issue for any future development of the pocket park.

8. Hours of Operation

The proposal is for the replacement of an existing community hall. The current hours of operation are Monday to Friday 8.00am to 9.00pm. No change to the hours of operation are proposed. The residents have sought a variety of reduced hours, including 9.00am to 7.00pm. with weekend hours of 10.00am to 3.00pm Saturday and no operations on Sundays or public holidays.

It is accepted that the patronage is likely to increase given the significant upgrade to the quality of the facility from the existing uninviting and dated hall. If hours of operation become too restricted, the hall will become a space which is unable to provide for the activities for which a community hall is designed to provide. The acoustic report and amended traffic and parking report each identify that the volume of patronage at 100 persons maximum during the hours of 8.00am to 9.00pm can be adequately catered for without causing unreasonable amenity impacts.

9. Inappropriate landscape design

A number of concerns were raised by the use of fruit trees in the landscape design. It is understood that the proposed fruit trees are part of a greater future plan to possibly create a community garden in the pocket park of Crown land on the corner of Knowles and Flanders Avenues. Council's landscape officer also advises that this is an approach that is consistent with environmental/sustainable initiatives already introduced to other recent community projects in the local government area.

The building has been designed to enable retention of the *Eucalyptus pilularis* (Blackbutt) – Tree 3. Council's landscape officer has considered the arborist report and noted the measures recommended to protect this and other trees on the site. The proposed removal of two native trees and three undesirable species is found to be acceptable by Council's landscape officer who has also made recommendations about the retention of some trees. Detailed conditions of consent are set out in relation to the tree protection and removal.

Some residents raised concerns about the site not having an enclosed area in which children could play in a confined space. The landscape plan does not provide for this because Council has indicated that it was not Council's desire to have children running around the site in an unchecked manner.

10. Previous issues with management and complaints

The residents have advised that they have previously had issues with management at the site when there have been functions and issues with complaints. Again, this is a matter which should be covered in the Plan of Management.

8. Conclusion

That the application to demolish the existing structures containing the Matraville Youth and Cultural Hall and construct a new community use hall with associated landscaping, including tree removal, new pathways and stairs, bicycle racks, fencing and associated works be approved (subject to conditions) for the following reasons:

- The development enhances the visual quality of the public domain/streetscape as compared to the existing community use hall currently on site.

D17/22

- The amended proposal will not result in unacceptable impacts on the amenity of the locality in relation to parking, noise and privacy.
- The proposal has carefully designed the building to limit the removal of the trees currently on the site.
- The proposal is in the public interest because of the enhancement of the existing facility in a manner which promotes a sense of community ownership for this community facility.
- The conditioned plan of management and conditioned requirements to incorporate acoustic treatments and various operational restrictions will acceptably mitigate the impacts which would otherwise result from the anticipated increase in use of the facility.

Non-standard conditions have been included in relation to:

- Stormwater drainage
- Tree protection measures, tree management, landscape certification, and arborist certification
- Council's infrastructure, vehicular crossings and street verge
- Remediation action plan and hazardous materials
- Food safety
- Noise controls
- Plan of Management
- Operational conditions including restriction of numbers of hall users at any one time to 100 persons, operating hours, closing of windows and doors when music is played, location of speakers.
- Control of possible unwanted obtrusive effects of the outdoor lighting proposed to illuminate the development for purposes of mitigating anti-social behaviour.

Appendix 1: Referrals

1. External referral comments:

1.1. Crown Lands

Crown Lands were advised of the proposal on 15 September 2021 and no comments were received.

Native Title Manager's advice was sought and notice was given to NTSCorp of construction works on 12 August 2021.

2. Internal referral comments:

2.1. Development Engineer

An amended application has been received including an updated traffic assessment report with reduction in maximum numbers of attendees to 100 people, CPTED report, BCA report and removal of southern stairs from the outdoor covered area of the new Community Hall at the above site.

This report is based on the following plans and documentation:

- Amended Architectural Plans by Sam Crawford Architects, dwg's A001-A701, rev 03, dated 07/03/22;
- Amended Statement of Environmental Effects by A Square Planning, ref AP 1618, dated Feb 2022;
- Detail & Level Survey by Rygate & Company Pty Ltd, ref 75987, rev A, dated 11/05/21;
- Arboricultural Impact Assessment & Protection Specification by Tree IQ, rev C, dated 04/06/21;
- Landscape Plans/DA Package by Place Design Group, sheets 01-09, revised 07/03/22.
- Amended Traffic and Parking Assessment by TTPP dated 23rd February 2022.

General Comments

The issues raised in previous engineering memo and email dated 3rd December 2021 have been satisfactorily addressed with the amended plans and traffic report. No further objections are raised to the development subject to the comments and conditions provided in this report.

The proposed development will likely only have very minor additional parking impacts above the existing on-street conditions. These impacts would only be due to the hall potentially getting more frequent use due to the improved facilities as there is no proposed increase in the maximum number of patrons when compared to the existing hall on site (100 patrons).

Parking Comments

Summary

After concerns were raised over inaccuracies and the lack of a parking survey in the original traffic report, an amended traffic and parking study and Statement of Environmental Effects has now been received.

The additional documentation has clarified the capacity of the existing hall to be 100 persons which was previously incorrectly stated to be 227. In addition, the capacity of the future hall has now been reduced to also be 100 persons (previously 160). Hence there is technically no intensification of use in terms of patron numbers for the new development.

Notwithstanding, there is still potential for a small intensification as the new and improved facilities are likely to attract increased use by the public. This is not expected to be significant enough however to warrant refusal of the application as there is sufficient availability of on-street parking in the locality to accommodate this demand. No objections are therefore raised to the proposed development.

Detailed Parking Comments - Current situation

D17/22

No off-street vehicle parking is currently provided on the site and so the current hall is relying on the surrounding availability of on-street parking to accommodate any associated parking demand.

Details of past functions provided in the traffic report and previous memo from Development engineering indicates the functions of the hall typically attract an average of around 30 persons with the maximum of 100 only experienced very occasionally

On-street parking in the locality is currently unrestricted and is available 24/7. Parking occupancy surveys have been conducted by the applicants traffic consultant on Thursday 3rd Feb and Sat 5th Feb 2022 between 8am-9pm with the results included in the amended traffic report.

It indicates that within 400m (5 min walk) a total of 336 on-street spaces were available for parking. The peak occupancy rate on Thursday occurred at 7pm with a occupancy rate of 45% and with 184 spaces available. For Saturday the peak occupancy rate occurred at 9pm with a occupancy rate of 46% and with 183 spaces available.

It should be noted however that parking availability close to the site such as in Knowles Avenue and Windsor St is typically less with an occupancy rate of up to 54% (of 85 spaces available) for Knowles Avenue, and 72% (of 60 spaces available) for Windsor St. Typically however parkin occupancy rates did not exceed 60% in all streets during the survey period. Detailed parking occupancy maps are shown in Figure 5.4 of the study.

Detailed Parking Comments - Proposed Development

No additional off-street parking is proposed as part of this development, hence the new community hall will also be relying on the surrounding availability of on-street parking to meet any associated parking demand, as per the existing situation.

The submitted traffic and parking study states that car occupancy for functions would be typically in the range of 1.5 and 2 persons per vehicle depending on the function. For example, birthday parties (especially children's birthday parties) would typically attract an car occupancy rate higher than say a work function. The occupancy rates translate to a parking demand of between **15-20 spaces for a 30 person function (average)** and between **50-67 spaces for a 100 space function (worst case)**.

The parking surveys indicate that during the peak occupancy of on-street parking there was still 184 spaces available on a weekday and 183 spaces on a Saturday within a 5 minute walk on the site. This appears to suggest there is sufficient capacity within the surrounding street network to accommodate the parking demand of the development even when assuming a worst case of future peak demand coinciding with one of the current peak times of occupancy.

The study also states that the existing community hall was in operation during the time of the survey and hence the parking demand stated in the survey may already include the parking demand associated with the existing community hall meaning there would be very little increase on the existing occupancy rates with the proposed development since the max number of patrons will not change.

This was further investigated by the Development Engineer and it has been confirmed that on Thursday 3rd February there is a recurring booking for 25 patrons from 6pm- 8:30pm for a Taekwondo class. The parking survey data provided on Thursday 3rd February indicates the days' peak occupancy rate in Windsor Street and Knowles Avenue (approx 55%) is occurring at this time and so is likely to be attributable to this class.

The Saturday data is less clear as there were no hall bookings on Sat 5th February however the data is indicating a significant peak in parking occupancy is occurring in the late evening on Windsor St. Other streets surveyed however indicate the opposite and reflect a decrease in parking demand when compared to earlier in the day. As there were no bookings for the hall on Saturday evening it is plausible this peak demand is an anomaly and could be due to a private social gathering in Windsor St since all dwellings in Windsor Street have access to off-street parking. It is therefore not likely to be caused by residents alone.

Conclusion

It is considered the proposed development will only have very minor additional parking impacts above the existing on-street conditions. These impacts would only be due to the hall potentially getting more frequent use due to the improved facilities as there is no proposed increase in the maximum number of patrons when compared to the existing hall. Typical hirings will likely be in the order of 30-40 patrons with an associated parking demand of between 15-26 spaces. This can be adequately accommodated within the surrounding street network as is currently occurring with the existing hall.

A worst-case scenario of 100 patrons with an associated parking demand of between 50 & 67 spaces has also been considered and can also be accommodated within the surrounding street network. This is however expected to occur very infrequently based on historical data.

There is little opportunity to provide off-street parking within the site without impacting a number of significant trees which would be unacceptable from a tree preservation perspective. It would also provide limited benefit since only 3-4 spaces at most could be provided.

In consideration the above and much improved and traffic and parking study (including extensive parking survey data) there are no further objections to the proposed development

Bicycle Parking

No formalised bicycle parking is currently provided on site however a minimum of 6 spaces is proposed as part of this development. This is considered satisfactory, and no objections are raised.

Drainage Comments

Stormwater runoff from the (redeveloped portion) of the site shall be discharged either:

- a) To Council's kerb and gutter or underground drainage system in Knowles Avenue by gravity (On Site Detention (OSD) is required) ; OR
- b) To a suitably sized infiltration area.

Power Supply Comments

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

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

The subject **is not** located within 15m of a power pole on the same side of the street hence the above clause **is not** applicable.

Civil Works Comments

The proposed steps and accessibility ramp extending onto the Council verge on the Knowles Street frontage are now supported. Confirmation that the proposed steps on Council road reserve are acceptable was obtained from Council's Manager of Technical Services.

Pedestrian access Comments

Concerns were raised on original plans on the proposed pedestrian access and stairs on the southern side of the development being immediately adjacent to Ausgrid Land.

This was not supported and it is noted the amended plans stamped 16th March 2022. have now addressed this issue by removing this access.

2.2. Landscape Officer

Tree Management & Landscape Comments

The Arborist Report has assessed a total of 17 trees for this application, comprising a mix of locally indigenous species, Australian natives and exotics, none of which are included on Council's Register of Significant Trees, or, are noted as having any associations with Heritage.

They comprise firstly, to the west of the existing Hall, along the western site boundary, fronting Knowles Avenue, from south to north, a mature, 10m tall *Eucalyptus species* (Gum, T1), then just to the south of the existing entry gate path, a similarly sized *Melaleuca quinquinervia* (Broad Leafed Paperbark, T2), with a larger, 18m tall *Eucalyptus pilularis* (Blackbutt, T3) being on the northern side of the gate/path, all of which have been assigned a High/Moderate Landscape Significance Rating.

All are protected by the DCP and are noted as only being in fair health due to a combination of wounds/decay, with their crowns already overhanging the existing Hall to the east and the public footpath and roadway to the west.

The plans show that the existing Hall will be demolished, with the footprint of the new structure and perimeter access path to then finish closer to the trees, resulting in a Major Encroachment (<10%) of their TPZ's, with clause 3.3.4 of AS4970-2009: Protection of Trees on Development Sites stating that tree sensitive construction methods can be considered so as to minimise potential impacts.

In this regard, the Arborists recommendation that both the new building and path be provided above existing grades, as well as be supported on screw piles, so as to avoid damaging any structural roots in this area have been adopted, as this is a common course of action in such cases, with relevant protection conditions imposed in this report.

While the same threats also apply to T3, additional excavations associated with the new steps, entry ramp and forecourt area just to its north and northwest also need to be considered, over and above what was discussed above.

Despite these civil works representing a theoretical TPZ incursion of 20%, the GF – Excavation Plan, dwg A131, confirms that the extent of excavations in this area will be minimal, and only to a depth of 250mm, mostly due to the uneven and sloping nature of the site, and will be almost entirely outside its SRZ.

In recognition of the need to exercise a higher degree of control over these components, site specific protection conditions that nominate the type of machinery and attachments which are permitted for use in this area have been imposed, along with the requirement to be directly supervised by a Project Arborist.

One aspect that has not been considered or discussed is the impact of excavations as a result of the works shown on the Ground Floor Stormwater Drainage Plan by Cardno, dated 27/09/21, which indicates a new (presumably UPVC) line being installed directly adjacent the trunks of T1-3, through their SRZ's, then connecting to a junction beneath the suspended entry concrete slab, which then also intersects the TPZ's of T11-15, and as this will likely result in major root damage, conditions require that a suitable re-design be undertaken, to the satisfaction of the Project Arborist.

Section 2.2.2 of the Arborist Report notes that the presence of wounds and advanced decay in both T1 & T3 may be of concern for their long-term management; however, internal diagnostic testing (Picus/sonic tomograph) performed by Australian Tree Consultants on 04/02/22 concluded that that this has not resulted in significant internal defects that would affect their structural adequacy, so are

deemed suitable for retention at this point in time, and is a worthwhile investigation given the frequency of use of this community facility.

The smaller Broad Leafed Paperbark (T4) further to the north of the group discussed above has been partially suppressed by the larger, more dominant T3, and as it is in direct conflict with the new entry ramp and forecourt, both the Arborist Report and plans recommend its removal.

Re-designing or relocating the ramp and associated works is not considered a viable option given that this would then end up impacting other more desirable or significant trees nearby, with the corner location of this site also being another constraint, so in this case, no objections are raised to its removal as shown.

The group of trees in and around the northwest site corner can all be retained given an absence of any major works/encroachments in this part of the site, including a *Casuarina glauca* (Swamp She Oak, T5), which while the Arborist Report categorises as a 'Priority for Removal', is then nominated and shown for Retention on the plans. This tree can be retained as an existing site feature as this group assists in addressing the corner location, and are also not heavily affected by the works.

T6-7 of the same species in this area can also be retained, along with the three mature, 8-10m tall *Melaleuca quinquinervia* (Broad Leafed Paperbarks, T8-10) that are located along the northern site boundary, fronting Poziers Avenue, with the new access path and steps to result in a Major Encroachment for T10 only, with the same protection measures described earlier in this report to be applied here.

Another Broad Leafed Paperbark (T15) further towards the eastern boundary, in another group that is discussed below, will not be affected as no works are proposed within its TPZ, so can be easily protected and retained in-situ.

On the eastern side of the proposed access path in Poziers Avenue, in the area between the northeast corner of the existing building and northeast site corner is a group of four mature, 8-11m tall *Banksia integrifolia* (Coastal Banksias, T11-14), which are an indigenous species that are protected by the DCP, appear in fair condition due to the presence of wounds/decay, and have been assigned a High Landscape Significance rating, possibly being remnant vegetation.

The Arborist Report has calculated that while the new footprint should not affect T11-12 & 14, T13 will experience a Major Encroachment; however, providing the same construction methods described earlier in this report are implemented for this part of the work, it is sustainable by the tree, so is supported by Council.

Halfway along the length of the eastern side setback is a mature, 9m tall *Syzygium paniculatum* (Magenta Cherry, T16) which while being a desirable native species is already exempt from the DCP due to its location within a 2m radius of the existing Hall, is in poor condition due to its included/competing leaders, and is also growing in a confined area due to a retaining wall being hard up against the western side of its trunk, with the neighbour having previously cleared its eastern aspect.

While it currently assists with partial screening/privacy/separation between this site and the adjoining private property at 5 Poziers Avenue, it is in direct conflict with the new footprint, and as it is not significant in anyway to warrant the major re-designs that would be required to allow its preservation, conditions allow its removal, as sought.

Lastly, on the northern boundary, right in the northeast site corner, is a row of seven mature *xCupressocyparis leylandii* (Leylands Cypress, T17) which are an undesirable, low value exotic

species, that do benefit native fauna or the local environment in anyway, attain large dimensions and block solar access.

They are contained within the fenced off Ausgrid easement, and while not directly affected by any works in this area, consent is still granted for removal of the most western trees in this group that are within this site, with those contained wholly on no.5 able to remain unaffected given an absence of any works in this area, other than new plantings.

Whilst not assessed in the Arborist Report, the row of juvenile Tuckeroo's along the length of the Poziers Avenue verge can be easily retained, with relevant conditions provided.

The Landscape Plans show that the facilities provided and quality of the open space will be drastically improved by the introduction of accessible paths, handrails, bike racks and seating walls, with the amount of planting to also be drastically increased within formalised garden beds, which also includes the currently vacant and unused narrow strip towards the southeast site corner, where new Fruit Trees will be provided, which is an approach that is consistent with environmental/sustainable initiatives that have already been introduced to other recent community projects.

D17/22

Appendix 2: DCP Compliance Table**3.1 Randwick DCP 2013 - Section F Miscellaneous Controls****F1 Development in Recreational Zones**

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
F1	Development in Recreational Zones		
F1 i)	The need for the proposed development on the land	A number of residents have expressed the need for a new community use hall, noting the state of repair and quality of accommodation currently provided by the exiting hall.	Yes
F1 ii)	The need to retain the land for its existing or likely future recreation use	It is not proposed to change the use of the land	Yes
F1 iii)	The impact of the proposed development for the existing or likely future use of the land	The proposal is to replace the dilapidated structure of the existing community hall with a new structure. There will be no change of use as a result of the proposed development.	Yes
F1 iv)	Whether the proposed development is complementary to the scenic, recreational and / or ecological values of the land	The proposal will retain the majority of the trees currently on site and proposes to replace trees to be removed with additional planting of trees.	Yes
F1 v)	In the case of RE1 Recreational Land zoned land whether the proposal would: a) Unreasonably impede or diminish the intended public use or public access of the land b) Consistent with any Plan of Management adopted by Council.	a) proposal is consistent with intended use and allows for public use and public access of the land. b) Council is aware that its Plans of Management require updating.	Yes

Responsible officer: Urban Perspectives, Town Planners

File Reference: DA/576/2021

D17/22

D17/22

Development Consent Conditions



DA No:	DA/576/2021
Property:	1-5R Knowles Avenue, Matraville
Proposal:	Demolition of existing structures and construction of new community hall with outdoor covered space, landscaping works including tree removal, new pathways and stairs, bicycle racks, fencing and associated works.
Recommendation:	Approval

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
Proposed Site and demo plan Dwg no A120 Rev 02	Sam Crawford Architects	31/07/2021	16 March 2022
Proposed Site Plan Dwg no A121 Rev 04	Sam Crawford Architects	7/03/2022	16 March 2022
Proposed Ground plan Dwg no A130 Rev 04	Sam Crawford Architects	7/03/2022	16 March 2022
GF Plan – excavation Dwg no A131 Rev 01	Sam Crawford Architects	3/06/2021	16 March 2022
Proposed roof plan Dwg A132 Rev 03	Sam Crawford Architects	7/03/2022	16 March 2022
Proposed Elevations Dwg no A201 Rev 03	Sam Crawford Architects	21/12/2021	16 March 2022
Proposed Elevations Dwg no A202 Rev 04	Sam Crawford Architects	7/03/2022	16 March 2022
Proposed Sections Dwg no A301 Rev 03	Sam Crawford Architects	21/12/2021	16 March 2022
External Materials and Finishes Dwg no A501 Rev 03	Sam Crawford Architects	21/12/2021	16 March 2022
Landscape development application package	Place Design Group	7/03/2022	16 March 2022

Rev 03 comprising (pages 03 to 09) as follows:			
<ul style="list-style-type: none"> • Landscape Plan • Tree Planting Plan • Tree planting Schedule • Planting Plan • Planting Schedule • Typical Softscape Details • Material Palette 			

Report/Document	Prepared by	Dated	Received by Council
Arboricultural Impact Assessment Tree Protection Specification	Tree iQ	4 June 2021	22 September 2021
Environmental Noise Assessment Report number 7168-1.1R Rev B	Day Design Pty Ltd	30 July 2021	22 September 2021
Preliminary Site Investigation Report Ref: JC21378A-r2	GeoEnviro Consultancy Pty Ltd	March 2021	22 September 2021

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The GF Plan – Excavation Dwg no A131 Rev 01 shall be amended to show the retention of Tree 5 and Tree 6 in the north-western corner of the site.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

4. 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.

Outdoor lighting

5. A lighting plan shall be prepared by a suitably qualified illumination engineer and be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development, whereby proposed lighting shall be in accordance

with AS4282 *Control of obtrusive effects of outdoor lighting* and AS1158 *Lighting for roads and public spaces Part 3.1 Pedestrian area lighting* and also address the following:

- a) Outdoor lighting shall be such that there is no light spill on the surrounding roads or neighbouring properties
- b) Lighting of outdoor areas including external stairs and pathways shall be directed downwards so as to control obtrusive lighting above the horizontal plane.
- c) The illumination of features on site such as that of specific specimens, if any, shall be directed towards the feature, while ensuring no light spill is perceivable from adjoining properties or the roads.
- d) Lighting design shall be such so that outdoor areas are illuminated sufficiently and there are no dark areas on site which may harbour intruders or foster potentially anti-social gatherings.
- e) Any additional outdoor lighting for the purposes of crime control be utilised to illuminate key landscape and building features while controlling any obtrusive effects to neighbouring properties.
- f) All lighting on site shall be vandal-proof.
- g) All external lighting shall be fauna friendly so as to protect possible urban wildlife utilising the trees surrounding the development.
- h) All lighting on site shall be connected to the solar array on the property.

Sound mitigation measures

6. Construction of the hall and treatment of the relevant elements shall be in accordance with the recommendations of the Environmental Noise Assessment report by Day Design Pty Ltd, dated 30 July 2021 and details shall be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Long Service Levy Payments

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

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

Stormwater Drainage

8. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier. A copy of the engineering calculations and plans are to be forwarded to Council, if the Council is not the Principal Certifier. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, *Australian Rainfall and Run-off*, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:

- i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) 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.
 - g) 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.
9. The site stormwater drainage system is to be provided in accordance with the following requirements;
 - a) The stormwater drainage system must be provided in accordance with the relevant requirements of the Building Code of Australia and the conditions of this consent, to the satisfaction of the *Principal Certifier* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter in front of the subject site in Knowles Avenue; or
 - ii. Directly into Council's underground drainage system located in Knowles Avenue via an existing kerb inlet pit; or
 - iii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

 - Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
 - c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention (OSD) system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.
 - d) Should stormwater be discharged to an infiltration system the following requirements must be met;
 - i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
 - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.

- iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
- iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless adjacent to Council road, laneway or reserve).
- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- f) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- g) 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/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

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

- i) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):

- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
- ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
- iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) Mulch or bark is not to be used in on-site detention areas.
- m) Any seepage flows are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.
- n) 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.

Sydney Water Requirements

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

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

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

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

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

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

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

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

Waste Management

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

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

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

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

Tree Protection Measures

12. In order to ensure retention of the row of Tuckeroo's on Council's Poziers Avenue nature strip, as well as those within this development site, comprising firstly, along the western boundary, from south to north, a *Eucalyptus species* (Gum, T1), a *Melaleuca quinquinervia* (Broad Leafed Paperbark, T2) and a *Eucalyptus pilularis* (Blackbutt, T3), then in and around the northwest site corner, three *Casuarina glauca* (Swamp She Oaks, T5-7), three *Melaleuca quinquinervia* (Broad Leafed Paperbarks, T8-10) that are along the northern site boundary, then in the area between the northeast corner of the existing building and northeast site corner, a group of four mature *Banksia integrifolia* (Coastal Banksia's, T11-14) and another Broad Leafed Paperbark (T15) in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show their retention, together with the position and diameter of their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers as taken from the Arboricultural Impact Assessment & Protection Specification by Tree IQ, rev C, dated 04/06/21 (*"the Arborist Report"*) in relation to the site and new works.
 - b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, as well as **Appendix 5 of the Arborist Report - Tree Protection Specification**, and any other instructions issued on-site.
 - c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the Principal Certifier, prior to any Occupation Certificate.
 - d. The new *'DP line'* that is shown on the Ground Floor Stormwater Drainage Plan by Cardno, dated 27/09/21 as being installed directly adjacent the trunks of T1-3, as well as in close proximity to T11-15, **is not supported**, with this part of the plan to be amended so as to minimise the encroachment of their TPZ's as much as possible.
 - e. This revised Stormwater Plan must be submitted to, and be approved in writing by, the Project Arborist, prior to commencement, and must then be installed on-site in accordance with this plan, as well as **Sections 3.12.2 – 3.12.3, and Appendix 5, Point 1.10** of the Arborist Report.
 - f. All Construction Certificate plans must show that the footprint of the new Hall and any associated works will not encroach closer to the trees than what has been shown on the set of plans by Sam Crawford Architects as referenced in Condition 1, with offsets in millimetres to be provided.
 - g. Construction details must be provided showing that the new slab, footpath, entrance ramp/forecourt and any associated works within their TPZ's will all be installed above

existing grades (with RL's to be provided to ensure compliance) and can only be supported on localised screw piles, with the Project Arborist to document, via time stamped photos, that the installation of these piles complies with the requirements of **Section 3.1.3** of the Arborist Report.

- h. A flexible footing system will also need to be utilised to allow the thickened edge beams to be adjusted/relocated away from any major roots encountered, with details confirming compliance to be submitted to, and be approved by, the Principal Certifier.
- i. The street trees on the Poziers Avenue verge must be physically protected by installing evenly spaced star pickets at a setback of **2 metres** to their east and west (measured off the outside edge of their trunks at ground level), matching up with the kerb to their north and footpath to their south, to which, safety tape/para-webbing/shade cloth or similar shall then be permanently attached so as to completely enclose them for the duration of works.
- j. T1-3 & T5-15 are then to be physically protected (as groups where suitable) by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located to the extent of their TPZ's, or, as directed by the Project Arborist, to ensure they are completely enclosed/excluded for the duration of works.
- k. 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".
- l. In order to prevent soil/sediment being washed over their root systems, erosion control measures must also be provided at ground level around the perimeter of the TPZ's.
- m. If additional trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt, carpet, hessian or similar around affected areas, to which, lengths of evenly spaced hardwood timbers shall be placed around their circumference and are then to be secured by 8-gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- n. If ground protection is warranted, extending beyond the TPZ, it shall comprise strapped together rumble boards, sheets of plywood or similar, and must remain in place until such time as the approved landscaping is being installed.
- o. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- p. Existing structures and surfacing within their TPZ's should be retained in-situ for as long as possible as a form of ground protection during works, and when they do need to be demolished, must be supervised by the Project Arborist, and be performed in accordance with **Section 3.12.1** and **Appendix 5, Point 1.9** of the Arborist Report.
- q. All initial excavations associated with new footings or similar within their TPZ's must be performed/directly supervised by, the Project Arborist, with the operation of machinery (only permitted outside of their SRZ's) to comply with **Section 3.3.3** of the Arborist Report to ensure that no major roots are damaged.
- r. The Principal Certifier/Project Arborist must ensure that the extent of excavations undertaken is consistent with the GF – Excavation Plan, dwg A131, with relevant details confirming compliance to be provided.
- s. The project Arborist must ensure that ground level changes and other works within

their TPZ's are performed to comply with the requirements of **Appendix 5, Point 1.11** of the Arborist Report.

- t. Where roots are encountered during works, they must be personally inspected by the Project Arborist, who must then document (via time stamped photos) that retention/protection or pruning complies with the requirements of **Appendix 5, Point 1.11**.
- u. The Principal Certifier and project Arborist must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of works, and prior to any Occupation Certificate.

Landscape Plans

13. 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 Landscape Plans submitted for the Construction Certificate are substantially consistent with the Landscape Plans/DA Package by Place Design Group, sheets 01-09, revised 07/03/22, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

Remediation Action Plan

14. A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council, prior to the commencement of any site works. Refer to Preliminary site investigation report prepared by GeoEnviro Consultancy Pty Ltd dated March 2021 (Ref: JC21378A-r2) for recommendations.

The RAP is to be prepared by a Certified Contaminated Land Consultant, in accordance with the relevant Guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
- Site management planning,
- Validation sampling and analysis,
- Prevention of cross contamination and migration or release of contaminants,
- Groundwater remediation, dewatering, drainage, monitoring and validation,
- Unexpected finds.

15. A *Site Remediation Management Plan* must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- prevention of cross contamination
- site drainage and dewatering
- air and water quality monitoring
- generation and control of dust from the site
- disposal of hazardous wastes
- contingency plans and incident reporting
- details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

D17/22

16. The remediation work must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and associated Regulations.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

- Compliance with the Building Code of Australia & Relevant Standards**
17. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
18. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifier.
- Site stability, Excavation and Construction work**
19. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifier for the development:-
- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
 - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
 - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifier*.
 - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifier*.
- Food Premises**
20. The premises is to be designed, constructed and operated in accordance with the *Food Act 2003*, *Food Regulation 2015*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674 (2004), Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the construction certificate.
- Noise control measures**
21. The noise control recommendations for the community hall building construction provided in the environmental noise assessment prepared by Day Design Pty Ltd dated 30 July 2021 (Report no. 7168-1.1R Rev B) section 5.1-5.3 is to be included in the construction certificate.

D17/22

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifier', as applicable.

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

Certification and Building Inspection Requirements

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

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

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

- b) a *Principal Certifier* must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work and the requirements of the *Home Building Act 1989* must be satisfied accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifier*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Dilapidation Reports

23. A dilapidation report (incorporating photographs of relevant buildings) 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 *Principal Certifier*.

The dilapidation report must be submitted to the Council, the *Principal Certifier* 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).

Construction Site Management Plan

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

- location and construction of protective site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- 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.

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

A copy of the Construction Site Management Plan must be provided to the Principal 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.

Demolition or building works – Potential hazardous materials - Generally)

25. The following conditions must be complied with in relation to any works involving the demolition, removal, handling, storage or disposal of any hazardous materials (including asbestos):

- 1) All work must be carried out in accordance with the following requirements (as applicable):

- *Work Health and Safety Act 2011;*
- *Work Health and Safety Regulation 2017;*
- *SafeWork NSW Code of Practice for the Safe Removal of Asbestos;*
- *Australian Standard 2601 (2001) – Demolition of Structures;*
- *Protection of the Environment Operations Act 1997;*
- *Protection of the Environment Operations (Waste) Regulation 2014;* and
- *Randwick City Council Asbestos Policy.*

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

- 2) A Demolition Work Plan must be prepared for the development in accordance with *Work Health and Safety Regulation 2017*, *SafeWork NSW Code of Practice* for the safe removal of asbestos and *Australian Standard AS 2601 (2001)*, *Demolition of Structures*.

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition and removal of hazardous materials
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne hazardous materials
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in any Hazardous Materials Survey
- Date the demolition and removal of asbestos will commence

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

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits.*

Construction Noise & Vibration Management Plan

26. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to

commencing site work and throughout the course of construction, in accordance with the following requirements:

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the *Principal Certifier*.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the *Principal Certifier* accordingly.

Public Liability

27. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the *Principal Certifier* and Council.

Public Utilities

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction

30. Building works are required to be inspected by the *Principal Certifier*, in accordance with section 6.5 of the *Environmental Planning & Assessment Act 1979* and clause 162A of the

D17/22

Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Building & Demolition Work Requirements

31. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

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

Removal of Asbestos Materials

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

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

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

Excavations, Back-filling & Retaining Walls

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

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

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

Support of Adjoining Land

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

Sediment & Erosion Control

35. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom.

Details must be included in the Construction Site Management Plan and a copy must be provided to the Principal Certifier and Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

36. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Temporary Site Fencing

37. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings 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), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings 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.

- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
- materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the *Principal Certifier*.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, 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.*

Public Safety & Site Management

38. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:

- 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) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- c) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

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

- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- f) 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.

Site Signage

39. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifier*,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - 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.

Survey Requirements

41. 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 to the satisfaction of the Principal Certifier:

- prior to construction (pouring of concrete) of footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the *Principal Certifier*.

The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council, if the Council is not the Principal Certifier for the development.

Hazardous wastes and compliance with relevant legislation

42. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority, and with the provisions of:

- *Work Health and Safety Act 2011*;
- *Protection of the Environment Operations Act 1997 (NSW)*;
- *NSW EPA Waste Classification Guidelines (2014)*;
- *SafeWork NSW Code of Practice for the Safe Removal of Asbestos*;
- *Randwick City Council Asbestos Policy*.

The works must not cause any environmental pollution, public health incident or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and Regulations.

Complaints management during the work/construction

43. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

Tree Management

44. Approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the approved Landscape Plans:

- a. The *Melaleuca quinquinervia* (Broad Leafed Paperbark, T4) along the western site boundary, given its direct conflict with the new entry ramp and forecourt in this same area as shown;
- b. A *Syzygium paniculatum* (Magenta Cherry, T16) halfway along the length of the eastern side setback, which is already exempt from the DCP due to its location within a 2m radius of the existing Hall, is in poor condition due to its included/competing leaders and is also growing in a confined area with a retaining wall hard up against the western side of its trunk, with the new Hall to occupy this same part of the site;
- c. On the northern boundary, into the northeast site corner, those mature *xCupressocyparis leylandii* (Leylands Cypress, T17) that are within this site, as while they are not directly affected by the works, are an undesirable, low value exotic species, that do benefit native fauna or the local environment in anyway, attain large dimensions and block solar access.

Pruning

45. Permission is granted for the minimal and selective pruning of only those lower growing lower order branches from **T1-3 & T13-15**, within this development site, where needed to avoid damage to the trees; or, interference with the approved works.
46. All pruning can only be undertaken by at minimum a Practicing Arborist who holds an AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Road/Asset Opening Permit

47. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.

- Relevant *Road / Asset Opening Permit* fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 1300 722 542.

Drainage

48. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.

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

Remediation

49. The remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority (EPA) and NSW Planning & Environment and the *Protection of the Environment Operations Act 1997*.
50. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.
- Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant.
51. Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the environmental consultant and Council immediately in writing.
52. The written concurrence of Council must be obtained prior to implementing any changes to the remediation action plan, strategies or conditions of development consent.
53. Upon completion of remediation works, a Validation Report must be prepared by a Certified Contaminated Land Consultant and be submitted to and approved by Council as required. The validation report is required to confirm provide details to demonstrate that the site is suitable for the proposed development and use.
54. Any hazardous and/or intractable wastes arising from any demolition, excavation, building and any remediation works are to be managed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority (EPA), including the provisions of:
- Work Health and Safety Act 2011
 - Protection of the Environment Operations Act 1997 (NSW)
 - Protection of the Environment Operations (Waste) Regulation 2014
 - NSW EPA Waste Classification Guidelines 2014
 - Randwick City Council's Asbestos Policy

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

Occupation Certificate Requirements

55. 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 *Environmental Planning & Assessment Act 1979*.

Fire Safety Certificates

56. Prior to issuing an interim or Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

Structural Certification

57. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifier*. A copy of which is to be provided to Council with the Occupation Certificate.

Sydney Water Certification

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

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

The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to issuing an Occupation Certificate or Subdivision Certificate, whichever the sooner.

Noise Control Requirements & Certification

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

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

60. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifier* and Council prior to an occupation certificate being issued.

D17/22

Acoustic report – Plant/equipment and use of development

61. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which validates the construction recommendations and demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.
62. A plan of management shall be submitted to and approved by Council prior to occupation or use of the development, which details the measures to be implemented to:
- Include the recommendations in section 5.4 of the environmental noise assessment prepared by Day Design Pty Ltd dated 30 July 2021 (Report no. 7168-1.1R Rev B)
 - ensure compliance with the relevant conditions of approval,
 - ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
 - minimise the potential environmental and amenity impacts upon nearby residents,
 - effectively minimise and manage anti-social behaviour,
 - effectively manage and respond to resident complaints,

Inspection by EHO prior to occupation

63. Upon completion of the work, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained from Council, prior to the issuing of an occupation certificate.
64. The food premises must be registered with Council's Health, Building & Regulatory Services department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencement of any food business operations.

Asbestos/Hazardous materials

65. A report or statement shall be provided to Council which confirms that any hazardous materials (including materials containing asbestos) have been managed, removed and disposed of in accordance with relevant requirements of SafeWork NSW and conditions of development consent.

Council's Infrastructure, Vehicular Crossings, street verge

66. The applicant must meet the full cost for a Council approved contractor to:
- a) Construct footpaths as required on Knowles Avenue
67. 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.
68. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.

- b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
- c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

Stormwater Drainage

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

Notes:

- a) The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
 - c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.
70. 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):
- Finished site contours at 0.2 metre intervals;
 - The location of any detention basins/tanks with finished surface/invert levels;
 - Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
71. The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Principal Certifier.

Landscape Certification

72. 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/DA Package by Place Design Group, sheets 01-09, revised 07/03/22.
73. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

D17/22

74. That part of the nature-strip upon either of Council's footways which is damaged as a result of the works shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.

Project Arborist Certification

75. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification/Final Compliance Report which confirms compliance with these conditions of consent, the Tree Protection Specification at Appendix 5 of the Arborist Report, the dates of attendance and works performed/supervised relating to retention of **T1-3 & 5-15** and must also include time stamped photos to verify attendance at critical stages.

OPERATIONAL CONDITIONS

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

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

Fire Safety Statements

76. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council (at least on an annual basis) in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a competent fire safety practitioner and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

Site Stormwater

77. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.

Environmental Amenity

78. 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.
79. The written approval of council must be obtained prior to the installation of any cooling towers.
80. The use and operation of the premises shall not give rise to a public nuisance.
81. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997.
82. Users should be encouraged to be considerate of neighbours when arriving and leaving. Users should be directed to exit quietly and quickly.
83. The development shall not accommodate more than 100 persons at any one time.
- Hours of Operation**
84. The hours of operation shall be 8:00 am to 9:00 pm Monday to Sunday.
85. All windows and doors should be closed when capacity exceeds 80 people with music.
86. No more than 40 people may congregate on the covered outdoor area at any time.

87. No speakers should be located outside the building.

88. Users should be directed to exit quietly and quickly.

GENERAL ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

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

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

A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifier* for the development,
- Council and the Principal Certifier have been given at least 2 days notice (in writing) prior to commencing any works.

A3 Council can issue your *Construction Certificate* and be your *Principal Certifier* for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. For further details contact Council on 9093 6944.

A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works

A6 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

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

For further information please contact Council on 9093 6971.

A7 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil

anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the Access to *Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

- A9 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A11 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.

- A12 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

- A13 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

- A14 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A15 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

- A16 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded

D17/22

from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

D17/22