

# Randwick Local Planning Panel (Public) Meeting

Thursday 8 September 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, 8 September 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**

D53/22	17 Blenheim Street, Randwick (DA/28/2022) .....	1
D54/22	16 Little Street, Maroubra (DA/359/2022) .....	63

Roman Wereszczynski  
**ACTING DIRECTOR CITY PLANNING**

## Development Application Report No. D53/22

**Subject:** 17 Blenheim Street, Randwick (DA/28/2022)

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<b>Proposal:</b>	Alterations & additions to existing buildings including change of use to community facility and a new park
<b>Ward:</b>	West Ward
<b>Applicant:</b>	Randwick City Council
<b>Owner:</b>	Randwick City Council
<b>Cost of works:</b>	\$2,049,247.00
<b>Reason for referral:</b>	The applicant and landowner is Council and more than 10 unique submissions received

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### Recommendation

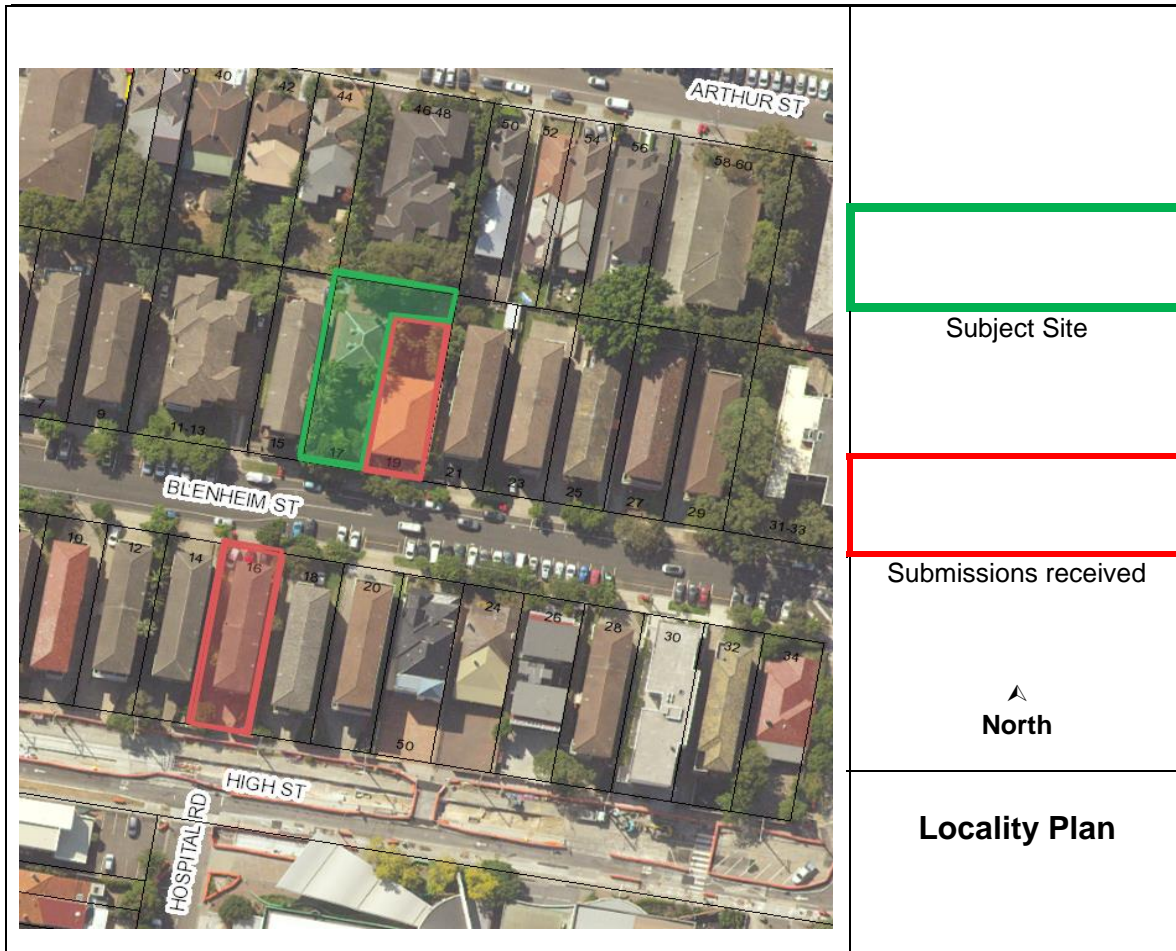
That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 28/2022 for alterations & additions to existing buildings including change of use to community facility and a new park, at No. 17 Blenheim Street, Randwick, subject to the development consent conditions attached to the assessment report.

### Attachment/s:

1.  RLPP Dev Consent Conditions (general) - DA/28/2022 - 17 Blenheim Street, RANDWICK NSW 2031 - DEV - Randwick City Council

D53/22

D53/22



## 1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the applicant/landowner is Randwick City Council and more than 10 submissions by way of unique objection have been received.

The proposal seeks development consent for alterations and additions to the dwelling, including change of use to a community art and cultural space with associated landscaping to create a new park. General operation of the premises will be four days per week, including weekends. Three days per week the premises will operate from 10.00am to 4.00pm and one day per week the premises will operate from 10.00am to 6.00pm. The artist studios are proposed to operate for 24 hours. Special events will be held onsite approximately 15 times per year. These events will occur outside of the above hours.

The key issues associated with the proposal relate to;

- Operation of the community facility
- Boundary fence
- Parking

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

- A Plan of Management outlining the operational details of the community art and culture space shall be submitted to and approved by the Director of City Planning.
- A CCTV assessment is undertaken to determine where security cameras are to be installed on the subject site.
- A maximum of six (6) artists in residence may utilise the artist studios between 6pm – 10am.

- The hours of the park area shall be accessible from 7am to 10pm, seven (7) days/week as per the recommendation of the acoustic report.
- Signage is installed within the new park outlining that smoking is prohibited within the premises and the park.

## 2. Site Description and Locality

The subject site is known as 17 Blenheim Street, Randwick and is legally described as Lot 341 in DP 848149. The site is 579.6m<sup>2</sup>, is an L-shaped allotment and has a 12.19m frontage to Blenheim Street to the south. The site contains a two (2) storey heritage listed, sandstone building. The site is heavily vegetated and includes a metal carport at the front of the site which hides the appearance of the heritage listed building from the streetscape. Located opposite of the subject site as well as adjoining the subject site to the north, east and west are 2-4 storey residential flat buildings, reflective of the R3 Medium Density Residential zoning of the area.

The site is generally level, slightly sloping north to south by approximately 0.65m.



Figure 1: Subject site as viewed from the opposite of Blenheim Street.





Figure 2: Existing building located on the subject site.

### 3. Relevant history

**DA/249/1991** – Approved 5 August 1991 - Erection of a sign in the front yard of Blenheim House.

**DA/106/1993** – Approved 24 March 1993 - Restoration of Blenheim House.

**DA/106/1993/A** – Approved 24 March 1993 – S102 amendment of consent granted.

**DA/546/1995** – Approved 17 May 1996 - Carport/outbuilding and fencing.

**DA/546/1995/A** – Approved 5 September 1996 – Alterations and additions to existing outbuilding.

### 4. Proposal

The proposal seeks development consent for the change of use of an existing dwelling house and outbuilding to a community facility and a park.

The following works are sought:

#### Blenheim Street:

- Realignment of traffic lanes on Blenheim Street between No.15 and No.19 to accommodate changes to on-street carparking.
- Addition one (1) on-street car parking space; resulting in a total of seven (7) on-street car parking spaces
- Addition of shared area adjacent to proposed accessible parking space.

#### New Park:

- Demolition of following existing structures to accommodate proposed new park;
  - Metal carport
  - Planter boxes

- Pond
- Boundary fences as well as low timber fence adjacent to existing building.
- Addition of landscaping, turf and planter beds.
- Addition of paved park entry forecourt and path linking existing building to the proposed forecourt. Two (2) bicycle parking spaces proposed within forecourt area.
- Addition of seating within the park..
- Addition of new drainage pits.
- Addition of a temporary service vehicle parking space within proposed forecourt area.

#### Primary Building – Ground Floor:

- Addition of security floor grating over stair opening to basement.
- Alterations to select internal walls.
- Demolition of 1915 laundry/bathroom addition.
- Demolition and reconstruction of roof canopy over south facing building entrance.
- Addition of new doorways providing access to the rear of the site.
- Removal of west facing windows along the portion of the building relating to the 1915 addition.
- Addition of one (1) west facing window to the proposed exhibition/functions/workshops room.

#### Primary Building – First Floor:

- Demolition and reconfiguration of internal wall to toilet to create new tea bench.
- Partial demolition of rear facing walls to incorporate minor windows.
- Modification to existing windows for fire protection.
- Addition and enclosure of AC Condensers.
- Modification to existing timber balustrade for BCA compliance.

#### Outbuilding:

- Demolition of select walls and addition of new walls to existing stone outbuilding to create the following rooms:
  - Accessible studio
  - Storage room
  - Accessible toilet
  - Two (2) ambulant toilets

#### Associated Site Works:

- New bin storage area at the rear of the site.
- Demolition of existing fence and construction of new boundary fence;
  - 2.64m concrete fence with timber batten overlay proposed along length of Blenheim House and Stone Outbuilding (part eastern and southern boundaries adjoining No.19 Blenheim Street).
  - Remainder of boundary fence on eastern, western and northern boundaries proposed to be timber battens on a steel frame approximately 1.9m in height.
- Removal of eleven (11) trees.

General operation of the premises will be four days per week, including weekend. Three days per week the premises will operate from 10.00am to 4.00pm and one day per week the premises will operate from 10.00am to 6.00pm. Special events will be held onsite approximately 15 times per year. These events will occur outside of the above hours. The proposed artist studios are sought to operate for 24 hours.

To minimise impacts to the amenity of adjoining residential properties, a front fence and gate will be constructed, with access into the site controlled by Council's staff and members of the Arts and Culture Committee by way of a booking system. Details on the booking system are to be submitted as part of the Plan of Management.

The application also proposes changes to the on-street parking configuration in front of the site which are aimed at providing a new mobility space and providing more rear to kerb parking on the same side of the street as the subject site.

## 5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Participation Plan. The application was notified for a fourteen (14) day period between 3 February 2022 and 17 February 2022. The following submissions were received as a result of the notification process:

- **4/19 Blenheim Street, Randwick x3**

Issue	Comment
<p><b>Boundary Wall</b></p> <p>The submission has raised concern over the proposed location and material selection for the eastern boundary wall. The objector is concerned that the location of the wall in relation to existing structures will lead to the accumulation of moisture and damp on the concrete wall. Additionally, the objector has raised that direct access from 17 Blenheim Street should be provided to allow for building maintenance works on the westward facing section of 19 Blenheim Street.</p>	<p>The proposed boundary fence sought will be entirely within the property of the subject site. The portion of the fence immediately opposite the residential flat building at No.19 Blenheim Street will not consist of internal concreting, with the proposed concrete wall limited to the length of Blenheim House only. The existing setback of the adjoining residential flat building to the eastern boundary of the development site will be retained, hence access between 17 and 19 Blenheim Street is <u>not</u> deemed necessary for maintenance works.</p>
<p><b>Noise</b></p> <p>The submission has raised concern over the potential noise generation of the development due to the fact that the front of the property is not gated. The objector has also raised that the submitted noise impact assessment does not address noise generated from informal gatherings, specifically people using the open park area after hours.</p>	<p>A front fence and gate have been proposed to control access into the new park and community facility. A condition of consent has been imposed restricting access of the new park and the use of the artist studios between 6pm to 10am will be limited to a maximum of six (6) artists.</p>
<p><b>Smoking</b></p> <p>The submission has raised concern over the potential impact of smoking as a result of smokers taking advantage of the 24/7 open-spaced public park.</p>	<p>A condition of consent will be imposed requiring regulatory signage is installed which clearly indicates that smoking is prohibited in the park.</p>

- **Unspecified address x 2**

Issue	Comment
<p><b>Boundary Fence</b></p> <p>The submission has raised concern over the proposed boundary fence. The objector has raised concern that the previous tenant illegally dispossessed their land and grew a garden with vines across the western wall of No.19 Blenheim Street which Council has not repaired. The objector states that the boundary fence should not be installed until Council has resolved this issue.</p>	<p>The application proposes new boundary fencing. Any vines along the existing fence will be removed through the construction of the new boundary fence.</p>



Issue	Comment
<p><b>Privacy</b></p> <p>The submission has stated that any arrangement made to protect the privacy of neighbours should be negotiated and agreed upon fairly.</p>	<p>There is an existing 1.9m - 2.1m boundary fence between the subject site and adjoining properties. The proposed development seeks to incorporate new fencing that will be of similar height to the existing fence, with a portion of the fence between Blenheim House and the private open space of No.19 Blenheim Street to be increased in height by 0.55m. The only new windows proposed on the first floor relate to two (2) relatively small windows on the north elevation that act as vectors for direct solar access to enter the studios rather than providing opportunities for overlooking. Hence, the existing visual privacy conditions between the site and adjoining properties will remain relatively unchanged.</p>
<p><b>Location to Hospital</b></p> <p>The submission has raised concern that due to the site's proximity to the hospital, patients, visitors and staff from the hospital will utilise the park to smoke, with subsequent noise impacts arising from group gatherings.</p>	<p>A front fence and gate have been proposed with access into the site to be managed by Council.</p> <p>A condition of consent will be imposed requiring regulatory signage is installed which clearly indicates that smoking is prohibited in the park.</p>

- **19 Blenheim Street, Randwick x12**

Issue	Comment
<p><b>Location of Seating</b></p> <p>The submission has raised concern over the proposed location of seating within the public park. The objector is concerned that the seating in proximity to the boundary fence will expose minors and women to violence and abuse and thus, requests that the seating is removed.</p>	<p>The seating formerly adjacent to the eastern boundary has been relocated to avoid any potential privacy impacts to No.19 Blenheim Street.</p>

D53/22

Issue	Comment
<p><b>Photography and Monitoring of Public Park</b> The objector has requested that photography is banned and Council monitors the park 24 hours a day to protect vulnerable members of the community or, if 24 hour monitoring is not possible, requests that the park is gated and closed off after 5pm.</p> <p><b>Gender Safety and Security Plan</b> The submission has raised concern that no gendered safety and security plan has been prepared.</p> <p><b>Heritage Report</b> The submission has raised concern that the heritage report is only in draft form and is out of date as it is dated 2017.</p> <p><b>Boundary Fence</b> The submission has raised concern over the proposed solid concrete boundary fence. The objector is concerned that the solid boundary fence will block airflow and sunlight to the western wall of 19 Blenheim Street, impacting residential amenity. The objector also emphasises that the lack of sunlight and airflow will increase mould and fungi and aesthetically enclose the adjoining garden area in a prison like arrangement. The objector emphasises that adequate airflow and sunlight is crucial as there have been increased periods of being confined to their home due to the covid pandemic. The objector has suggested that steel paling boundary fences could be incorporated instead as it offers better airflow and lighting to their dwelling and a small garden is installed along the boundary fence.</p> <p><b>Noise</b> The submission has raised concern that the submitted noise report has only accounted for formalised events and has not addressed informal gatherings within the public park. The objector is concerned that the 24 hour public park will encourage large gatherings from people leaving nearby house parties, leading to loud noise at odd hours, interrupting sleep for neighbouring properties. The objector has questioned who will be responsible for monitoring of the park to ensure no informal gatherings will occur?</p>	<p>A front fence and gate have been proposed to control access into the new park and community facility. Access into the site to be managed by Council.</p> <p>This is not a document required to be provided as per Randwick Council Development Application Guide. Nevertheless, a condition of consent will be imposed requiring a Plan of Management is prepared to address how the park will operate and detail what safety and security measures will be implemented.</p> <p>The submission refers to the heritage study that was undertaken on the site by GML Heritage in 2017. An up-to-date Heritage Impact Statement has been prepared by Phillips Marler and has been lodged with the application.</p> <p>The proposed concrete wall is limited to the length of Blenheim House only. All other fencing proposed will comprise of steel frame fence lined with gapped timber battens on both sides which will permit adequate crossflow ventilation.</p> <p>A condition of consent has been imposed requiring a Plan of Management is prepared outlining measures that will be undertaken to manage noise generated by the proposed development.</p>

Issue	Comment
<p><b>24 Hour Park</b> The submission has questioned the need for a 24 hour park within close proximity to residential homes of a high density nature. The objector has outlined that there are other parks in proximity to the site that operate for 24 hours away from residential developments. The objector has suggested that the proposed park should be gated.</p> <p><b>Parking Report Inaccuracies</b> The submission has raised concern over the accuracy of the parking report as it is not a true reflection of parking availability due to the pandemic. The objector has outlined that the current parking conditions of the area results in residents driving for hours trying to find a carparking space and often parking up to 1km away. The objector has stated that no parking can be taken from the street by artists, tenants or other patrons of 17 Blenheim Street.</p> <p><b>Previous Consultation</b> The submission has raised concern that the SEE does not contain any of the modifications requested and discussed with the architect and staff at the community consultation held on the 18<sup>th</sup> of December 2021. The objector raised that council fixing the longstanding damage to their property, ongoing access to the building and the impact of the materials and design on the existing security gates was discussed at the consultation meeting but not addressed in the SEE.</p> <p><b>Building Design</b> The submission has raised concern that while the design of the boundary walls may suit the heritage of the Blenheim House, it presents as a concrete wall for the residents on the other side. The objector is also concerned that while the SEE states that the boundary fence has been designed to comply with BCA provisions for fire, it does not state whether the property on the other side of the wall will also comply with the BCA provisions for fire.</p> <p><b>Asbestos</b> The submission has raised concern regarding the removal and handling of asbestos. The objector is concerned that due to the proximity of residential properties and parking constraints, there is potential for asbestos exposure.</p>	<p>A front fence and gate have been proposed to control access into the new park and community facility. A condition of consent has been imposed restricting use of the artist studios between 6pm to 10am to a maximum of six (6) artists.</p> <p>A front fence and gate have been proposed to control access into the new park and community facility.</p> <p>Council's Development Engineer raised concerns on the potential impacts on the increased parking demand on the surrounding street network generated by this proposal. Council's Development Engineer has recommended measures be undertaken to minimise the parking demand generated by the proposed development. These measures have been incorporated into conditions of consent.</p> <p>The proposed development before Council relates to works at No.17 Blenheim Street and associated amendments to road marking along Blenheim Street. The concern raised by the applicant is not a matter that is relevant to this assessment.</p> <p>The proposed boundary fence has been amended to include timber battens on both sides of the concrete wall. The provision of the 2.64m concrete wall will negate the need to install sprinklers to openings on the ground floor, allowing for the retention of the existing doorways and window openings which form part of the heritage value of the site.</p> <p>A condition of consent will be imposed requiring any materials containing asbestos to be safely removed and disposed of in accordance with the NSW Work Health and Safety Regulation 2017, SafeWork NSW Code of Practice for the Safe Removal of Asbestos, Protection of Environment Operations (Waste) Regulation 2014 and Council's Asbestos Policy.</p>

D53/22

Issue	Comment
<p><b>Vetting of Guests</b></p> <p>The objector has raised concern that there will be no formal vetting of guests who will have a direct visual access to their backyard as the first floor windows are less than one (1) metre in distance from the backyard and bedroom. The submission has raised concern that artists utilising the studios are not required to be screened under either the Working with Vulnerable People Check (WWVP) or Working with Children Check. The objector has raised concern that there is nothing that restricts photography or visual recording occurring within the proposed studios.</p>	<p>A condition of consent will be imposed requiring a Plan of Management is prepared which outlines how access to the site will be managed by Council. The proposed development seeks to incorporate new fencing that will be of similar height to the existing fence, with a portion of the fence between Blenheim House and the private open space of No.19 Blenheim Street to be increased in height by 0.55m. The only new windows proposed on the first floor relate to two (2) relatively small windows on the north elevation that act as vectors for direct solar access to enter the studios rather than providing opportunities for overlooking. Hence, the existing visual privacy conditions between the site and adjoining properties will remain relatively unchanged.</p>
<p><b>Security Cameras</b></p> <p>The submission has raised concern over the location of security cameras. The objector is concerned that the location of the security cameras will impact their privacy and freedom of movement.</p> <p><b>Smoking</b></p> <p>The submission has raised concern over the potential impact of smoking as a result of smokers taking advantage of the 24/7 open-spaced public park.</p>	<p>A condition has been imposed requiring a CCTV assessment is undertaken to determine where security cameras should be installed within the premises.</p> <p>A condition of consent has been imposed requiring regulatory signage is installed which clearly indicates that smoking is prohibited in the park.</p>

- **Unspecified address x2**

Issue	Comment
<p><b>Asbestos</b></p> <p>The submission has raised concern over the potential impact of asbestos and toxic material entering the adjoining apartment building at No.19 Blenheim Street. The objector also raised concern regarding the policing of bins and waste collection points as people often go through the bins overnight.</p> <p><b>Seating</b></p> <p>The submission has raised concern over the proposed seating along the boundary fence. The objector is concerned that the proposed seating will encourage loitering in the park exposing neighbouring properties to high levels of crime.</p>	<p>A condition of consent will be imposed requiring any materials containing asbestos to be safely removed and disposed of in accordance with the NSW Work Health and Safety Regulation 2017, SafeWork NSW Code of Practice for the Safe Removal of Asbestos, Protection of Environment Operations (Waste) Regulation 2014 and Council's Asbestos Policy.</p> <p>The park seating adjacent to the eastern boundary has been relocated away from neighbouring properties.</p>

Issue	Comment
<p><b>Privacy</b></p> <p>The submission has raised concern over the potential privacy impacts as there are no controls restricting photography. The objector is concerned that photos can be taken directly into the bedrooms and bathrooms of adjoining residents.</p>	<p>The proposed development seeks to incorporate new fencing that will be of similar height to the existing fence, with a portion of the fence between Blenheim House and the private open space of No.19 Blenheim Street to be increased in height by 0.55m. The only new windows proposed on the first floor relate to two (2) relatively small windows on the north elevation that act as vectors for direct solar access to enter the studios rather than providing opportunities for overlooking. Hence, the existing visual privacy conditions between the site and adjoining properties will remain relatively unchanged.</p>
<p><b>Smoking</b></p> <p>The submission has raised concern over the potential impact of smoking as a result of smokers taking advantage of the open 24 house park.</p>	<p>A condition of consent will be imposed requiring regulatory signage is installed which clearly indicates that smoking is prohibited in the park.</p>
<p><b>Security</b></p> <p>The submission has raised security concerns regarding the proposed development. The objector has stated that gating should be included to enclose the park.</p>	<p>A front fence and gate have been proposed to control access into the new park and community facility.</p>
<p><b>Ventilation</b></p> <p>The submission has raised concern over the potential impact to natural light and ventilation of No.19 Blenheim Street due to the boundary wall. The objector has raised that an alternative security fence with steel palings will offer privacy protection without significantly impacting natural light or ventilation.</p>	<p>The boundary fence has been amended with the proposed concrete wall limited to the length of Blenheim House only. All other fencing proposed will comprise of steel frame fence lined with gapped timber battens on both sides which will permit adequate crossflow ventilation.</p>

- **40 Cowper Street, Randwick x2**

Issue	Comment
<p><b>Boundary Wall</b></p> <p>The submission has raised concern over the proposed boundary wall. The objector is concerned that the boundary wall should be higher to prevent people from climbing the wall and having access to the backyard of 19 Blenheim Street. The objector is concerned that increased public access in the area will impact the safety and security of residents.</p>	<p>The proposed boundary fence adjacent to the private open space of 19 Blenheim Street will be 0.55m higher than the existing arrangement (approximately 2.64m high fence proposed). The height of the boundary fence is considered sufficient to prevent people from climbing the wall and having access to the private open space of 19 Blenheim Street.</p>
<p><b>Noise</b></p> <p>The submission has raised concern over the potential noise generation of the development which will impact residents working from home.</p>	<p>A condition of consent will be imposed requiring a Plan of Management is prepared outlining measures that will be undertaken to manage noise generated by the proposed development.</p>



D53/22

Issue	Comment
<p><b>Security</b> The submission has stated that security cameras and lighting should be installed to ensure the safety and protection of residents.</p> <p><b>Construction Phase</b> The submission has raised concern over the construction phase of the development. The objector has stated that the dividing fence should be erected prior to construction to deter workers from getting into the backyard of neighbouring properties.</p> <p><b>Signage</b> The submission has stated that no smoking, no alcohol and no littering signage should be erected at the front of the site.</p> <p><b>Memorandum of Agreement</b> The submission has raised that the Body Corporate of 19 Blenheim Street and Council should sign a memorandum of agreement so that both parties would come to an understanding regarding the operation of Blenheim House Cultural Facility to ensure effective governance for the new facility.</p> <p><b>Operation Hours</b> The submission has raised concern regarding the hours of operation. The objector has raised that the proposed 24 hour operation of the park should be reduced to protect the peace and privacy of residents.</p> <p><b>Project Manager</b> The objector has requested that Council appoints a project manager to liaise with residents of Blenheim Street during the construction phase of the development so the residents can report/discuss any issues that arise.</p>	<p>A condition has been imposed requiring a CCTV assessment is undertaken to determine where security cameras should be installed within the premises.</p> <p>Standard conditions of consent will be imposed to minimise impacts to neighbouring properties during the construction phase of the development.</p> <p>A condition of consent will be imposed requiring regulatory signage is installed.</p> <p>A condition of consent will be imposed requiring a Plan of Management is prepared which outlines how the use of the site will be operated and managed by Council.</p> <p>A condition of consent will be imposed requiring a Plan of Management is prepared which outlines how the use of the site will be operated and managed by Council.</p> <p>Standard conditions of consent will be imposed to minimise impacts to neighbouring properties during the construction phase of the development.</p>

- **1/16 Blenheim Street, Randwick**

Issue	Comment
<p><b>Parking</b></p> <p>The submission has raised concern over the impact the proposed development will have to parking along Blenheim Street. The objector is concerned that Blenheim Street is usually busy with cars trying to find parking in an area where limited parking is available.</p>	<p>Council's Development Engineer raised concerns on the impacts on the increased parking demand on the surrounding street network generated by this proposal. Council's Development Engineer has recommended measures be undertaken to minimise the parking demand generated by the proposed development. These measures have been incorporated into conditions of consent.</p>
<p><b>Pollution</b></p> <p>The submission has raised concern over the potential increase in littering and dumping during scheduled large events.</p>	<p>A condition of consent will be imposed requiring a Plan of Management is prepared which clearly identifies who will be responsible for the upkeep of the park and collection/removal of waste from the subject site.</p>
<p><b>Food Trucks</b></p> <p>The objector is unclear where the proposed food trucks will be located during large events.</p>	<p>The SEE states food trucks for certain community events will be located within the temporary on-site service vehicle parking space. A condition of consent will be imposed requiring a Plan of Management is prepared outlining how community events will be organised and managed by Council.</p>
<p><b>Noise</b></p> <p>The submission has raised concern over the potential noise generation during large events. The objector is concerned that as buildings are close to each other, the noise generated from large gatherings will be quite noticeable and intrusive.</p>	<p>A condition of consent will be imposed requiring a Plan of Management is prepared outlining measures that will be undertaken to manage noise generated by the proposed development.</p> <p>A condition of consent has been imposed restricting use of the artist studios between 6pm to 10am to a maximum of six (6) artists.</p>
<p><b>Construction Impacts</b></p> <p>The submission has raised concern over the potential impact of construction noise and dust. The objector has outlined that nearby construction sites have caused significant noise, dust and disruption over the last few years. The proposed development will lead to further disruption.</p>	<p>Standard conditions of consent will be imposed to minimise impacts to neighbouring properties during the construction phase of the development.</p>

## 6. Relevant Environment Planning Instruments

### 6.1. SEPP (Biodiversity and Conservation) 2021

The proposed development seeks the removal of eleven (11) trees from the subject site. An Arborist Report prepared by Urban Forestry Australia, has been submitted in support for the removal of eleven (11) trees currently located at the rear of the site.

Council's landscape officer has reviewed the trees proposed to be removed and has determined that while the preservation of some of the trees at the rear of the site would have been a desirable outcome, it is not seen as a critical issue given the quantity of specimens that will be retained within the front setback. No objection is raised to the tree removal proposed subject to conditions of consent.

## 6.2. SEPP (Resilience and Hazards) 2021

The available history of the site indicates that the site has been used for residential purposes for a significant period of time. An inspection of the site has not revealed any land uses that suggest contamination of land has occurred. No significant risk is posed and therefore under Clause 4.6 of SEPP (Resilience and Hazards) 2021, the land is considered suitable for the proposed use as a community facility.

## 6.3. Randwick Local Environmental Plan 2012 (LEP)

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

The proposal is consistent with the specific objectives of the zone in that the proposed change of use will to a community facility will allow for other land uses that provide facilities or services to meet the day to day needs of residents.

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)	0.9:1 (476.64m <sup>2</sup> )	0.47:1 (225.64m <sup>2</sup> )	Yes
CI 4.3: Building height (max)	12m	9.32m	Yes

### 6.3.1. Clause 5.10 - Heritage conservation

The site is identified as an item of local heritage significance known as *Blenheim House*, built by Simeon Pearce, Randwick's first Mayor in 1848. The site of Blenheim House with its associated outbuilding is listed as an item of Local Heritage Significance within Schedule 5 (Heritage Items) of the Randwick Local Environmental Plan, as item number I307.

Clause 5.10(1) of Randwick Local Environmental Plan 2012 includes an objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.

Clause 5.10(4) of Randwick Local Environmental Plan 2012 requires Council to consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area.

The proposed development was referred to Council's Heritage Planner for comments. Council's Heritage Planner raised no objections to the proposed development subject to conditions of consent.

Reference should be made to Appendix 1.1 of this report for internal referral comments from the heritage planner.

## 6.4. Comprehensive Planning Proposal to update Randwick Local Environmental Plan 2012 (LEP)

The Comprehensive Planning Proposal (CPP) to update the Randwick Local Environmental Plan (RLEP) 2012 was exhibited to the Public from the 31 May to the 12 July 2022.

The planning proposal has been undertaken to amend the Randwick LEP 2012 to align with the strategic direction and planning priorities as outlined by the NSW Government. The planning proposal has proposed changes to introduce five (5) new Housing Investigation Areas, changes to the construction and subdivision of attached dual occupancies in R2 land use zones, Proposed new heritage items, changes to open space and recreation policies, introduction of controls to strengthen environmental resilience, introduction of new neighbourhood clusters to support local economic development, introduction of the employment land zones reform as stipulated by the NSW Government, and outlining existing rezoning request and housekeeping changes to the LEP.

Following the public exhibition period a final Planning Proposal will be submitted to the Department of Planning and Environmental for Gazettal.

Although the site is located in a Housing Investigation Area, no changes to zoning, height or FSR controls are proposed.

Therefore, the proposal will not be adversely impacted by the subject changes under the CPP.

## 7. Development control plans and policies

### 7.1. Randwick Comprehensive DCP 2013

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

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

## 8. Environmental Assessment

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 2 and the discussion in key issues below.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.

Section 4.15 'Matters for Consideration'	Comments
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.

## 8.1. Discussion of key issues

### Operation of the Premises

As the subject site is located within an established residential area, the operation of the culture facility and artist studios has the potential to impact on the residential amenity of neighbouring properties if not appropriately managed.

The proposed culture centre will operate four days per week, including weekend. Three days per week the premises will operate from 10.00am to 4.00pm and one day per week the premises will operate from 10.00am to 6.00pm. The proposed artist studios are sought to operate for 24 hours.

To minimise impacts to the amenity of adjoining residential properties, a front fence and gate will be constructed, with access into the site controlled by Council's staff and members of the Arts and Culture Committee by way of a booking system. Details on the booking system are to be submitted as part of the Plan of Management. Further, a condition of consent will be imposed stating that a maximum of six (6) artists in residence may utilise the artist studios between the hours of 6pm – 10am.

Moreover, a condition of consent has been imposed requiring a Plan of Management is prepared and reviewed by the Manager of Development Assessment prior to the operation of the culture facility. The Plan of Management will be required to outline how the operation of the premises will be managed and how potential impacts to the amenity of adjoining residential properties and the surrounding locality will be mitigated.

### Boundary Fence

A portion of the proposed boundary fence will measure 2.64m in height, greater than the 1.8m side fencing control outlined in the Randwick DCP. However, it is important to note that the proposed fence height and concrete wall is required in order to comply with the BCA provisions for fire separation, as noted in the BCA Assessment Report prepared by BCA Logic. The provision of the 2.64m concrete wall will negate the need to install sprinklers on openings on the ground floor, allowing for the retention of the existing doorways and window openings which form part of the heritage value of the site.

Vertical timber battens will be proposed on both sides of the concrete wall to improve the visual quality of the new boundary fence. The submitted shadow diagrams demonstrate that while the proposed boundary fence will slightly increase the overshadowing to the private open space of No.19 Blenheim Street, the existing provision of direct solar access will largely be retained. Further, the proposed concrete wall is limited to the length of Blenheim House only. All other fencing proposed will comprise of steel frame fence lined with gapped timber battens on both sides which will permit adequate crossflow ventilation.

The above discussion demonstrates that there will be no adverse amenity impacts generated by the proposed boundary fence proposed.

Therefore, considering the proposed boundary fence is required to satisfy BCA fire separation provisions and does not result in any adverse amenity impacts to neighbouring properties, variation to the height of boundary fence control is supported on merit.

### Parking

There is no specific parking rate for community facilities in Part B7 of Council's DCP which instead



specifies that a transport assessment study is required. A Traffic Impact Assessment report prepared by PDC Traffic Consultants has been submitted.

The Traffic Impact Assessment determined that the proposed six (6) bicycle parking spaces and no on-site parking will be sufficient given the context of the site. The Traffic Impact Assessment states that the proposed parking arrangement is acceptable for the following reasons:

- Heritage Considerations.
- Limited open space available within the site, which is to be used for a new park.
- Proximity to public transport.
- Availability of on-street car parking within the vicinity of the site.
- Infrequency of peak occupancy of the site.
- Proximity to amenities and Randwick town centre.

Council's Development Engineer has reviewed the proposed parking arrangement. While the Engineer acknowledges that there are constraints that limit the ability to provide on-site carparking, there are still concerns regarding the parking impact generated by the proposed development. Hence, Council's Development Engineer has recommended that measures be undertaken to minimise the parking demand generated by the proposed development, including but not limited to;

- Provision for bicycle parking
- A green travel plan to be included in any plan of management that shall include measures to discourage driving to the premises.
- Limiting patron numbers at events is possible.

Moreover, due to the heritage significance of the site and provision of a new park, the proposed temporary on-site carparking space does not allow vehicles to enter and leave the site in a forward direction. The proposed temporary on-site carparking has been reviewed by Council's Development Engineer or Department of Integrated Transport. No objections to the temporary on-site parking space have been raised.

The proposed parking arrangement is supported subject to conditions of consent.

## 9. Conclusion

That the application to alterations and additions to dwelling, including change of use to a community art and cultural space with associated landscaping to create a new park be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R3 Medium Density Residential zone in that the proposed activity and built form will allow for a land use that provide facilities or services to meet the day to day needs of residents.
- The scale and design of the proposal is considered to be suitable for the heritage status of the site.
- The design and planning outcome for the site will establish a positive precedent in the area
- The development enhances the visual quality of the public domain/streetscape
- The proposed development will make a positive contribution to the residential area.

## Appendix 1: Referrals

## 1. Internal referral comments:

### 1.1. Heritage planner

*The address of the subject site is 17 Blenheim Street, Randwick NSW 2031 and its legal title is Lot 341 in Deposited Plan 848149. The site is now tightly hemmed in by multi-storey walk-up flat buildings. Immediately north of the site is a three-storey apartment building, to the south is a two-storey apartment building, and at the rear of the site - abutting the stone cottage/outbuilding - is a four-storey residential flat building.*

*The parcel of land is L-shaped, occupying an area of 579.6sqm. It has a south frontage to Blenheim Street of 12.19m, a depth on the west side of 41.15m, a depth on the east side of 34.75m to the L-junction, and then a north (rear) boundary of 24.385m.*

*The land parcel is occupied by a two-storey dwelling house known as Blenheim House with additional attic space and a basement. Within the rear L-junction is a small cottage (referred to as a stone outbuilding). The site has a two-car carport built to the front boundary.*

*The site is identified as an item of local heritage significance known as Blenheim House, built by Simeon Pearce, Randwick's first Mayor in 1848.*

#### HERITAGE CONSIDERATIONS:

*In local sensibility over some decades, and among interested groups, Simeon Pearce is considered the 'Father of Randwick' with important links to local government, to the origins of the hospital and to the local Anglican community. This substantial tangible connection with his life and legacy is held to be important, even though the original estate is now reduced to a single suburban land parcel. The principal dwelling has been much modified over time, to the extent that only its sandstone shell represents its originality.*

*It is important to note that a group known as the Friends of Blenheim House has been actively involved in the maintenance and general restoration of the site for over 25 years. They have adopted an approach of domestic use and upgrade to save the premises from catastrophic deterioration.*

#### Statutory Listing

*The site of Blenheim House with its associated outbuilding is listed as an item of Local Heritage Significance within Schedule 5 (Heritage Items) of the Randwick Local Environmental Plan 2012, as item number I307.*

*The site is NOT located in a Randwick Council Heritage Conservation Area (HCA)*

#### Non-Statutory Listings

*Blenheim House is also on the National Trust of Australia (NSW) classification list and described thus: 'Blenheim House including remains of stone stables and wall on adjoining property but excluding twentieth Century additions.'*

*Blenheim House was also listed on the Register of the National Estate as item No. 14232. The Register of the National Estate was closed in 2007 and it ceased to be a statutory list.*

#### Previous Heritage Studies and Reports

*The most comprehensive heritage study undertaken on the site was conducted in 2017 by the highly-regarded firm GML Heritage (Draft Report – GML Heritage, Nov. 2017).*

*That study concluded that Blenheim House had significance at the Local level under the following standard assessment criteria in the NSW Heritage Office guidelines: Historical Significance; Historical Association; Social Significance; Rarity; and Research Potential.*

*In summary, the GML Draft Report assessed Blenheim House as having significance at a Local level and not at a State level. It concluded that, from a heritage perspective, the integrity of the original dwelling has been substantially compromised by its early twentieth century conversion into*

flats (1915) and by a late twentieth century large-scale reconstruction and restoration project (1995/96). The loss of curtilage and views around the villa arising from the subdivision of the original estate and its hemming in, very close to its land parcel boundaries, also has significant impact on any ongoing appreciation.

Moreover, the historic profile of the original owner and resident of Blenheim House - Simeon Henry Pearce - was deemed to be of important Local rather than State significance.

A Peer Review of the GML Heritage Assessment was undertaken by Colin Brady Architecture and Planning (January 2018), having been commissioned by Randwick Council. Brady disagreed with the GML assessment of Blenheim House as being of only Local and not State significance. He recommended a further submission to NSW Heritage for State listing based on comparisons with other State listed items, where substantial changes to original fabric and setting have occurred.

He also contended a wider influence of the owner builder (Simeon Pearce) within the Anglican Church, in charitable welfare (particularly the origins of the Randwick Hospital) and in NSW Government policies pertaining to suburban and regional development.

The Heritage Impact Statement of 24 September 2021, prepared by David Phillips of Phillips Marler is in essential agreement with the GML Draft Report. It accepts that the item is of Local heritage significance, and that the overall impact of the proposed works on the heritage fabric of the '1848 Core' of Blenheim House is considered to be low. However, it is noted that Phillips Marler are also the designers of the current proposal, and therefore a proponent party.

Despite professional differences in perspective, it seems that, at least in terms of physical originality the dwelling currently tends to be a significant relic that is greatly appreciated at the local level for its associative meanings. It has had long-standing considerable focus from local history groups and The Friends of Blenheim House group.

Nevertheless, this current assessment status does not preclude future representation being made to the NSW Office of Environment and Heritage for further assessment in terms of its greater significance.

**Therefore, this assessment (April 2022) recommends that interventions into the historical sandstone shell of the main dwelling - the 'core' - are minimised, with spatial reconfigurations and ventilation to be carefully and imaginatively considered.**

## **Background**

In summary:

- In 1848, Pearce built his two-storey sandstone house, Blenheim House on a four-acre site.
- Late 19<sup>th</sup> century photographic and survey records show that Blenheim House was a contained complex of buildings including a large stone kitchen (and possibly dining room) building (approximately 12m x 7.5m) with connector, located at the south side (towards what is presently Blenheim Street), as well as another timber building (perhaps a privy or laundry), located on what is now Blenheim Street.
- About 1915 the main house was converted to flats with new masonry brick, gable-fronted components built at both the north and the south ends.
- By 1950 the house was documented as being in a state of decay.
- During the 1970s it attracted the increased attention of the local Historical Society, who succeeded in proposing its listing to the National Trust Australia (NSW) and then to the Register of the National Estate.

- In 1983 the DA/73/1983 was submitted to Council to demolish the existing building and erect a two-storey residential flat building containing four dwellings. An interim heritage order was then placed by the Heritage Council of NSW, the DA was refused, and the property was subsequently purchased by Randwick Council.
- In the early 1990s Oatley Building and Restoration Services Pty Ltd were engaged to stabilise the building and seal it from weather. It was realised that the poor condition of the building required large scale replacement of building fabric, including substantial renewal of the timbers.
- In the mid-1990s the Friends of Blenheim House engaged Graham Bailey to take on the lease in a caretaker capacity and to complete the conservation works. Generally, the interior was then decorated in a high-quality, late 19<sup>th</sup>-century Victorian domestic style, including ceilings and cornices, fireplaces, fitted carpets and wall finishes, and much replacement joinery, including stairways.
- These mid-to late 1990 works were extensive, and GML Heritage has assessed that very little of the interior is now original other than the underlying masonry.

Since that time the following development applications have been received and approved:

- DA/249/1991 Erect a sign in the front yard of Blenheim House. Approved: 5 August 1991
- DA/106/1993 Restoration of Blenheim House Approved: 24 March 1993
- DA/106/1993/A S102 - amendment of consent granted Approved: 28 September 1995
- DA/546/1995 Carport/outbuilding and fencing. Approved: 17 May 1996
- DA/546/1995/A Alterations and additions to existing outbuilding new front fence and landscaping. Approved: 5 September 1996

## **Submission**

### In General

The development is for a change of use of this existing historical dwelling house into a community cultural facility operated by Randwick City Council. This incorporates the house and outbuilding as well as the space at the street approach for conversion to a pocket-park. It is reasoned that a cultural facility, with artist studios, community workshops, exhibitions and events has potential to enhance this community hub within a very active health and education precinct, and close to public transport.

The works involve:

### **EXTERIOR**

- A professionally developed landscape scheme, particularly for the creation of a public pocket park at the front of the property.
- Demolition of the existing carport at the front boundary and the replacement of existing fences with quality elements of increased height.
- Provision of one onsite temporary parking space and bicycle parking.
- Substantial reconstruction of the rear stone out-house involving demolition of external and internal walls and a lower floor level, to provide an accessible studio, toilet facilities and storeroom.
- New covered ways and entry canopies.

- *North Elevation: Two new windows first floor (interventions); a doorway and fenestration arrangements to 1915 wing (interventions).*
- *South Elevation: New simple profile entry canopy.*
- *East Elevation: New simple profile entry canopy and fenestration modifications to 1915 wing.*
- *West Elevation: New BCA Compliant balustrade and fenestration arrangements 1915 wing.*

## INTERIOR

- *The provision of new electrical, communication and security services (does not yet appear to be detailed).*
- *Alterations to provide BCA and DDA fire safety services and access compliance.*
- *An internal strip out (does not yet appear to be detailed viz wall finishes, ceilings, cornices, dado, picture rails, skirtings).*
- *Provision of oiled timber floors.*
- *Minor reconfiguration of the internal layout of the dwelling house to allow for a more usable space for the cultural facility, as well as to provide three well-ventilated artist studios on the first floor and storerooms in the attic space.*
- *Damp mitigation works to basement of dwelling house, stonework conservation and repair.*
- *Strip-out the internal space of the 1915 addition at the rear of Blenheim House, with new door and window openings and a new kitchen.*
- *Provision of ventilation and breathing for sandstone.*

*The stated overall aim of the project is that the heritage fabric of the building will be substantially retained and enhanced.*

## Controls

*Clause 5.10(1) of Randwick Local Environmental Plan 2012 includes and Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.*

*Clause 5.10(4) of Randwick Local Environmental Plan 2012 requires Council to consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area.*

*The Heritage section of Randwick Development Control Plan 2013 provides Objectives and Controls in relation to heritage properties. Of specific application in read of this proposal are the following considerations:*

- 2.1 Design and Character*
- 2.4 Siting and Setbacks*
- 2.5 Detailing*
- 2.6 Materials, Finishes and Colour Schemes*
- 2.9 Garages, Carports, Car spaces and Driveways*
- 2.10 Fences*
- 2.11 Gardens and Garden Elements*
- 2.14 Services and New Technologies*

## Comments

*Supportable*



- *Proposed landscaping works.*
- *The complete stripping out of the presenting interior (excluding any remnant plaster work). The project may aim at a 'stripped back', unadorned, simple, and elegant presentation that respects the unassuming 1840s character of place, and with emphasis on the sandstone shell as the historical core.*
- *The restoration, if possible, of original ceiling heights, involving removal of introduced ceilings (possibly without replacement fixed ceilings. Therefore, investigate lightweight, visually neutral suspended ceiling screens for electrical, lighting, I.T. and plumbing installations).*
- *Introduction of 'non-attached' or 'minimally-attached' wall sheeting for flexible and changeable display of artworks.*
- *As a general principal, interventions into the remaining sandstone shell of the building should be avoided.*
- *However, the necessity of circulation and functionality between spaces G2 and G7 has been reviewed in detail. Several alternatives have been proposed to minimise intervention into the historically significant sandstone shell including a neutral, lightweight reversible external connector located within the west verandah. Professional advice however, regarding BCA and Fire compliance and other spatial and budgetary practicalities has resolved that this solution is problematic. For these reasons, the provision of a new opening in the existing stone wall at the northeast corner of G2 is supportable as a contained solution, with appropriate interpretive use on site of the removed sandstone fabric.*
- *Similarly, the provision of ventilation for the two north studios at the first-floor level has been reviewed in detail, given that Fire compliance necessitates the sealing of the existing fenestration arrangements. Alternative skylight solutions were proposed to minimise intervention into the historically significant sandstone shell. Professional advice however, regarding WHS, spatial and budgetary practicalities has resolved that such solutions were problematic. For these reasons, the provision of two openings in the north stone wall at the first-floor level is supportable as a contained solution.*
- *The A/C compressors on this north wall are to be located away from the historical wall.*

### **Recommendations**

*There has been careful and detailed review of proposal plans, as well as interest group submissions. The concept is supportable from a heritage perspective, subject to conditions of consent.*

## **1.2. Development Engineer**

### **General/Summary Comments**

*Development Engineering has concerns on the potential impacts of the increased parking demand on the surrounding street network generated by this proposal, which represents an intensification of use on the site.*

*The Traffic Impact Assessment indicates the parking demand of the proposed development will likely exceed on occasion the current availability of on-street parking, further adding to the already severe parking pressures in this locality and further impacting residents.*

*Development Engineering would normally require provision of off-street parking within the front setback perpendicular to the side boundary, together with an adjacent driveway access where it may be possible to provide 3-4 off-street spaces (including a mobility pace).*

*As this is unlikely to be supported on heritage grounds then should the Planning Panel intend to approve the application, it is therefore recommended that measures be undertaken to minimise the parking demand generated by the proposed development.*

*These may include but not be limited to*

- *Provision for bicycle parking*
- *A green travel plan that shall include measures to discourage driving to the premises and encourage use of public transport*
- *Limiting patron numbers at events if possible.*

*Appropriate conditions have been included in this report which may be adopted in part or in full by the Panel.*

### **Detailed Parking Comments**

#### *Existing Situation*

*The site is known as Blenheim House and is currently unoccupied and so is not generating any traffic or parking demand at the present time, however if considered as a dwelling (being consistent with its past use) it would have generated a parking demand of 2 spaces when adopting the DCP parking rates.*

*There is currently a hardstand area located at the front of the property with provision for two off-street carspaces under an existing metal carport, hence this parking demand is currently catered for off-street.*

#### *Proposed Development*

*The application is proposing a change in use to a community facility which will provide;*

- *Two storey community facility which will provide a variety of events including musical performances and concerts, film workshops exhibitions and community functions*
- *Ground level pocket park for passive recreation ancillary to the community facility*
- *Hardstand carspace with vehicle access from Blenheim Street*

*The existing carport is being removed and there will now only be provision for one vehicle at the front of the site, which will be use by a food truck or service vehicles.*

*The application represents an intensification of the site and any parking demand will be predominantly burdened by the surrounding street network*

#### *Changes to On-Street Parking*

*The application also proposes changes to the on-street parking configuration in front of the site which are aimed at providing a new mobility space and providing more on-street parking including more rear to kerb parking on the same side of the street as the subject site.*

*The changes will result in a gain of 1 on-street space with a total of 6 on-street spaces being reconfigured to now provide 7 spaces including 1 mobility space.*

*These amendments will be subject to the approval of Randwick Traffic Committee (RTC) but have received in-principal support by Council's Department of Integrated Transport (see D04556917). No objections are there raised.*

#### *Assessment of Parking*

*There is no specific parking rate for community facilities in Part B7 of Council's DCP which instead specifies that a transport assessment study is required. In response, a Traffic Impact Assessment report prepared by PDC Traffic Consultants has been submitted.*

*Noting the current uncertainty in the type and likely attendance of future functions, and also taking into account the 50 person limit for the internal spaces of the building, the traffic study states that the worst case peak event would attract between 50 & 100 persons although these sized events are likely to be rare.*

Notwithstanding based on 100 persons the study has determined a peak parking demand of around **12 spaces** which assumes that 70% of persons will arrive by public transport and there will be 2.5 people per car on the remaining 30%. Development Engineering is concerned these assumptions appear to be rather optimistic and is of the view that the parking demand post development could potentially be higher than this during peak demand.

As only 1 off-street space will be available, the development site cannot provide for the expected parking demand be it peak or average demand, and so this demand will be burdened by the surrounding street network.

The proposed changes to the on-street parking configuration will increase the on-street parking provision by one space and will also provide a mobility space, which assists the parking issue while also providing a public benefit however it will not accommodate all of the additional demand.

The traffic and parking assessment includes parking surveys that were undertaken on Thursday 25/03/2021 and Sat 20/03/2021. The study observed that on-street parking in the vicinity of the site is extremely limited with the Thursday survey indicating only 2 vacant spaces (out of an available 178) at 10am. The parking availability then increases gradually throughout the day exceeding 10 spaces at 3pm and reaching a peak availability of 23 spaces at 10pm. Similarly the Saturday survey indicates only 3 spaces available at 10am with parking availability again increasing throughout the day reaching a peak availability of 43 spaces by 5Pm.

The study concludes that only limited capacity is available on-street for any parking demand generated by the proposed development with only certain times of the day being able to accommodate the additional parking demand namely, in the afternoon and evenings

The lack of available on-street parking is of concern and normally in such circumstances Development Engineering would instead be recommending additional off-street parking be provided within the front setback where it may be possible to provide 3-4 spaces perpendicular to the side boundary (with driveway adjacent) however this would unlikely to be supported on heritage grounds.

Section 3.3 Part B7 of the DCP does allow variations to parking rates where it may not be physically possible or aesthetically desirable to provide parking and there are sustainable transport alternatives are available.

In this regard the onus is on the applicant to demonstrate that the overall planning benefits of the proposal outweigh the deficiencies in parking and in this regard the traffic study states the development is worthy of support despite the lack of parking for the following reasons

- Heritage considerations
- Limited open space available for parking
- Proximity to public transport including the light rail
- Infrequency of peak occupancy of the site
- Availability of on-street parking
- Proximity to amenities and Randwick Town Centre

In consideration of these aspects some parking impacts are to be expected and should the Local Planning panel intend to approve the application then at minimum it is recommended measures be undertaken to assist in minimising the parking demand generated by the proposed development. These may include but not be limited to;

- Provision for bicycle parking (4 spaces minimum required)
- A green travel plan to be included in any plan of management that shall include measures to discourage driving to the premises.
- Limiting patron numbers. A maximum of 80 patrons is suggested.

Appropriate conditions have been included in this report which may be adopted in part or full.

**Waste Management Comments**

*The applicant is required to submit to Council and have approved by Council's Director Planning, a Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site.*

*The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and show how the on-going management of waste for the community facility will operate.*

**Tree Management Comments**

*The inspection of 5 May 2022 at 12:30pm revealed that while not assessed in the Arborist Report, there is a mature, 5-6m tall *Sapium sebiferum* (Chinese Tallowood) on Council's Blenheim Street verge, just past the existing driveway and eastern site boundary, in front of the adjoining unit block at no. 19, whose western aspect encroaches partially in front of this development site.*

*It is protected by the DCP and along with other trees to its east and west, along both sides of this roadway, provide a contribution to the streetscape, and while there are no external works that would directly threaten this tree, protection conditions and a bond still need to be imposed so as to avoid secondary impacts such as damage by trucks, deliveries and similar, especially as the one and only access point to the whole site is via the driveway just to its west, with relevant measures included in this report.*

*No objections are raised to removing/demolishing the garden bed/unauthorised plantings from the verge, between the driveway and western site boundary, as indicated on the Ground Floor Plan – Part A, dwg DA.04, so as to accommodate the new on-street parking spaces that are shown for this same area.*

*There is a dense variety of vegetation around the perimeter this site (43 specimens in total), comprising firstly, in the front setback, closest to the southwest corner of the existing carport, a mature, 12m tall *Stenocarpus sinuatus* (Qld Firewheel Tree, T1) which is a slow growing, relatively rare, non-endemic native species.*

*Other than demolition of the existing carport, new planting and upgrading of the existing concrete surfacing, there are no other major works in this area that would directly impact this tree, with relevant protection measures provided to ensure it is retained as an existing site feature.*

*The mature *Jacaranda mimosifolia* (Jacaranda, T2) immediately to its southwest is in very poor condition as the included union between both of its leaders has already completely failed (refer plate 3, page 20 of Arborist Report), with the eastern stem now leaning on the carport.*

*Council concurs with its Low Retention Value, and as it is regarded as unsafe and suitable for retention, even irrespective of these works, conditions allow its removal, as recommended in the Arborist Report, with it is also being noted that this will then provide more space for the future growth of other more desirable trees nearby.*

*The 6m tall *Elaeocarpus reticulatus* (Blueberry Ash, T10) immediately to its northeast is in poor condition due to being suppressed by larger, more dominant trees in this part of the site, and is also heavily biased to the north & east, so that it is now resting on the carport roof as well, so consent is also given for its removal, as recommended in the Arborist Report.*

*The mature *Magnolia grandiflora* (Magnolia, T3) to the west of those described above, centrally in this area is in good health and condition, presenting a balanced crown, is protected by the DCP and is deemed worthy of retention as a landscape feature.*

*Demolition of the existing pond to its north will be sited at such a distance that it would not directly affect this tree, with the same also applying to installation of the new paved garden path that is shown as intersecting diagonally (northwest-southeast) across the front yard, to its northeast, with protection conditions geared more towards preventing secondary impacts such as ground compaction, stockpiling of materials and similar.*

*The exception to the above comments is the Stormwater Plan by Richmond + Ross Pty Ltd, dwg C01, which shows a new pipe and inlet pits being excavated between the front of the dwelling and southwest site corner, which will pass just to the west of its trunk, encroaching its critical SRZ, likely resulting in major root damage, so is completely unacceptable to Council, with conditions requiring that these components be either relocated to a different part of the site, or, that an alternative system/method of dealing with the sites stormwater be provided which will not directly conflict with this main group of canopy trees.*

*This issue was discussed with Council's Development Engineer who confirmed that is both reasonable and achievable at the site, so has been reinforced in the Stormwater/Drainage conditions.*

*Another 12m tall Qld Firewheel Tree (T4) to the southwest of T3, on the front boundary needs to be retained in-situ, along with the 9m tall Waterhousia floribunda (Weeping Lilly Pilly, T8) to its north, with relevant conditions imposed to ensure this.*

*The two Tree Ferns (T9) to the south of the pond can be retained in-situ within the future mass planted garden area, with no objections raised to removal of the two Dwarf Date Palm (T12) as they would likely be de-stabilised during demolition of the pond walls, with the sharp spines on their fronds making them unsuitable in this setting.*

*The two small Brugmansia, being one each at both the northwest and northeast corners of the pond are insignificant, so while not listed in the Arborist can also be removed as part of the new landscape works if necessary.*

*Despite the 7m tall Glochdidion ferdinandii (Cheese Tree, T5), right in the southwest site corner being a desirable endemic species, its growth has been hindered by the boundary barriers and other surrounding trees, has been lopped to control its size and form, and as it is also conflicting with the sites power pole just to its east, no objections are raised to its removal as recommended, as this will then allow more space for other trees to develop, as was also described for T2 earlier.*

*To its north, along the western boundary, is a mature, 12m tall Brachychiton acerifolius (Illawarra Flame Tree, T6) which is a desirable native feature species that is protected by the DCP and performs a valuable screening function of the adjoining unit block to the west, no.15. To ensure its retention, conditions require that the stormwater pipe and pits as well as the sub-soil drain which are all proposed just to its east be relocated/re-designed, in the same manner that was described for T3 earlier in this report.*

*Similarly, further to the north, the only works that will directly impact the 11m tall Syzygium australe (Brush Cherry, T7) and Caryota mitis (Fishtail Palm, T11) is the new sub-soil drain that is shown as being installed parallel to the western boundary, within their SRZ's/eastern aspects, and so as to avoid impacts from the required excavations, conditions require that the hydraulic engineer achieve an alternative outcome for this component in this part of the site.*

*Along the length of the western boundary is a significant stand of closely planted, mature, 5-12m tall Archontophoenix alexandrae (Alexander Palms, T13-23A) which are protected by the DCP and were observed to perform a valuable screening and privacy function by preventing direct over-looking from the unit block at no.15 into this primary area of private open space, so are regarded as a landscape feature of the site.*

*The same conditions described above relating to the need to re-design/relocate the sub-soil drain from this area need to be applied here as well, along with ensuring that the new path is also offset at a suitable distance away, with this group able to be easily excluded/protected during works and then be incorporated into the mass-planted area.*

*No objections are raised to removal of the Cyathea australis (T25) at the northern end of this group, closest to the southwest corner of the building, should the applicant wish, as the Landscape Plan, dwg DA.15 shows the reconfigured access paths occupying this same area.*

*Immediately to its east, the single mature Howea fosteriana (Kentia Palm, T26) that is growing in a small, raised garden bed hard up against the southwest corner of the dwelling is displacing*



the sandstone blocks given a lack of available space for its root system, and as all walling in this area is shown as being demolished to improve access, can be removed, along with the *Cyathea australis* (Rough Tree Fern T27) and two *Archontophoenix cunninghamiana* (Bangalow Palms, T28) on the opposite side, against the southeast corner of the building, for exactly the same reasons.

Transplanting will not be required given that the sheer quantity of palms and other trees being retained throughout this front setback will ensure that reasonable levels of environmental amenity are maintained.

Progressing into the rear setback, there are a variety of lower understory type plants, shrubs and palms in the existing garden bed that extends across the width of the rear boundary, between the rendered bathroom building in the northwest site corner and the stone building in the northeast site corner, which assist with eye/fence level screening.

There are inconsistencies in the documentation, in that while the Landscape Plan (dwg DA.15) shows the 6m tall *Dracaena reflexa* var. *angustifolia* (Dragon Plan, T29) and 8m tall *Howea fosteriana* (Kentia Palm, T30) at the western end of this group both being retained together within a 'new planter bed', the Arborist Report then notes (refer page 23, Plate 9) that T29 is already impacting on the roofline of the existing laundry/bathroom in the northwest site corner which is to be demolished, as well as competing with other surrounding vegetation, so should be removed.

The same also applies to the much larger 12m tall *Syzygium paniculatum* (Brush Cherry, T32) further to their east, in that the Landscape Plan also shows it being retained within another small individual planter, but then the Arborist Report recommends its removal based on the fact it can attain larger dimensions, so will likely outgrow its surroundings and cause structural damage in the near future.

Retention of some of these along the rear boundary was originally pursued and would have required a re-design where the existing garden wall was demolished, and then deep soil extended over to meet up with the building, with any access to then be provided above that finished level.

However, while the applicant has acknowledged the inconsistencies in their submission, they have also confirmed via the submission of additional information (refer D04693050) that any such amendment as sought above would not be possible as the Access Standard - AS1428.1 requires a compliant access path to be provided along the northern face of the building, at a minimum clear width of 1 metre, at the same level as the internal building floor level, and also on a compliant/consistent surface.

For these reasons, the width of the path in this area cannot be reduced to accommodate the trees, with an alternative outcome of decorative pebbles and stepping-stones or even elevated decking also not possible as this will render a non-compliant outcome by preventing wheelchair access along the northern face of the building.

While the preservation of some of these in this area would have been a desirable outcome, it is not seen as a critical issue, given the quantity of specimens that will still be retained in the front setback, and as all options now appear to have been exhausted, the removal of T29-30 & T32 can be justified in this case, with the relevant consent for this provided, on the basis that eye level screen planting (not canopy trees) are provided back in the new planters along the rear boundary.

No objections are raised to removing the *Cyathea cooperi* (Rough tree Fern, T31) in this same area given its small size.

Similar to what was described above for T32, there are two more 12m tall trees to the east, comprising an unidentified rainforest species (T33) and a *Brachychiton acerifolius* (Illawarra Flame Tree, T34), which are desirable native species that are protected by the DCP.

*The Arborist Report confirms they make a positive contribution to the urban tree canopy and biodiversity and were also noted as providing valuable screening and separation from the adjoining unit block to the north, at 46 Arthur Street, with the existing sandstone wall/garden edge just to the south of their trunks to have limited root growth.*

*The rear doors from the kitchen of the main building will open straight out into this same area, with a new bin storage area also shown, and while the retention of both trees was preferred, the applicant has confirmed that the same issues described earlier will also prevail here, regarding the need for a full width compliant access, which prevents any type of re-design that would be needed to retain the trees.*

*It is also understood that Council's own Heritage Officer has confirmed of the need to address ground levels and improve drainage infrastructure in this part of the site so to eliminate ongoing water damage to the historic sandstone cottage, all of which could not be performed if the trees remained, and on the basis of all of these factors, consent has been given for their removal.*

*No objections are raised to removing the 12m tall Lophostemon confertus (Brush Box, T35) at the eastern end of this group, given that it is poorly sited, literally hard up against the western wall of the free-standing stone building, severely limiting its root and crown development, with its loss to benefit the adjoining trees by reducing competition both above and below ground.*

*The two small deciduous trees in the confined garden to their southeast, along the eastern edge of the detached stone building, being an Acer palmatum (Japanese Maple, T36) and a Betula pendula (Silver Birch, T37) are insignificant and in poor health/stressed, so can be removed and replaced with new plantings that will be more in keeping with the landscape scheme to be implemented throughout the entire site.*

#### **Landscape Comments**

*The size, prominence and sense of place and scale that the existing trees and palms provide to the site means that a strong landscape character has already been established, meaning that only low height, mass planting is needed, which is deemed appropriate in this situation.*

*The new footpath that cuts diagonally across the front setback will formalise pedestrian access as well as allow planting to dominate the western half of the site, with an open turf area then to be provided over the eastern half, together with timber bench seating, which should complement the heritage setting.*

### **1.3. Health, Building and Regulatory Services**

*As the proposed development involves a substantial change of use and work to a heritage listed building, there are a number of existing elements that are, in reality, unable to meet the DTS provisions in the BCA.*

*In addition to the upgrading of parts of the building, the subject BCA Reports outline a number of proposed performance solutions that will need to be developed to satisfy the performance requirements in the BCA.*

*It is recommended that the reports and recommendations outlined in the BCA Access and BCA Assessment Reports be adopted in a condition of development consent. Details of the building and fire safety upgrading works (including relevant performance solution) outlined in the reports are to be incorporated into the construction certificate application.*

### **1.4. Integrated Traffic and Transport**

*There are no objections, from the Integrated Transport Department, to the proposal submitted under DA/28/2022 for 17 Blenheim Street, Randwick.*

*The vehicular and pedestrian traffic likely to be generated by this proposal would be low – with minimal impacts locally.*

*Also, the proposed changes to the parking layout and linemarking, in Blenheim Street, are supported.*

D53/22

## Appendix 2: DCP Compliance Table

### 2.1 Part B General Controls

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
<b>B2 Heritage</b>			
2.1 Design and Character	<b>All Development</b>		
	i) Development must demonstrate how it respects the heritage values of the heritage item or the heritage conservation area.	A Heritage Impact Statement has been submitted alongside the proposed development. The proposed works sought to the site have been reviewed by Council's Heritage Officer supports the proposal from a heritage perspective subject to conditions of consent.	Yes. Subject to conditions.
	ii) Common elements and features of the streetscape are to be identified in a streetscape analysis and incorporated into the design.	The site is located within a streetscape characterised by 2-4 storey residential flat buildings. The existing building on the subject site is notably setback further from the Blenheim Street when compared to adjoining properties. Incorporating common elements of the streetscape into the proposed design would detract the heritage value of Blenheim House.	N/A.
	iii) New development should be consistent with important horizontal lines of buildings in the streetscape, in particular ground floor levels and eaves lines, where appropriate.	As above, the proposal is located within a streetscape characterised by 2-4 storey residential flat buildings. Adherence to the character of the streetscape would detract from the heritage value of Blenheim House.	N/A.
	iv) Large blank areas of brick or rendered walls should be avoided. Where this is not possible in the design, contrasting materials and treatments must be used to break up the expanse of wall.	No large expanses of blank walls are proposed. The existing presentation of the dwelling will largely be retained.	Yes.
	<b>Heritage Items and Contributory Buildings</b>		
	v) Street elevations and visible side elevations must not be significantly changed. Additions must be located to the rear or to one side of the building to minimise impact on	The existing presentation of the building as visible from Blenheim Street will largely be retained.	Yes.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>the streetscape.</p> <p>vi) The design of any proposed additions or alterations must complement the existing building in its scale, form and detailing. However, it should be possible to distinguish the new work from the old, on close inspection, so that old and new are not confused of the boundaries/junctions blurred.</p> <p>vii) All new work and additions must respect the proportions of major elements of significant existing fabric including doors, windows, openings and verandas.</p>	<p>The proposed works sought to the site have been reviewed by Council's Heritage Officer supports the proposal from a heritage perspective subject to conditions of consent.</p> <p>The proposed works sought to the site have been reviewed by Council's Heritage Officer supports the proposal from a heritage perspective subject to conditions of consent.</p>	<p>Yes. Subject to conditions.</p> <p>Yes. Subject to conditions.</p>
2.4 Siting and Setbacks	<p>i) Development must conform to the predominant front setbacks in the streetscape.</p> <p>ii) Development must respect side setbacks and rear alignments or setbacks of surrounding development.</p> <p>iii) Front and rear setbacks should be adequate to ensure the retention of the existing landscape character of the heritage item or conservation area and important landscape features.</p> <p>iv) Any significant historical pattern of subdivision and lot sizes must be retained. Subdivision or site amalgamation involving heritage items or contributory</p>	<p>No change to the existing setbacks is proposed.</p> <p>The proposed alterations and additions sought retain the existing setbacks of Blenheim House and Stone Outbuilding.</p> <p>As above, no change to existing setbacks is proposed.</p> <p>No subdivision or changes to existing lot size and shape is proposed.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

D53/22



D53/22

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	buildings must not compromise the setting or curtilage of buildings on or adjoining the site.		
2.5 Detailing	<p><b>All Development</b></p> <p>i) Only detailing which is known to have been original to your building is acceptable. Do not add what was never there.</p> <p><b>Heritage Items and Contributory Buildings</b></p> <p>ii) Retain and repair original doors, windows, original sunhoods, awnings, gable detailing and other decorative elements to principal elevations. Original leadlight and coloured glass panes should be retained.</p> <p>iii) Where original windows, doors and façade detailing have been removed and replaced with modern materials, consideration should be given to reconstructing original features.</p> <p>iv) Authentic reconstruction is encouraged. Decorative elements must not be introduced unless documentary or physical evidence indicates the decorative elements previously existed. Undertake thorough research before attempting to reconstruct lost detail and elements.</p> <p>v) Alterations and additions should incorporate new doors</p>	<p>No detailing is proposed.</p> <p>The majority of the existing doors and windows have been retained with only certain windows and doors to be upgraded to meet BCA standards.</p> <p>Council's Heritage Officer has reviewed the proposal and determined the detailing proposed is supportable from a heritage perspective subject to conditions of consent.</p> <p>The proposed development will largely retain the existing presentation and façade of Blenheim House, with any changes limited to upgrade works to meet BCA standards.</p> <p>No decorative elements are proposed.</p> <p>The proposed development seeks new windows on the north, east and</p>	<p>N/A.</p> <p>Yes, subject to conditions of consent.</p> <p>Yes.</p> <p>N/A.</p> <p>Yes, subject to conditions of</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>and windows which are compatible with the position, size, and proportions and detailing of original windows and doors.</p> <p>vi) Alterations and additions should adopt a level of detailing which complements the heritage fabric and should be less elaborate than the original.</p>	<p>west elevations. It is noteworthy that these elevations are not directly visible from the streetscape. Council's Heritage Officer has reviewed the proposal and raises no objections subject to conditions of consent.</p> <p>No detailing is proposed.</p>	<p>consent.</p> <p>Yes.</p>
2.6 Materials, Finishes and Colour Schedules	<p><b>All Development</b></p> <p>i) Materials for pathways and driveways must be consistent with the character of the heritage item or heritage conservation area.</p> <p><b>Heritage Items and Contributory Buildings</b></p> <p>ii) Changes to materials on elevations visible from a public place are not favoured. Original face brickwork must not be rendered, bagged or painted. The removal of external brickwork skin is not supported.</p> <p>iii) Matching materials must be used in repairing the fabric of external surfaces. In the case of new face brickwork, the colour and texture of the brick, the type of jointing and mortar colour should be carefully matched.</p> <p>iv) New of replacement roof materials must match existing materials. Alternative materials may be considered appropriate to the architectural style of the building and the</p>	<p>A condition of consent has been imposed requiring colours, materials and finishes to be compatible with the 1840s building.</p> <p>As above, the same condition of consent states that unpainted surfaces, including brickwork/stonework are to be remain unpainted, and no applied finishes are to be used.</p> <p>No repair works are proposed.</p> <p>No changes are proposed to existing roof.</p>	<p>Yes, subject to conditions of consent.</p> <p>Yes, subject to conditions of consent.</p> <p>N/A.</p> <p>N/A.</p>

D53/22

D53/22

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>streetscape context, and must be submitted for approval.</p> <p>v) Alterations and additions must use materials and colours similar to, or compatible with, the original material or colours.</p>	<p>A condition of consent has been imposed requiring colours, materials and finishes to be compatible with the 1840s building. It should also be noted, the the majority of the proposed alterations and additions sought will not be directly visible from the streetscape.</p>	<p>Yes, subject to conditions of consent.</p>
2.9 Garages, Carports, Car spaces and Driveways	<p><b>All Development</b></p> <p>i) Existing rear lane access or side street access must be utilised for carparking in preference to front access.</p> <p>ii) Carparking structures are to be located to the side, or preferably to the rear of the building. Garages and carports must not be located forward of the building line.</p> <p>iii) Open hard stand carspaces may be provided forward of the building line, but must be located adjacent to a side boundary, and generally not be greater than single car width.</p> <p>iv) Existing building fabric, including verandahs and balconies, must not be altered to allow for the provision of a carparking structure or an open stand carspace.</p> <p>v) Open hard stand carspaces must not dominate the setting of the building in terms of loss of planting, fencing or retaining walls.</p>	<p>The subject site does not adjoin a rear lane or side street.</p> <p>The existing detached carport on the subject site is sought for demolition.</p> <p>No objection from Council's Heritage Officer has been raised regarding the demolition of the carport.</p> <p>A temporary on-site service vehicle parking space is proposed within the front setback and located adjacent to the eastern side boundary.</p> <p>No balconies or verandahs are proposed to be altered.</p> <p>The proposed temporary service vehicle parking space will be located in a similar location to the existing carport. Hence, no loss of planting will occur as a result of the proposed temporary on-site service vehicle parking space.</p> <p>No carparking structures are</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>N/A.</p> <p>Yes.</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>vi) Carparking structures are to be unobtrusive and must be of materials, form and details which harmonise with and do not obscure views of the building. They must not be made larger by the provision of a bulky pitched roof.</p> <p>vii) Existing driveways constructed of two separate wheel strips contribute to the character of the streetscape and must be retained where possible.</p> <p>viii) Large areas of concrete should be avoided and alternative materials such as pavers, gravel or permeable paving must be considered.</p> <p>ix) Buildings housing original stables, coach houses and interwar motor garages should be retained and conserved wherever possible.</p>	<p>proposed.</p> <p>The existing driveway does not feature two separate wheel strips.</p> <p>Paving is proposed throughout the site. No extensive areas of concrete is proposed.</p> <p>The existing detached stone outbuilding is sought to be retained. The proposed alterations and additions sought to the stone outbuilding respond to the scale and design of the existing stone outbuilding.</p>	<p>N/A.</p> <p>N/A.</p> <p>Yes.</p> <p>Yes.</p>
2.10 Fences	<p><b>All Development</b></p> <p>i) New and replacement front fences must not obscure building facades. High solid front fences are not appropriate.</p> <p>ii) New fence heights and form must be appropriate to the character of the heritage item, or to the heritage conservation area.</p> <p>iii) Lych gates must not be provided unless there is evidence that they originally existed.</p>	<p>The proposed front fence will measure 1.8m in height and consist of steel vertical spaced members to ensure Blenheim House is directly visible from the streetscape.</p> <p>The proposed boundary fence generally responds to the height of the existing boundary fence. A portion of the proposed boundary fence will exceed the height of the existing fence in order to comply with BCA provisions for fire separation.</p> <p>None existing or proposed.</p>	<p>Yes.</p> <p>Reference should be made to part 8.1 Discussion of key issues of this report.</p> <p>N/A.</p> <p>Yes.</p>

D53/22

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>iv) Side fencing forward of the building line must be simple with a level of detail and of materials and height compatible with the heritage item, contributory building or heritage conservation area.</p> <p>v) Side and rear boundary fences should be preferably of traditional timber construction or otherwise of masonry construction. Colorbond metal fences are not appropriate.</p> <p><b>Heritage Items and Contributory Buildings</b></p> <p>vi) Retain, repair or reconstruct original fences and retaining walls where possible.</p> <p>vii) Where an original fence has been lost, new fencing should try to match the original style.</p>	<p>Side fencing forward of the building line will respond to the height of the existing side boundary fence. The fencing forward of the building line will comprise of steel frame fence lined with gapped timber battens on both sides.</p> <p>As above. Although a portion of the boundary fence will consist of a concrete wall, vertical timber battens will be proposed on both sides of the concrete wall to ensure the design of the fence reflects the heritage value of the subject site.</p> <p>The proposed boundary fencing sought will be of a similar design and scale to the existing boundary fence.</p>	<p>Yes.</p> <p>Yes.</p>
2.11 Gardens, Garden Elements and Swimming Pools	<p><b>All Development</b></p> <p>i) Significant trees and landscape elements such as pathways, garden beds and structures must be retained.</p> <p>ii) Large areas of hard paving are to be minimised.</p> <p>iii) Garden and ancillary structures must be appropriate to primary buildings in terms of scale, style and materials.</p> <p>iv) Swimming pools must be located at the rear of the property and where possible should retain important trees and areas of soft</p>	<p>Where possible, the proposed development has retained significant trees at the front of the site which will be integrated with the new landscaping sought.</p> <p>Paving on the site will be limited to access between Blenheim House, the stone outbuilding and Blenheim Street.</p> <p>The proposed landscaping sought is of a scale and design that is consistent with the existing conditions of the site.</p> <p>No swimming pools are existing or proposed.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>N/A.</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	landscaping. Swimming pools must not result in significant changes to ground levels on the site.		
2.12 Access and Mobility	<b>All Development</b> i) Modifications and alterations to facilitate access and mobility must be sympathetic to the heritage values and heritage fabric of the original building. ii) Alterations and additions to facilitate access and mobility must be reversible. iii) Preserve heritage items or heritage fabric of higher significance if a compromise is required.	<p>The proposed development includes alterations and additions to the existing buildings in response to current BCA standards.</p> <p>Council's Health, Building &amp; Regulatory Services Officer has reviewed the proposed development and raises no objections subject to the recommendations outlined in the BCA Access and BCA Assessment Reports be adopted in a condition of development consent.</p>	Yes, subject to conditions of consent.
2.14 Services and New Technologies	<b>All Development</b> i) Air exhaust or ventilation systems, skylights, air conditioning systems, solar energy panels, TV antennae and satellite dishes should not be visible on the main elevation of the building or attached to chimneys where they will be obvious. Services and equipment should not be installed at the rear, within the roof space or flush with the roof cladding and at the same pitch. They are to be of modest size and not prominent from the street. ii) Essential changes to cater for electrical or telecommunications wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed. iii) Rainwater tanks are to be located at the rear of the dwelling and	<p>New air conditioning units are located on the norther elevation of Blenheim House, not directly visible from the streetscape. Council's Heritage Officer supports the proposed air conditioning units as they are located away from the historical wall.</p> <p>The proposed essential services sought are required to ensure the building meets BCA standards.</p> <p>Rainwater tanks are proposed within the basement level, thus will not be</p>	<p>Yes.</p> <p>Yes, subject to conditions of consent.</p> <p>Yes.</p>

D53/22



D53/22

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	suitably screened. They should not be obvious from the street.	visible from the street.	
<b>B4 Landscaping and Diversity</b>			
3.1 Existing Vegetation and Natural Features	i) Maximise the retention and protection of existing vegetation including trees, shrubs and groundcover vegetation. ii) Retain and incorporate existing natural features, such as cliffs and rock outcrops into the landscape design where possible. iii) Retain and stockpile topsoil for reuse in the landscaped area.	The proposed development seeks to removal of eleven (11) trees to facilitate the proposed development. Council's landscape officer has reviewed the trees proposed to be removed and has determined that while the preservation of some of the trees at the rear of the site would have been a desirable outcome, it is not seen as a critical issue given the quantity of specimens that will be retained within the front setback.  Council's landscape officer has not objected to the proposed tree removal sought subject to conditions of consent.	Yes, subject to conditions of consent.
3.2 Selection and Location of Plant Species	i) Native species must comprise at least 50% of the plant schedule, incorporating a mix of locally indigenous trees, shrubs and groundcovers appropriate to the area and surrounds. ii) Link, extend and enhance existing fauna and flora habitats through appropriate selection and location of plant species, where relevant. iii) Where suitable, incorporate food growing areas as part of the landscape design. iv) Select and locate plants to improve the environmental performance and living amenity.	Council's landscape officer has reviewed the proposed landscaping sought and has raised no objection subject to conditions of consent.	Yes, subject to conditions of consent.
<b>B5 Preservation of Trees and Vegetation</b>			
Development consent	i) Development consent is required for tree works to any tree listed on Council's Register of Significant Trees.	As previously addressed, the proposed development seeks to removal of eleven (11) trees to facilitate the proposed development. Council's landscape officer has reviewed the trees proposed to be removed and has determined that	Yes, subject to conditions of consent.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		<p>while the preservation of some of the trees at the rear of the site would have been a desirable outcome, it is not seen as a critical issue given the quantity of specimens that will be retained within the front setback.</p> <p>Council's landscape officer has not objected to the proposed tree removal sought subject to conditions of consent.</p>	
<b>B6 Recycling and Waste Management</b>			
4. On-Going Operation	<p>iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.</p> <p>v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.</p> <p>vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.</p> <p>vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).</p> <p>viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.</p>	<p>The bin storage area is located at the rear of the site and will not be directly visible from the streetscape. An unobstructed path is provided between the bin storage room and front boundary, ensuring bins can be easily moved to the street on the nominated waste collection day.</p> <p>A condition of consent has been imposed requiring a Plan of Management is prepared which outlines how waste will be managed and collected from the subject site.</p>	Yes. Subject to conditions of consent.
<b>B7 Transport, Traffic, Parking, Access</b>			

D53/22

D53/22

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
Table 1 Vehicle Parking Rates	<p>Community Facilities: Vehicle: Transport Assessment Study is required.</p> <p>Bicycle: 5% of the car parking rate.</p>	<p>There is no specific parking rate for community facilities in Part B7 of Council's DCP which instead specifies that a transport assessment study is required. A Traffic Impact Assessment report prepared by PDC Traffic Consultants has been submitted.</p> <p>The Traffic Impact Assessment determined that the proposed six (6) bicycle parking spaces and no on-site parking will be sufficient given the context of the site.</p> <p>Council's Development Engineer has reviewed the proposed parking arrangement. While the Engineer acknowledges that there are constraints that limit the ability to provide carparking, there are still concerns regarding the parking impact generated by the proposed development. Hence, Council's Development Engineer has recommended that measures be undertaken to minimise the parking demand generated by the proposed development. These measures will be included as conditions of consent.</p>	Yes, subject to Conditions.
3.7 Parking Layout, Configuration and Dimensions	<p>i) An off-street car space must be a minimum of 2.4m by 5.4m long and comply with AS 2890.1.</p> <p>ii) Small car spaces as provided for in the Australian Standard are not permitted for dwelling houses, terraces, semi detached dwellings or attached dwellings.</p> <p>iii) Motor cycle parking spaces must be a minimum 2.5m by 1.2m and clearly marked.</p> <p>iv) Motor cycle spaces are to be designed and located so they are not</p>	<p>With exception to the temporary on-site parking space for service vehicles, no on-site carparking is proposed. The temporary service vehicle parking space measures 2.4m by 5.4m. Council's Development Engineer has raised no objection to the temporary on-site car parking space.</p> <p>Not relevant to the proposed development.</p> <p>None required or proposed.</p>	<p>Yes.</p> <p>N/A.</p> <p>N/A.</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>vulnerable to being struck by manoeuvring vehicles.</p> <p>v) Motor cycle spaces must be located on flat and even surfaces as they rely on side-stands to park.</p> <p>vi) In all development except dwelling houses, semi-detached dwellings, all vehicles must enter and exit in a forward direction.</p> <p>vii) Unless otherwise stated, development is to comply with the relevant Australian Standard and the RMS Guidelines for car parking layout, dimensions, aisle widths, grades, access requirements for different uses &amp; users, driveway widths, service and delivery needs.</p>	<p>Due to the heritage significance of the site and provision of a new park. The proposed temporary on-site carparking space does not allow vehicles to enter and leave the site in a forward direction. No objections have been raised by Council's Development Engineer or Department of Integrated Transport.</p>	<p>Reference should be made to part 8.1 Discussion of key issues of this report.</p>
Table 3 Bicycle Provision Rates	<p>Community Facilities: 1 per 10 car parking spaces</p> <p>Accessible showers 1 in 10 spaces</p> <p>Changing facilities with one secure locker per bike space.</p>	<p>No on-site carparking spaces are proposed. Council's Engineer has imposed a condition requiring a minimum of four (4) bicycle spaces is provided on site in accordance with the requirements of AS 2890.3.</p>	<p>Yes</p>
<b>B8 Water Management</b>			
3 Stormwater Management	<p>This section sets out objectives and controls relating to the management, collection and discharge of stormwater into the stormwater system.</p>	<p>Council's Development Engineer has imposed conditions of consent to ensure drainage plans comply with the BCA and Australian Standards.</p>	<p>Yes, subject to conditions of consent.</p>
<b>B9 Management Plan</b>			
	<p>A Management Plan may be required as a condition of consent for land uses that in the opinion of Council may potentially have unacceptable amenity impacts if poorly managed.</p>	<p>Condition of consent has been imposed requiring a Plan of Management is prepared which details how the proposed use of the site will be managed by Council.</p>	<p>Subject to conditions of consent.</p>

D53/22

D53/22

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**Responsible officer:** GAT & Associates, Town Planners (Roberto Bianco)

**File Reference:** DA/28/2022

## Development Consent Conditions



D53/22

<b>DA No:</b>	DA/28/2022
<b>Property:</b>	17 Blenheim Street, RANDWICK NSW 2031
<b>Proposal:</b>	Alterations & additions to dwelling, including change of use to Community art and cultural space.
<b>Recommendation:</b>	Approval

### Development Consent Conditions

#### GENERAL CONDITIONS

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

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

#### Approved Plans & Supporting Documentation

- 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA.02 Rev D	Phillips Marler	24.09.2021
DA.03 Rev D		24.09.2021
DA.04 Rev D		24.09.2021
DA.04.1 Rev A		18.08.2022
DA.05 Rev D		24.09.2021
DA.06 Rev D		24.09.2021
DA.07 Rev D		24.09.2021
DA.08 Rev D		24.09.2021
DA.09 Rev D		24.09.2021
DA.10 Rev D		24.09.2021
DA.11 Rev D		24.09.2021
DA.12 Rev D		24.09.2021
DA.13 Rev D		24.09.2021
DA.14 Rev D		24.09.2021
DA.15 Rev D		24.09.2021
DA.16 Rev D		24.09.2021
DA.17 Rev D		24.09.2021

#### Amendment of Plans & Documentation



D53/22

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. All relevant plans are required to be amended to reflect the new park layout and front fencing shown on Plan DA.04.1, Revision A, prepared by Phillips Marler, dated 18.08.2022.
  - b. The recommendations of the Noise Impact Assessment, dated 24 September 2021 and prepared by Rodney Stevens Acoustics must be fully implemented.
3. A minimum of 4 bicycle spaces shall be provided on the site and/or on Council's footpath reserve in front of the site (at a suitable location) in accordance with the requirements of AS 2890.3.

NOTE: Any bike racks located on Council's footpath reserve will require separate approval by Council's Integrated Transport/ Asset Engineers.

**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**

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

**Sydney Water Requirements**

5. 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.

**Stormwater Drainage**

6. Stormwater Drainage Plans have not been approved as part of this development consent. Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the Principal Certifier. A copy of the plans shall be forwarded to Council, if Council is not the Principal Certifier.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

7. Stormwater runoff from the (redeveloped portion) site shall be discharged either:
- To the kerb and gutter along the site frontage by gravity (preferably without the use of a charged system); OR
  - Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
  - To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site.

Infiltration areas must be located a minimum of 3.0 metres from any structure (note: this set back 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) and 2.1 metres from any adjacent side or rear boundary.

Prior to the use of infiltration, a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration will not be appropriate.

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

8. The drainage plans must be amended so as to protect the row of palms in the front setback along the western boundary, the stand of mature trees around the southwest corner, as well as the trees along the rear boundary, as the current proposed sub-soil drain, drainage pipe and inlet pit locations and discharge point to Blenheim Street are not acceptable.

NOTE: Refer also to Tree Protection conditions for specific requirements. Any enquiries on this matter shall be directed to either Council's Landscape Development Officer or Development Engineer.

9. Should a charged system be required to drain any portion of the site, the charged system must be designed such that:
- There are suitable clear-outs/inspection points at pipe bends and junctions.
  - The maximum depth of the charged line does not exceed 1m below the gutter outlet.
10. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump

capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

11. All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.

#### **Waste Management**

12. 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.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management of the community facility 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 website at:*

[https://www.randwick.nsw.gov.au/data/assets/pdf\\_file/0007/22795/Waste-Management-Plan-Guidelines.pdf](https://www.randwick.nsw.gov.au/data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf)

#### **Public Utilities**

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

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

#### **Street Tree Protection Measures**

14. In order to ensure retention of the *Sapium sebiferum* (Chinese Tallowood) that is located on Council's Blenheim Street verge, just to the east of the existing driveway and eastern site boundary, in front of the adjoining site at no.19 in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown.
  - b. It must be physically protected by installing evenly spaced star pickets at a setback of **1 metre** to its east and west (measured off its trunk) matching up with the kerb to its south and footpath to its north, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose the tree for the duration of works.
  - c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which,

signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".

- d. 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.
- e. 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 to comply with these requirements.
- f. The applicant is not authorised to perform any other works to this public tree and must contact Council's Landscape Development Officer on 9093-6613 should clearance pruning or similar be necessary. If approval is given, it can only be performed by Council, GIVING UP TO SIX WEEKS NOTICE, wholly at the applicants cost, with payment to be received prior to pruning or any Occupation Certificate.
- g. The Principal Certifier 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.

**Tree Protection Measures – FRONT SETBACK**

15. In order to ensure retention of the following trees within this development site, being a *Stenocarpus sinuatus* (Qld Firewheel Tree, T1 in the Arboricultural Asset Audit by Urban Forestry Australia dated May 2019, 'the Arborist Report') closest to the southwest corner of the existing carport, a mature *Magnolia grandiflora* (Magnolia, T3) to its west, centrally in this area, another Qld Firewheel Tree (T4) on the front boundary, then to its north, a *Waterhousia floribunda* (Weeping Lilly Pilly, T8), a *Brachychiton acerifolius* (Illawarra Flame Tree, T6) on the western boundary, then to its north, a *Syzygium australe* (Brush Cherry, T7) and *Caryota mitis* (Fishtail Palm, T11), and lastly the row of mature *Archontophoenix alexandrae* (Alexander Palms, T13-23A) along the length of the western site boundary in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, along with the position and diameter of their trunks, canopies/crowns, SRZ's, TPZ's and Tree Identification Numbers to be clearly and accurately shown on all plans in relation to the 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 implementing and monitoring these conditions of development consent as well as 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 sub-soil drain, drainage pipes and inlet pits that are shown parallel to the western boundary on the Stormwater Plan by Richmond + Ross Pty Ltd, dwg C01, rev A, dated 12/03/21 must be either relocated wholly to the eastern half of the front setback, discharging to Blenheim Street through the existing carport area, or, the hydraulic engineer will need to design an alternative method of dealing with the sites stormwater, as where these items are currently positioned will result in major root damage to both the significant row of palms along the length of the western boundary as well as the stand of canopy trees around the southwest site corner.

- D53/22
- e. Any re-designed hydraulic plan/system must not encroach the TPZ's of these trees by more than 10%, with suitable details and setbacks confirming compliance to be firstly endorsed in writing by the Project Arborist, which must then be submitted to, and be approved by, the Principal Certifier.
  - f. The new access path that is shown as intersecting the front setback in a northwest-southeast direction must not encroach any closer to these trees than what is shown on the Landscape Plan, dwg DA.15, with the offset in millimetres to be shown at various points along the western edge of this path to confirm compliance.
  - g. These trees/palms are to be physically protected as one group by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located from the front boundary, along the western edge of the existing carport area, then along the southern and western edges of the pond, then following the line of the existing garden edging up to adjacent the southwest corner of the building where it will then return back against the western site boundary, just to the north of T24, to completely exclude them for the duration of works.
  - h. 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".
  - i. 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.
  - j. 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 to comply with these requirements.
  - k. In order to prevent soil/sediment being washed over their root systems, erosion control measures may also be provided at ground level around the perimeter of the TPZ.
  - l. If ground protection is warranted beyond the extent of the TPZ, so as to prevent ground compaction or similar, it shall comprise strapped together rumble boards, sheets of plywood or similar, to the extent and satisfaction of the Project Arborist, and must be maintained until landscaping/planting is taking place.
  - m. The removal/demolition of existing structures and surfacing, as well as all initial excavations associated with new footings, paving, sub-grades, edging or similar within their TPZ's, must be performed using tree-sensitive techniques, such as hand-held tools rather than hydraulic machinery, either by, or, under the direct supervision of, the Project Arborist, so as to avoid the indiscriminate damage of roots.
  - n. Where major roots are encountered which the Project Arborist determines must be retained, then either a cantilevered, pier and beam style footing must be used; or, the location or finished levels of these components must be adjusted as necessary.
  - o. Where minor roots are encountered which are in direct conflict with the approved works and the Project Arborist gives permission for their pruning, they may then be cut cleanly using only hand-held tools, not machinery, with the affected area to be backfilled with clean site soil as soon as practically possible so that the cut ends of roots are not left exposed to the atmosphere.



- p. The Project Arborist must document compliance with points 'n-o' above via time stamped photos, showing those roots that were assessed for either retention or pruning, which must then form part of the Final Compliance Report.
- q. To minimise root damage, any new common boundary fencing/walls within their TPZ's can only be a system which is supported on localised pads, not continuous strip footings (specifically relating to the proposed new stone wall along the front boundary), with details confirming compliance to be firstly approved in writing by the Project Arborist.
- r. Ground levels within their TPZ's must not be altered by more than 200mm, and other than the new access path, there must be no other structures, continuous strip footings or similar in this area, which must remain as undisturbed, deep soil/mass-planting.
- s. The Project Arborist and Principal Certifier 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.

**Amended Landscape Plans**

- 16. The Landscape Plan, dwg DA.15 and Planting Plans 1-2, dwg's DA.16 - 17 by Phillips Marler, issue D, dated 24/09/21 must be amended to comply with the following requirements:
  - a. Additional replacement planting must be provided in the planters across the rear/northern site boundary, in addition to what is currently shown, selecting species which will provide eye level screening, and are to achieve a mature height the same as the boundary fencing.
- 17. 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 amended Landscape Plans submitted for the Construction Certificate comply with the requirements specified above, with both this written statement and revised plans to then be submitted to, and be approved by, the Principal Certifier.

**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**

- 18. 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).

**BCA Access and BCA Assessment Reports**

- 19. The recommendations outlined in the BCA Access Report dated 27 September 2021 and BCA Assessment Report dated 12 April 2021 prepared by BCA Logic are to be adopted. Details of the building and fire safety upgrading works (including relevant performance solution) outlined in the reports are to be incorporated into the construction certificate application. Any proposed variations to the recommendations and requirements in the subject reports shall be submitted to and approved by the Certifier, prior to approval of the construction certificate.

**Conservation Management Plan**

- 20. A concise Conservation Management Plan shall be prepared by an architect or firm suitably qualified and experienced in heritage conservation, to the satisfaction of the Heritage Planner

and the Manager Development Assessment, and to be submitted with the construction certificate application.

21. A plan should be early developed for roofing assessment and repair, including the actual composition of historical fabric, as well as for guttering, downpipes and stormwater dispersal.

**External Colours, Materials & Finishes**

22. Colours, materials and finishes are to be compatible with the 1840's building. The details of any proposed paint/colour scheme – internal and external – are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, e.g. -brickwork/stonework are to remain unpainted, and no applied finishes are to be used.

**Photographic Archival Recording**

23. A brief photographic archival recording of the property, as it currently presents, internal and external, shall be prepared and submitted to Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office accepted practice. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.

**Salvage Plan**

24. A salvage plan shall be prepared and submitted to and approved by Council's Manager Development Assessment, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The salvage plan is required to ensure that introduced later Victorian-style elements, such as fireplaces, architraves, skirtings, doors and or other introduced historical components are carefully removed and stored, sold or donated to a heritage salvaging company to facilitate the conservation of other buildings of the later Victorian period.

**Details of External Elements**

25. Details of external elements of the proposed mechanical ventilation systems, or A/C systems, including layout and dimensions of ductwork, are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

**Archaeological Assessment**

26. A brief archaeological assessment of the site is to be prepared in accordance with the Archaeological Assessment Guidelines produced by the NSW Heritage Office. The assessment should advise on the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development. The archaeological assessment is to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

**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**

D53/22

27. 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
- 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**

28. 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**

29. 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 Work Plan**

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

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

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

**Construction Noise & Vibration Management Plan**

31. 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.

**Public Liability**

32. 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.

**Historical Archaeological Relics**

33. Prior to the commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area (particularly in the location of the historical kitchen building). This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW).

34. If Historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken, and the NSW Heritage Office notified under the requirements of the Heritage Act.

**Road / Asset Opening Permit**

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

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

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

**Traffic Management**

36. 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.
37. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
38. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

**Tree Removal**

39. Approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the amended/approved Landscape Plans:
- a. The garden bed/unauthorised plantings on the verge, between the driveway and western site boundary, as indicated on the Ground Floor Plan – Part A, dwg DA.04, so as to accommodate the new on-street parking spaces that are shown here;
  - b. The *Jacaranda mimosifolia* (Jacaranda, T2) in the front setback, between the southwest corner of the existing carport and front boundary as it is in very poor condition with the included union between both of its leaders having already completely failed (refer plate 3, page 20 of Arborist Report), with the eastern stem now leaning entirely on the carport, so is regarded as unsafe and suitable for retention, even irrespective of these works;
  - c. An *Elaeocarpus reticulatus* (Blueberry Ash, T10) immediately to its northeast as it is in poor condition due to being suppressed by larger, more dominant trees in this part of the site, with its acute lean seeing it now rest on the carport roof, and is also within the footprint of the new access path;
  - d. Two *Phoenix robelenii* (Dwarf Date Palms, T12) as they would likely be de-stabilised during demolition of the pond walls in this same area, with the sharp spines on their fronds making them unsuitable in this setting;
  - e. The two small *Brugmansia*, being one each at both the northwest and northeast corners of the existing pond as they are insignificant, so while not listed in the Arborist, their removal will then accommodate the new landscape treatment shown throughout this area;
  - f. The *Glochdidion ferdinandii* (Cheese Tree, T5), right in the southwest site corner as its growth has been hindered by the boundary barriers and other surrounding trees, has been lopped to control its size and form, and is also conflicting with the power pole just to its east, and importantly, its removal will then provide more space for other trees nearby to develop;
  - g. The single *Cyathea australis* (T25) at the northern end of the group of Alexander Palms along the western boundary, closest to the southwest corner of the building, should the applicant wish, as the Landscape Plan, dwg DA.15 shows the new access path occupying this same area;
  - h. The single mature *Howea fosteriana* (Kentia Palm, T26) immediately to its east, that is growing in a small, raised garden bed hard up against the southwest corner of the dwelling, as it is displacing the sandstone blocks due to the lack of available space for its root system to develop;
  - i. The *Cyathea australis* (Rough Tree Fern T27) and two *Archontophoenix cunninghamiana* (Bangalow Palms, T28) on the opposite side, against the southeast corner of the building, for exactly the same reason given in point 'h' above, with transplanting not required as the sheer quantity of palms and other trees being retained throughout this front area will ensure that reasonable levels of environmental amenity are still maintained;
  - j. In the rear setback, the variety of lower understory type plants, shrubs and palms in the garden bed that extends across the width of the rear boundary, where necessary, including the 6m tall *Dracaena reflexa var. angustifolia* (Dragon Plant, T29) at the western end of this group, as the Arborist Report documents that it is already impacting on the roofline of the existing laundry/bathroom in the northwest site corner which is to be demolished;

- k. A *Howea fosteriana* (Kentia Palm, T30) and *Cyathea cooperi* (Rough Tree Fern, T31) immediately to its east to facilitate works shown for this area;
- l. The group to the east again, comprising a *Syzygium paniculatum* (Brush Cherry, T32), an unidentified rainforest species (T33) and a *Brachychiton acerifolius* (Illawarra Flame Tree, T34), as they could not remain given that the Access Standard - AS1428.1 requires a compliant access path to be provided along the northern face of the building, at a minimum clear width of 1 metre, at the same level as the internal building floor level, and also on a consistent surface, with any re-design to accommodate these trees to then not result in a compliant outcome;
- m. The *Lophostemon confertus* (Brush Box, T35) at the eastern end of this group, given that it is poorly sited, literally hard up against the western wall of the free-standing stone building, severely limiting its root and crown development, with its loss to benefit the adjoining trees by reducing competition both above and below ground;
- n. The two small deciduous trees in the confined garden to their southeast, along the eastern edge of the detached stone building, being an *Acer palmatum* (Japanese Maple, T36) and a *Betula pendula* (Silver Birch, T37) as they are insignificant and in poor health/stressed, with new plantings in keeping with the landscape scheme to be more benefit to the site.

#### Pruning

40. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the group of trees in the front setback where needed to improve their form or habit following removal of other trees throughout this area, as well as from the southern aspects of T32-34 along the rear boundary to facilitate the new rear covered walkway or similar, including addressing any past poorly lopped limbs throughout T32, as detailed at Plate 12, page 24 of the Arborist Report.
41. All pruning can only be undertaken by at minimum a Practising Arborist who holds a AQF Level III or V in Arboriculture, 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).

#### 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.

#### Removal of Asbestos Materials

42. 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 10m<sup>2</sup> 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](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

#### **Sediment & Erosion Control**

43. 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.

#### **Temporary Site Fencing**

44. 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.

#### **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**

D53/22

45. 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

46. 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

47. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 1.00pm only</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work</li> </ul>

	permitted
Additional requirements for all development	<ul style="list-style-type: none"> <li>Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

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.

#### Building Encroachments

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

#### Heritage Conservation

49. In the construction phase of this project, an architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the identification of critical elements and the carrying out of repairs.

#### 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

50. 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

51. 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.

#### Sydney Water Certification

52. 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](http://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**

53. 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.

54. 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.

#### **Council's Infrastructure, Vehicular Crossings & Road Openings**

55. Subject to the approval of Randwick Traffic Committee (RTC) where appropriate, the owner/developer must meet the full cost for a Council approved contractor to:

- a) Reconstruct concrete vehicular crossing and layback (as required) opposite the vehicular entrance to the site, to Council's specifications and requirements.
- b) Adjust on-street parking configuration in Blenheim Street as per the approved plans including any signage and line marking as required
- c) Install bike rack (if required) at a suitable location.

56. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.

57. 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**

58. The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the Principal Certifier.

**Landscape Certification**

59. 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 amended Landscape Plan, dwg DA.15 and Planting Plans 1-2, dwg's DA.16 - 17, by Phillips Marler, issue D, dated 24/09/21, and any relevant conditions of consent.
60. The nature-strip upon Council's footway shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.

**Project Arborist Certification**

61. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification (including time stamped photos) which confirms compliance with these conditions of consent, the dates of attendance and works performed/supervised relating to retention of **T1-4, 6-8, 11 & 13-23A**.

**Waste Management**

62. Prior to the occupation of the development, the applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.

**CCTV Assessment**

63. Prior to the issuing a final occupation certificate, a CCTV Assessment shall be undertaken to determine what security measures are required to be provided for the use of the site as a community facility.

**Interpretive Plan**

64. An interpretive plan is to be developed. This should acknowledge/interpret:
- i) The prior and ongoing Indigenous custodianship of the land
  - ii) Recycled sandstone on site, including original location, original source (if known) as well as the meaning of dressed and undressed surfaces.
  - iii) The original stone kitchen wing in the area of the proposed pocket-park.
  - iv) In some manner the meal-bell in its bellcote may be referenced. (This was the bell calling scrub cutting and market garden workers to meals).

**Green Travel Plan**

65. A Green Travel Plan for the development shall be prepared and submitted to Council's Department of Integrated Transport for approval which endeavours to minimise the parking and traffic generation of the proposed development. The green travel is to set out;
- a) Future travel mode share targets and specifically a reduction in car driver mode share.
  - b) Travel demand management strategies & incentives to encourage sustainable travel
  - c) Initiatives to implement and monitor travel measures such as car share and bike share

The Travel Plan shall be submitted to and approved by Council's Department of Integrated Transport prior to the issuing of an Occupation certificate and shall be implemented during the operational life of the development.

#### **Plan of Management**

66. A Plan of Management outlining the operational details of the community art and culture space shall be submitted to and approved by the Manager Development Assessment. The Plan of Management must address the following requirements:

##### Site and Context Details

- (i) Street address and lot number of the land to which the Management Plan applies.
- (ii) Date of preparation.
- (iii) Registered business name and trading name of the premises.
- (iv) A description of the primary use of the premises as well as any secondary/ancillary uses. This may be in the form of a floor or site plan indicating the use of all areas within the building or site.
- (v) Types of activities within the premises including any variations at different times of the day, week or in different seasons.
- (vi) Any 'active areas' adjacent to the boundaries of the site associated with the premises where relevant.
- (vii) A brief description of surrounding land uses including:
  - Proximity to residential and other sensitive land uses
  - Premises of a similar nature and scale.
- (viii) Maximum capacity of the premises.
- (ix) A schedule of proposed hours of operation for each day of the week for all areas of the premises.

##### Operational Details

- (i) Name and contact details of operator/manager and type of management arrangement.
- (ii) Organisational structure including number of staff, key roles and responsibilities. Information on any variation to staffing levels at different times of the day, week, or during different seasons should be provided.
- (iii) The procedure for receiving, recording and handling complaints regarding the operation of the premises. A Complaints Register should be maintained on site which includes the following information:
  - Complaint date and time.
  - Name, address and contact details of person making the complaint.
  - Nature complaint.
  - Name of staff on duty.
  - Action undertaken by premises to resolve the complaint.
  - Follow up and outcome.
- (iv) Details of training and induction procedures to ensure staff are aware of the provisions of the Management Plan and emergency procedures.
- (v) Any requirements in respect of the on-going management of the premises arising from any conditions placed on the Development Determination including implementation of Green Travel Plan.

##### Amenity

- (i) Details on all measures to be undertaken to ensure that the operation of the premises will not adversely affect the amenity of the locality by way of noise, vibration, fumes, waste disposal and the like.
- (ii) Suitable strategies shall be implemented to ensure that the landscaping is then maintained in a healthy and vigorous state until maturity, for the life of the development.

##### Safety and Security

- (i) Details on systems and procedures to ensure the safety and well being of staff, patrons/residents and/or other users of the premises including:



- Risk management procedures appropriate to the service provisions (e.g. accident and injury etc).
- Method of surveillance of common areas.
- Location and monitoring of security alarms.
- Security personnel and their duties.

#### Waste Management

- (i) Procedures for minimising and managing waste and litter that is generated on site.
- (ii) Details on how and when waste will be collected.
- (iii) Details of when (frequency) and how the premises will be cleaned and serviced.
- (iv) Location of waste storage areas.

#### Fire Safety

- (i) Details on proposed fire safety regime including:
  - Annual certification (if required).
  - Maintenance of emergency systems.
  - Actions to reduce fire risks.
  - Provision of an emergency evacuation plan.

#### Heritage Conservation Management

- (i) The conservation policies and maintenance program outlined in the concise Conservation Management Plan shall be adopted and its recommendations shall be implemented through the regular oversight by a qualified person.

#### **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**

67. 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.

#### **Environmental Amenity**

68. 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.

#### **Number of Artists Between 6pm – 10am.**

69. A maximum of six (6) artists in residence may utilise the artist studios between 6pm – 10am.

#### **Park Signage**

70. Regulatory signage shall be installed within the public park which outlines that smoking is prohibited within the premises and public park.

#### **Hours of Park Area**

71. Hours of park area shall be restricted between 10pm to 7am, seven (7) days/week.

**Maximum capacity of community facility**

72. The capacity of the community facility shall be limited to 80 people within the building.

D53/22

## Development Application Report No. D54/22

**Subject:** 16 Little Street, Maroubra (DA/359/2022)

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### Executive Summary

<b>Proposal:</b>	Reconstruction of pre-existing external walls of a dwelling.
<b>Ward:</b>	Central Ward
<b>Applicant:</b>	MARCIN
<b>Owner:</b>	Menin Gardens Pty Ltd
<b>Cost of works:</b>	\$25,000
<b>Reason for referral:</b>	10 submissions by way of objection

### 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/359/2022 for reconstruction of pre-existing external walls of the dwelling at No. 16 Little Street, subject to the development consent conditions attached to the assessment report.

### Attachment/s:

-  RLPP Dev Consent Conditions (dwellings dual occ) - DA/359/2022 - 16 Little Street, MAROUBRA NSW 2035 - DEV - Randwick City Council

D54/22



## 1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as 15 unique submissions by way of objection were received.

The proposal seeks development consent for an amending DA to DA/498/2013 inclusive of DA/498/2013/A. The amending DA proposes the re-building of pre-existing walls of the dwelling that were demolished without consent and deemed structurally inadequate by SDS engineering and non-compliant with the Australian Standard, AS 2870-2011. It is noted that a Complying Development Certificate (CDC) has been issued for works to the rear yard of the site comprising retaining walls and swimming pool.

The key issues associated with the proposal relate to whether the proposed side setbacks (868mm and 1058mm) which are sited less than that required by the DCP (1.2m) are acceptable. It is noted also that the side setback was partially supported in the original application on the basis that the proposal was for alterations and additions rather than for development of a new dwelling which would be subject to a minimum side setback control of 1.2m satisfy the objectives in the DCP.

The proposed setbacks are considered to satisfy the objectives of the DCP and recommended for approval for the following reasons:

- The pre-existing walls were identified as structurally unsound/inadequate elements of the former dwelling
- Their rebuilding or replacement by safe, structurally sound and adequate elements will essentially improve the outcome of the built environment in terms of the stability of the



development on the site and safety of workers and occupants of the development in the future.

- There is no appreciable difference in the development as approved by the consent before the amending DA in terms of footprint, dimensions, height, site coverage, and view impacts.

Another key issue with the application relates to matters raised in submissions such as lack of deep soil, stormwater management, structural stability of neighbouring properties.

The proposal is recommended for approval subject to non-standard conditions.

## 2. Site Description and Locality

The subject site is known as 16 Little Street, Maroubra and is legally described as Lot B in DP 315092. The site is 468m<sup>2</sup>, is skewed 12.19m frontage to Little Street and 12.495m rear boundaries with an effective width of 11.10m. The site contains side piers for the dwelling and sheet pile works at the rear to retain land and largely associated with the CDC approved for terracing works and swimming pool. These sheet piles serve to temporarily minimise the possibility of land subsidence to the lower land towards the front and site that might compromise safety of workers and potentially cause subsidence within and beyond the site.

The site slopes approximately 6m from rear to front from RL30.63 to RL24.57.

Figure 1: site photo looking to the rear north-western boundary noting that the lower ground level slab extends to the side piers..



Figure 2: Aerial view of site and surrounding properties.



### 3. Relevant history

#### Development application

DA/458/2013 Approved: Alterations and additions to the existing dwelling house including a new first floor addition, a front garage and boundary fence. The images below show the approved layout noting that black lines show the retained part of the pre existing dwelling.

Figure 3: Lower ground level part existing and part new

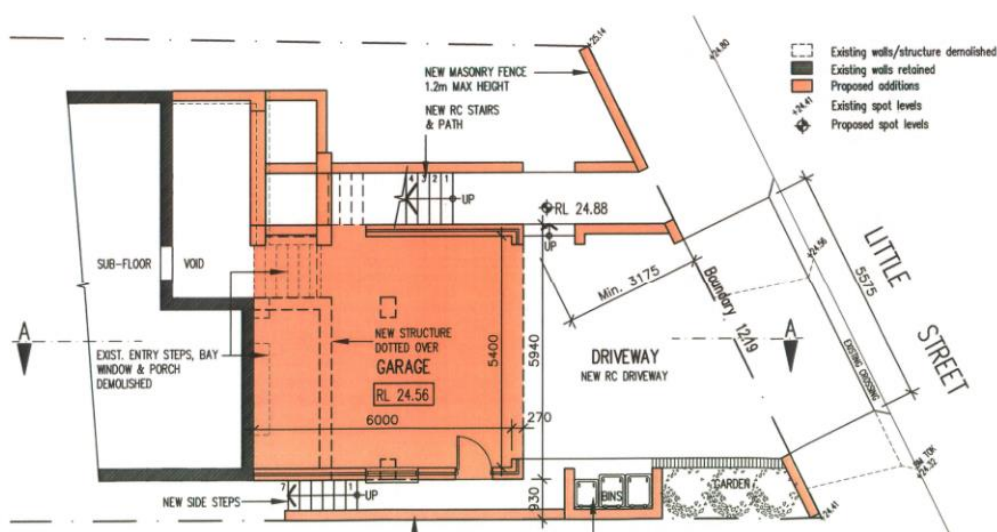




Figure 4: Ground level part existing part new

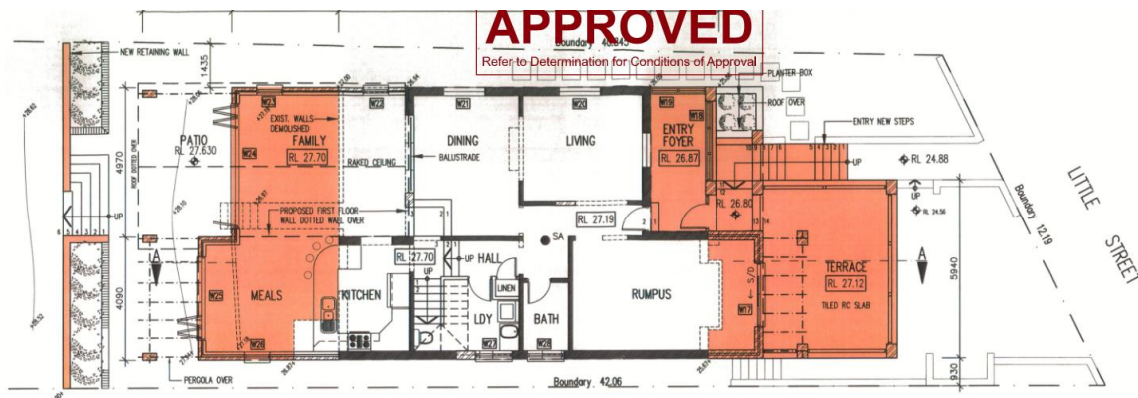
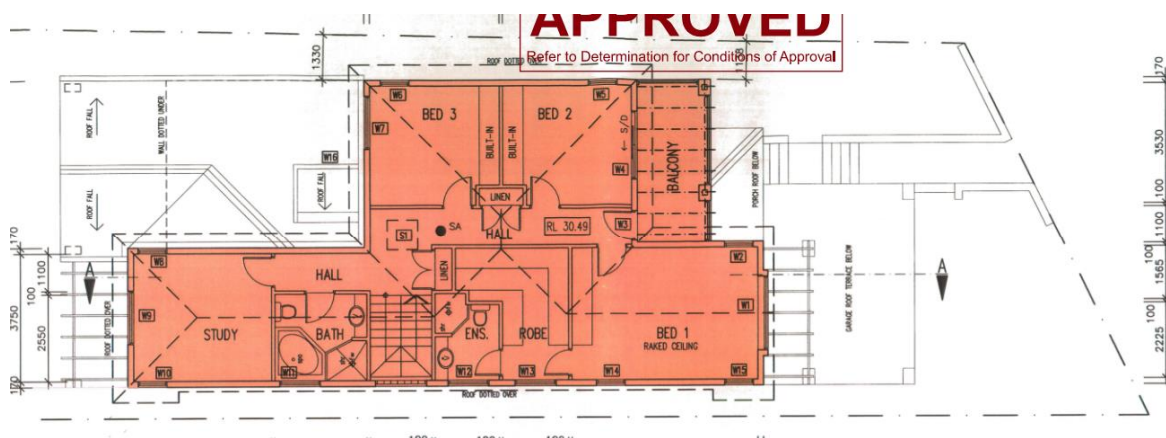


Figure 5: First floor level (new)



### Modification application

DA/458/2013/A Approved: S4.55(2) modification application seeking to add staircase to basement, internal layout reconfiguration, changes to windows and roof and associated works. Note Swimming pool did not form part of this approval. The images below show the approved layout.

Figure 6: Lower ground level (additional storage room within existing subfloor area)

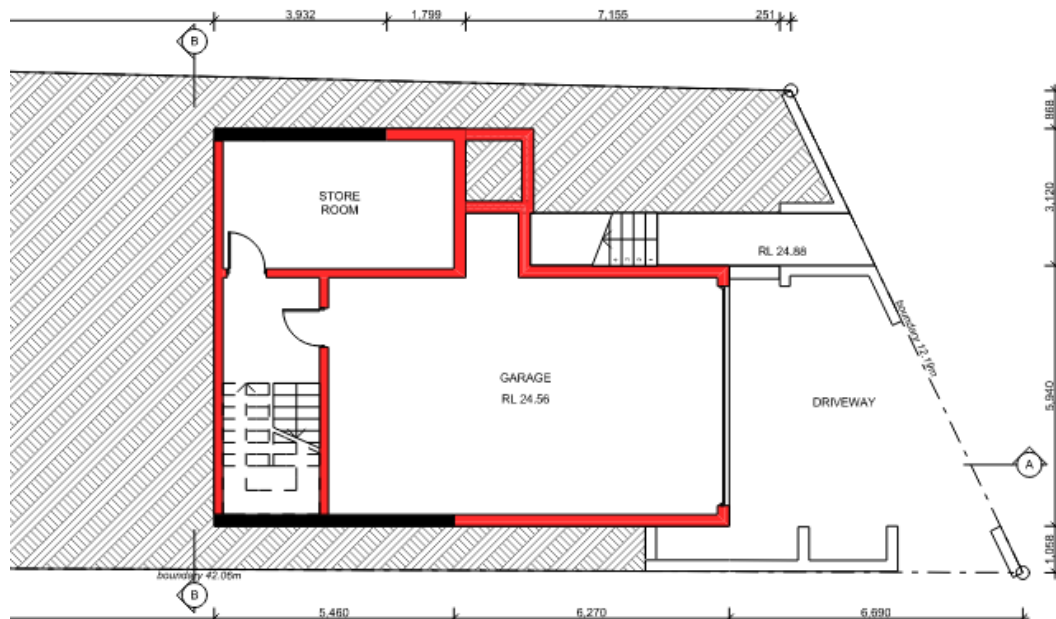


Figure 7: Ground level part new part existing (amended window location and dimensions)

D54/22

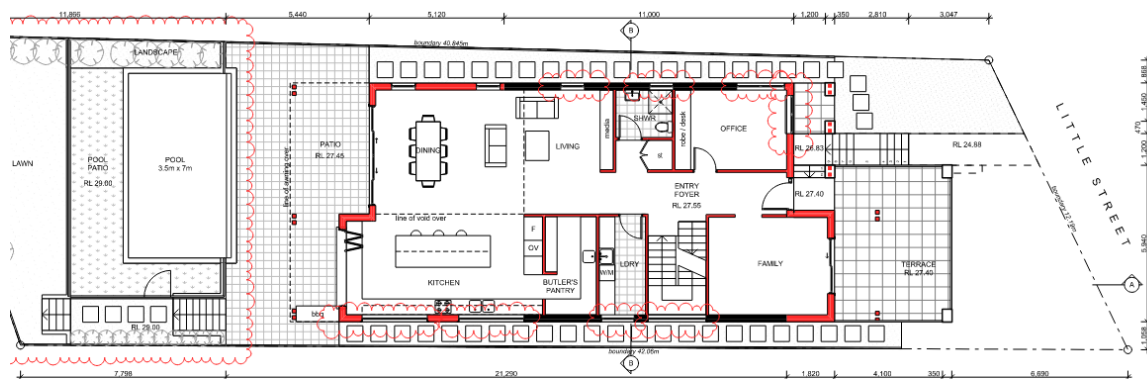
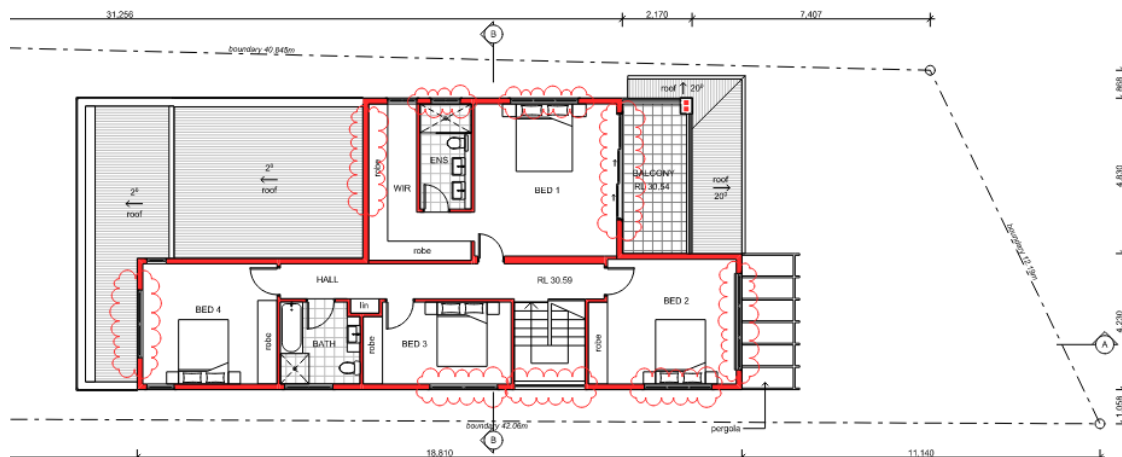


Figure 8: First floor level all new amended window size and location.



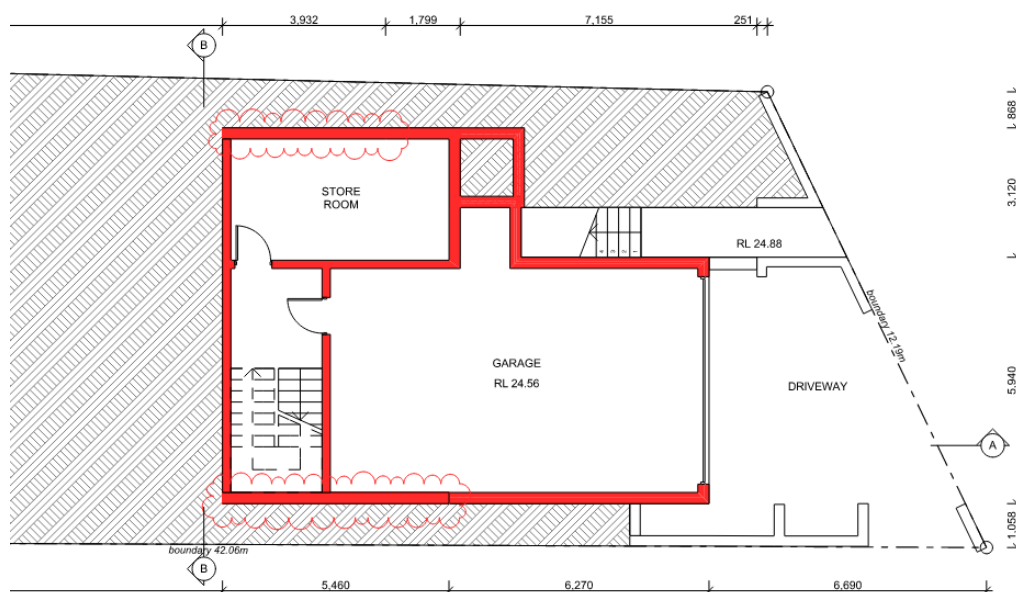
#### Complying development certificate for swimming pool and rear yard

CDC/442/2021: Alterations & additions to the existing dwelling including swimming pool, coping (RL29.00) & rear retaining walls & steps. (Works associated with DA/498/2013/A) AC - CDC No. 210511/01. Note under the CDC provisions a minimum landscaped area of 94sqm (20.2%) is required which is less than the 117sqm (25%) control under the DCP for low density residential dwellings in Part C1. It is noted that a slab has been constructed at the lower ground level further than that approved under the DA.

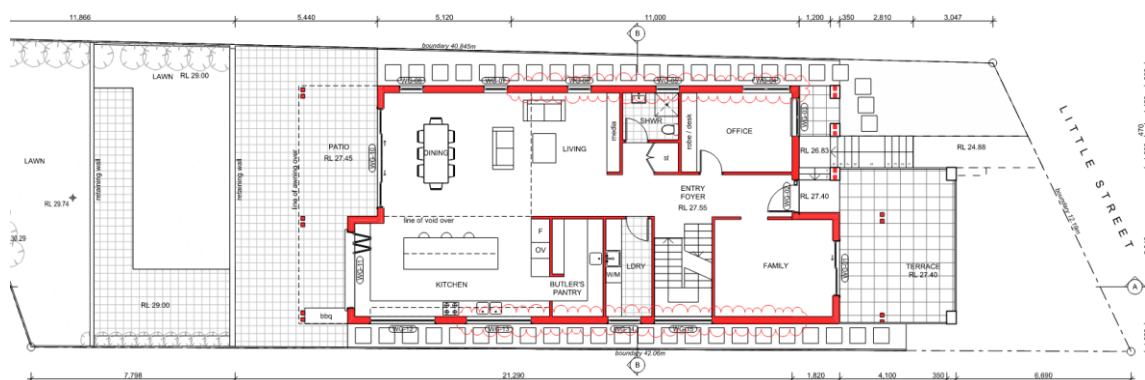
#### 4. Proposal

The proposal is seeking the reconstruction of external walls which were deemed structurally inadequate by SDS Engineering and non-compliant with the Australian Standard, AS 2870-2011. The walls were located at lower ground and ground level and identified as clouded areas in the images below.

Lower ground level: clouded areas identify the walls to be constructed.



Ground level: clouded areas identify pre-existing walls to be constructed.



First floor level: no appreciable change to the approved layout in DA/458/2013/A.

## 5. Notification

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

- 18 Little Street, Maroubra (3 submissions)
- 14 Little Street
- 12 Little Street, Maroubra (2 Submissions)
- 8 Little Street, Maroubra (3 Submissions)
- Resident of Little Street
- 5/13 Little Street, Maroubra (2 submissions)
- Constuction company
- 7 Little Street, Maroubra (2 submissions)

D54/22

D54/22

Issue	Comment
<p><b>18 Little Street</b></p> <p><u>Deep soil and landscaped area</u></p> <p>Concerned with the lack of greenspace and planting noting that there is one small shrub and no trees on the landscape plans.</p> <p><u>Stormwater runoff</u></p> <p>Concerned about where the stormwater will go.</p> <p><u>Acoustics</u></p> <p>Concerned about the acoustics of the site.</p> <p><u>Damage caused by sheet piling</u></p> <p>So much information is misleading and incorrect: The project is still shown as alterations and additions when all the buildings were totally demolished</p> <p><u>Landscape plans</u></p> <p>Show steppingstones as landscape area.</p> <p>Trees were removed from the site and no replacement trees or any trees on the landscape plan.</p> <p><u>Swimming pool in description of approved modification application.</u></p> <p>Swimming pool was not approved under the Modification application as stated in the SEE and the pool has been built.</p>	<p>See discussion of key issues section of this report relating to deep soil.</p> <p>See discussion of key issues section of this report relating to stormwater and earthworks in the.</p> <p>Standard condition (30) is included to limit noise to certain standards.</p> <p>Noted, for most intents the nature of the development whilst removing all pre-existing works sought to be retained will be rebuilt only and does not represent a material change to the original approval.</p> <p>Noted, this is excluded from the calculation of deep soil on site however is included as landscaped open space pursuant to the DCP.</p> <p>Noted, a suitable condition is included requiring a canopy tree to be installed within the site.</p> <p>Acknowledged, the pool was built under a CDC application.</p>
<p><b>14 Little Street</b></p> <p>Requests Council to investigate if works carried out without Council consent are compliant.</p> <p>House at 14 Little Street has sustained serious damage due to vibrations from the installation of sheet piling on the site in January.</p>	<p>An investigation is being carried out by Council's Building Regulatory Compliance Section.</p> <p>Noted, it is understood that alleged damage caused as a result of carrying out works associated with the development consent is currently being addressed by the Certifier and or insurance companies.</p>
<p><b>Residents of Little Street</b></p> <p><u>Swimming pool compliance</u></p> <p>The developers are not doing the proper building of the pool could you please investigate</p>	<p>The swimming pool is approved and to be constructed under a CDC. Any irregularities will be investigated by the Certifier.</p>

Issue	Comment
<p>Works without consent</p> <p>The entire original building was removed including vegetation, structural works and no part of the original footprint of the building is being adhered to – it is a completely new development that is 3-4 times the size of the previous building and a successful DA should correctly represent this.</p>	<p>Noted, and as far as practical the assessment of this application considers the relevant matters for consideration such as side setbacks, deep soil and stormwater management. It is noted that the DA relates to proposed rebuilding of the walls which were originally retained in the parent DA and subsequent modification. The overall bulk and scale is consistent with the original approval.</p> <p>Irrespective of whether anything is built without consent, an assessment is required against the relevant matters for consideration under the Act. The legislation does allow for the assessment and determination works already carried out or commenced without first obtaining a modified approval. Councils are required to consider the variations on their merits, irrespective of the initial breach.</p> <p>The works in relation to the building site have been subject to the following:</p> <ul style="list-style-type: none"> <li>• Construction site management and other conditions imposed on the parent consent</li> <li>• Written directions notice (WDN) issued by the Certifier for unauthorised works</li> <li>• Council regulatory action for unauthorised works,</li> <li>• Requesting the certifier to investigate whether any other unauthorised works had occurred,</li> <li>• A Building information Certificate to be applied for.</li> </ul>
<p>DA documentation</p> <p>The documentation submitted with the DA lacks details and not being adhered to in the building process.</p>	<p>The documentation submitted with the DA is considered sufficient noting that a site visit and relevant matters for consideration are assessed as part of this application.</p>
<p>Noise and vibration management from the hammering/sheet piling works</p>	<p>Noted, these works appear to have been completed, notwithstanding, suitable conditions are included in relation to the works associated with the proposed DA.</p>
<p>Concerned with the design of the new dwelling generally</p>	<p>The proposed development is generally considered to have an appropriate building envelope and site planning objectives in the LEP and DCP.</p>

## 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.”

Assessing Officer's Comment: Clause 7(1) requires a permit to be granted by the Council for the clearing of vegetation in non-rural areas (such as City of Randwick). Consent for the removal of vegetation within the site is not required under this DA.

## **6.2. SEPP 55 – Remediation of Land State Environmental Planning Policy (Resilience and Hazards) 2021**

State Environmental Planning Policy (Resilience and Hazards) 2021 applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 of the SEPP requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land and whether the site is suitable for residential development. The historical use of the site is for residential purposes as are surrounding uses, therefore it's not anticipated that the site is potentially contaminated.

The subject site is not identified under RLEP 2012 as constituting contaminated land or land that must be subject to a site audit statement. Accordingly, nothing restricts Council, under the SEPP, from consenting to the carrying out of the development subject to appropriate conditions of consent.

## **6.3. Randwick Local Environmental Plan 2012 (LEP)**

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

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will essentially be retained as that originally approved under DA/498/2013 and DA/498/2013/A.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
Cl 4.4: Floor space ratio (max)	0.65:1	0.58:1 (same as approval under DA498/2013/A)	Yes
Cl 4.3: Building height (max)	9.5m	No change	Same as existing

### **6.3.1. Clause 4.6 - Exceptions to development standards**

There are no non-compliances with the development standards.

## **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 1.

## **8. Environmental Assessment**



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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 3 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 proposed development is consistent with the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

## 8.1. Discussion of key issues

### Deep Soil

The amending DA calls into question the sites deep soil provided on site as since the approval was issued, a CDC has been issued for a swimming pool in the rear yard which reduces the level of deep soil provided on site. The submitted documentation only shows landscaped open space and not deep soil areas which are required to be around 30% of the site area under Part C1 of the DCP for low density residential dwellings. The CDC issued for the swimming pool, identifies around 94sqm of deep soil remaining on site which represents around 20.2% of the site area, which is compliant with the CDC provisions. It is noted that the side passageways have not been included in the deep soil area, which if included would achieve around 28% of the site but continues to not meet the minimum control in the DCP.

An assessment is required against the following DCP objectives for landscape and permeable Deep soil:

- *To ensure landscaped areas are effectively distributed on the site to achieve a visual balance between building structures and open space.*
- *To provide privacy screening between dwellings.*
- *To retain and provide for canopy trees and large shrubs to contribute to the establishment of vegetation corridors across the locality.*
- *To assist with stormwater infiltration and reduction of overland flow.*

The proposal is considered to satisfy the above objectives for the following reasons:

- The land falls down from rear to the street means that gravity will assist in natural flow of stormwater drainage. Notwithstanding, a recent site visit reveals a concrete slab, shown in photo earlier, extends to the side piers and that this has been explained as assisting in reducing the potential for further subsidence of adjoining land and structures located upon them. Whilst backfill is proposed above this portion of the slab between the proposed reconstructed walls and the side piers for the purposes of structural stability of land, it reduces deep soil area on site to around the 20.2% identified in the CDC. As such, an appropriate stormwater condition is included in the recommendation to ensure that stormwater is directed to the street and not to the adjoining properties.
- The deep soil areas at the front and rear of the site are considered to be effectively distributed such that the rear deep soil is adjacent to the other properties rear yards and at the front, the deep soil area is appropriately distributed as it takes up a large proportion of the site's width which is considered to soften the adjacent to hard surface driveway.
- Trees and shrubs are capable of being accommodated in the proposed deep soil areas which may assist in privacy screening.

#### Side setbacks

The DCP controls require that for sites with a frontage of over 12m the following setbacks apply:

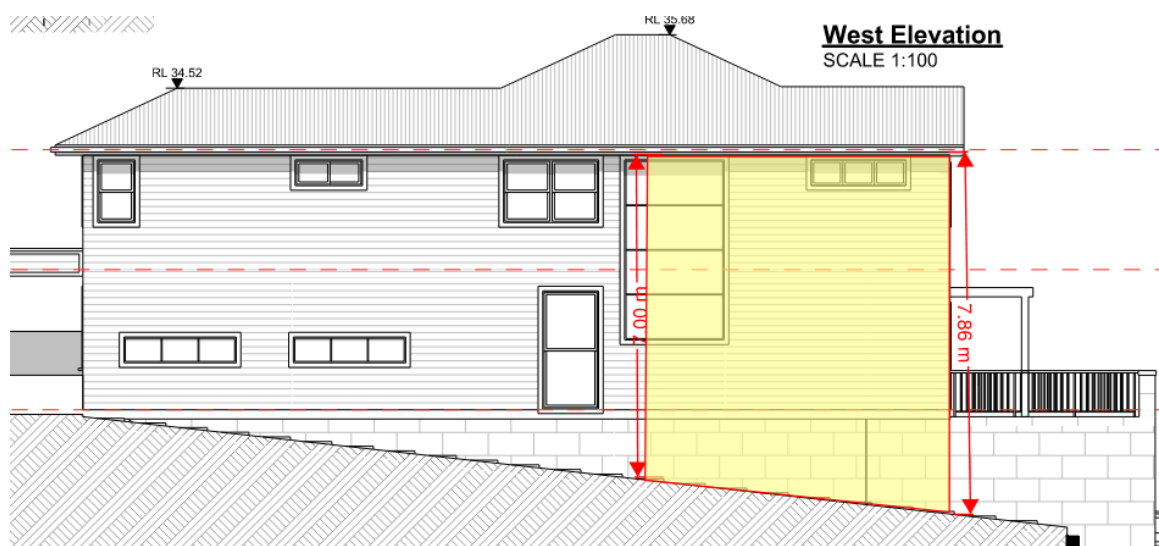
- Ground level: 1200mm side setback
- First floor level: 1200mm side setback control
- Levels above: 1800mm side setback control

Varying side setback controls:

Due to parts of the proposed "ground level" sitting 1m or more above adjacent ground level, it means that front parts of the "lower ground level" are defined as a storey pursuant to the LEP and therefore subject to applicable side setback controls for ground level. For levels above, that is at ground level, first and second floor level.

In particular, this means that where ground level above the lower level sits 1m or above the adjacent ground level, the labelled first floor level is defined as a second storey for the purposes of a side setbacks applying a 1.8m side setback.

The development provides 980mm south western side setbacks and does not comply with the 1.2m side setback control for ground and first floor levels or the 1.8m side setback controls for the second floor level as shown below.



South western side setback of the front portion of the dwelling (defined as a second storey) due to counting the lower level as a storey in this part of the development.

An assessment is required against the following side setback objectives:

- *To maintain or establish 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.*
- *To reserve adequate areas for the retention or creation of private open space and deep soil planting.*
- *To enable a reasonable level of view sharing between a development and the neighbouring dwellings and the public domain.*

The proposed side setbacks are considered to satisfy the above objectives for the following reasons:

- Rhythm, form and massing: The street displays a mixture of side setbacks. The application of 1200mm and 1800mm side setback controls are also considered onerous given the site has an effective width of only 11.2m which would only apply lesser side setback controls of 900mm for ground and first storeys for which the dwelling complies and 1500mm side setback control for the second storey. Whilst the proposed 980mm side setback does not comply with the 1500mm control, the necessity for compliance with this control is questionable given the external wall height is below the DCP's 8m maximum control, and to a certain extent requiring a compliant setback for a portion would present inordinately in the street.
- Solar access: There would be no material benefits of solar access to the southern neighbours first floor bedroom window and ground level living and family rooms which are along shallow side boundaries and there'd be no material benefits of solar access even if the proposed second storey portion were to be setback 1500mm from the side boundary. Moreover, 3 hours of solar access will be retained to the family room windows facing the rear yard.
- Privacy: Adequate privacy is provided noting non-standard conditions imposed on DA/498/2013 consent.
- Deep soil has been considered appropriate as discussed in earlier.
- View sharing: The proposed development at the rear presents as two storeys and it is not anticipated that there will be any unreasonable loss of views from the neighbouring properties.

## Earthworks and Stormwater Management

The proposed construction of the already demolished walls requires a certain level of support provided by the slab at lower ground level. The earthworks and stormwater management requires assessment against the following LEP and DCP policy objectives and controls (bold emphasis added indicating relevance to the proposed amending DA application):

- Randwick Local Environmental Plan 2012 (LEP)

### Clause 6.2 Earthworks

- (1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) *Development consent is required for earthworks unless—*
  - (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) ***the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.***
- (3) ***Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—***
  - (a) ***the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,***
  - (b) *the effect of the development on the likely future use or redevelopment of the land,*
  - (c) ***the quality of the fill or the soil to be excavated, or both,***
  - (d) ***the effect of the development on the existing and likely amenity of adjoining properties,***
  - (e) *the source of any fill material and the destination of any excavated material,*
  - (f) *the likelihood of disturbing relics,*
  - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
  - (h) ***any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.***

### Clause 6.4 Stormwater Management

- (1) ***The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.***
- (2) ***This clause applies to all land in residential, business and industrial zones.***
- (3) ***Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—***
  - (a) ***is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and***

- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) ***avoids any significant adverse impacts of stormwater runoff on adjoining properties***, *native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact*

- Randwick Comprehensive Development Control Plan 2013 (DCP)

#### Section 4.6 Earthworks

##### Objectives

- ***To maintain or minimise change to the natural ground levels.***
- ***To ensure excavation and backfilling of a site do not result in unreasonable structural, visual, overshadowing and privacy impacts on the adjoining dwellings.***
- *To enable the provision of usable private open space for dwellings with adequate gradient.*
- ***To ensure earthworks do not result in adverse stormwater impacts on the adjoining properties.***

##### Controls:

<b>Control</b>	<b>Comment</b>
<b><i>i) Any excavation and backfilling within the building footprint must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a dwelling within this extent of site modification. These requirements do not apply to swimming or spa pool structures.</i></b>	The earthworks associated with the laying of the slab are temporary noting that they will be backfilled to the pre-existing levels as shown on the side elevation plans submitted with this amending DA.
<b><i>ii) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</i></b>	The slab and backfill are within 900mm of the side boundary meeting up with the existing side piers. This is considered to provide for more support of the site and future dwelling located upon it.  See merit assessment further below
<b><i>iii) Step retaining walls in response to the natural landform to avoid creating monolithic structures, particularly where visible from the neighbouring dwellings and the public domain.</i></b>	No stepping is proposed noting that the existing side boundary fence is retained.
<b><i>iv) Where it is necessary to construct retaining walls at less than 900mm from the side or rear boundary due to site conditions, retaining walls must be stepped to follow the topography of the land. Each stepping must not exceed a maximum height of 2200mm, as measured from the ground level (existing). In this case, the retaining walls</i></b>	NO retaining walls are proposed other than pre-existing piers that don't extend higher than pre-existing land levels

D54/22

<b>Control</b>	<b>Comment</b>
<b><i>may be incorporated as part of the boundary fence.</i></b>	
<i>v) For sites that slope upwards to the rear with the dwelling elevated above street level, the surface area of any blank retaining walls fronting the street must be minimised. Use a combination of materials to create articulation, and/or incorporate landscaping to visually soften the wall structures.</i>	No change to front elevation.
<i>vi) Any cut and fill outside the building footprints (for the purposes of creating useable private open space) must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site. The appropriate extent of site modification will be assessed on a merit basis.</i>	Not relevant as the purpose of the backfill is not for private open space
<i>vii) For sites with a significant slope, adopt a split-level design for dwellings to minimise excavation and backfilling.</i>	Not relevant as the existing ground level will not change
<i>viii) For sites with a significant slope, design dwellings to minimise the height and extent of any exposed undercroft areas.</i>	Not relevant as the existing ground level of the dwelling has not changed.

A merit assessment is carried out against the LEP and DCP objectives for stormwater management and earthworks:

- Stormwater management:

The side elevation plans show that the land level along the side boundaries is not changing from that approved in the parent DA. The natural slope of land will normally enable water to flow from the rear to front however suitable condition is included to ensure that the adequate stormwater management is provided on site in association with the rebuilding of the pre-existing walls.

- Earthworks:

The proposed backfilling is considered necessary and largely exempt except for the fact that it reduces the area of deep soil on site which is discussed further below. In any event, the proposed earthworks are temporary and will be backfilled to approved levels and not anticipated as resulting in any unreasonable structural, visual, overshadowing and privacy impacts on the adjoining dwellings. Rather the slab being laid to abut the piers, rather than being setback from them will likely ensure a more structurally adequate outcome.

Concluding comments:

On balance, the earthworks associated with rebuilding of the pre-existing walls and laying of the slab to abut the piers is considered a more appropriate outcome as it allows for more effective stormwater management on site and at the same time more adequate structural support for the rebuilding of the walls and support of adjoining land.



## 9. Conclusion

That the application to build pre-existing walls of a dwelling that have been demolished without consent and deemed structural inadequate by SDS engineering and non-compliant with the Australian Standard, AS 2870-2011 be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R2 zone in that it will largely maintain the bulk and scale of the originally approved development.
- The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- The development enhances the visual quality of the public domain/streetscape.

D54/22

**Appendix 1: DCP Compliance Table****3.1 Section C1 of the DCP for low density residential dwellings**

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	Yes
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
	Minimum lot size (RLEP): <ul style="list-style-type: none"> <li>R2 = 400sqm</li> <li>R3 = 325sqm</li> </ul>	468sqm 12.19m frontage. 12.495m rear. Sides: 42.175m south 41.195m north	Yes
	<b>Minimum frontage</b>		
	i) Min frontage R2 = 12m ii) Min frontage R3 = 9m 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	Existing = 12.19m	Yes
<b>2.3</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	No change	NA
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) <b>451 to 600 sqm = 30%</b> 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 = 468sqm  Proposed = 20.2%	No see key issues section of this report.
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Site = 467sqm Proposed = >7m x 7m	No change
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.65:1</b>	Site area = 468sqm The total floor area is 259.68sqm Approved = 0.55:1	Yes - No change
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Proposed = No change	No change
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed = 7.86m at southern corner over localised low point of the site.	Yes – site is considered to be sloping and therefore a 8m

DCP Clause	Controls	Proposal	Compliance
		2.7m minimum provided	maximum wall height control applies. It is noted that there is no change to the wall height approved in the original.
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b> 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	Proposed = 6.69m from the front which is setback further than that of the adjoining southern neighbours ground level structure which is around 5.55m from the front.	Yes, appropriately sited between No. 12 and 18 Little Street
<b>3.3.2</b>	<b>Side setbacks:</b> Dwellings: • Frontage over 12m = 1200mm (Gnd & 1 <sup>st</sup> floor), 1800mm above.  Note:  The application of setbacks to the develop vary due to the height at which ground level is elevated 1m or above adjacent ground levels which is pursuant to whether the proposed basement is defined as such or whether it is defined as a storey for the purposes of side setbacks.  In particular, this means that where ground level above the basement sits 1m or above the adjacent ground level, the basement is defined as a storey for the purposes of a side setbacks whereby a 1.2m side setback control applies to the proposed basement level. This then also means that a 1.2m control applies to ground level and a 1.8m side setback control applies to the first-floor level and retreat level above. This situation occurs at the lower land levels of the site (that are at and below RL28.87) being a small portion of the front northern side and southern side boundary.	Proposed =  Northern side: 868mm  Southern side: 1058mm	Does not comply.  See key issues section of report
<b>3.3.3</b>	<b>Rear setbacks</b> i) Minimum 25% of allotment depth <b>or 8m</b> , whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access	Proposed = >8m	Yes.

D54/22

D54/22

DCP Clause	Controls	Proposal	Compliance
	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. iv) For irregularly shaped lots = merit assessment on basis of:- - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts  Refer to 6.3 and 7.4 for parking facilities and outbuildings		
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> <li>articulated to enhance streetscape</li> <li>stepping building on sloping site,</li> <li>no side elevation greater than 12m</li> <li>encourage innovative design</li> </ul>		Yes
<b>4.4</b>	<b>Roof Design and Features</b>		
	<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.	The proposal does include a roof terrace over the garage - no change is proposed as part of this amending DA.	NA.
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	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.)	Condition in the original consent.	NA
<b>4.6</b>	<b>Earthworks</b>		

DCP Clause	Controls	Proposal	Compliance
	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 = No additional earthworks are proposed as part of this application. However, the original consent contains appropriate conditions of consent that seek to provide for structural support of adjoining land.	Original consent contains appropriate conditions of consent.
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	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.	The proposal retains the pre-existing built from over existing ground levels noting that northward facing windows facing the rear yard will retain solar access for at least three hours.	Yes
	<b>Solar access to neighbouring development:</b>		
	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"> <li>Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>Topography of the subject and adjoining allotments.</li> <li>Location and level of the windows in question.</li> </ul>	North facing windows along the side boundaries will not receive three hours of solar access. POS will receive solar access of at least 3 hours. Solar panels or roof line over 6m above ground level will not be unduly impacted by the proposed	No see key issues section of this report.  Yes  Yes

D54/22

D54/22

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>		
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	<p>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:</p> <ul style="list-style-type: none"> <li>Skylights (ventilated)</li> <li>Clerestory windows</li> <li>Fanlights above doorways</li> <li>Highlight windows in internal partition walls</li> </ul> <p>ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries</p> <p>iii) living rooms contain windows and doors opening to outdoor areas</p> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>	BASIX certificate provided A426037.	No change
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	<p>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:</p> <ul style="list-style-type: none"> <li>windows are offset or staggered</li> <li>minimum 1600mm windowsills</li> <li>Install fixed and translucent glazing up to 1600mm minimum.</li> <li>Install fixed privacy screens to windows.</li> <li>Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> <p>ii) orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)</p>	Concerns were raised with the original approval and non-standard conditions imposed – which remain effective.	NA.
	<b>Balcony</b>		
	<p>iii) Upper floor balconies to street or rear yard of the site (wrap around balcony to have a narrow width at side)</p> <p>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)</p> <p>v) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure)</p> <p>vi) For sloping sites, step down any ground floor terraces and avoid large areas of elevated outdoor recreation space.</p>	No change	NA
<b>5.6</b>	<b>View Sharing</b>		
	<p>i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas.</p>	No significant views are anticipated as being impacted by the amending DA.	Yes



DCP Clause	Controls	Proposal	Compliance
	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)		
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	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)	No change to tandem parking provided as part of the parent DA.	NA
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	No change proposed	NA
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	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	No change	NA
<b>7.2</b>	<b>Front Fencing</b>		
	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) lightweight materials used for open design and evenly distributed	No change	NA

D54/22

DCP Clause	Controls	Proposal	Compliance
	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.		
<b>7.3</b>	<b>Side and rear fencing</b>		
	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.	No change proposed noting existing ground levels along the sides are retained as originally approved in the parent DA.	NA
<b>7.5</b>	<b>Swimming pools and Spas</b>		
	i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject and adjoining sites. iii) Locate to minimise noise impacts on the adjoining dwellings. iv) Pool and coping level related to site topography (max 1m over lower side of site). v) Setback coping a minimum of 900mm from the rear and side boundaries. vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks. vii) Position decking to minimise privacy impacts. viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.	CDC issued for the pool.	NA
<b>7.6</b>	<b>Air conditioning equipment</b>		
	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.	Not identified	NA

DCP Clause	Controls	Proposal	Compliance
	iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.		
<b>7.7</b>	<b>Communications Dishes and Aerial Antennae</b>		
	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"> <li>- Located behind the front and below roof ridge;</li> <li>- minimum 900mm side and rear setback and</li> <li>- avoid loss of views or outlook amenity</li> </ul> iii) Max. 2.7m high freestanding dishes (existing).		NA
<b>7.8</b>	<b>Clothes Drying Facilities</b>		
	i) Located behind the front alignment and not be prominently visible from the street	No change	NA

D54/22

**Responsible officer:** Louis Coorey, Senior Environmental Planning Officer

**File Reference:** DA/359/2022

## Development Consent Conditions (dwellings)



<b>Folder /DA No:</b>	DA/359/2022
<b>Property:</b>	16 Little Street, MAROUBRA NSW 2035
<b>Proposal:</b>	Reconstruction of pre-existing external walls of a dwelling
<b>Recommendation:</b>	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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA01 Rev a	Archi Spectrum	13.07.22
DA02 Rev a	Archi Spectrum	13.07.22
DA03 Rev a	Archi Spectrum	13.07.22
DA04 Rev a	Archi Spectrum	13.07.22
DA05 Rev a	Archi Spectrum	13.07.22
DA06 Rev a	Archi Spectrum	13.07.22
DA07 Rev a	Archi Spectrum	13.07.22

#### Compliance in conditions approved by DA/498/2013

- The development must be carried out in conjunction with the development approved under DA/498/2013 and any associated approved modification applications (if applicable).

### 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

- 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 finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

**Long Service Levy Payments**

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

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

**Sydney Water Requirements**

6. 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.

**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**

7. 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).

#### 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

8. 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, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the Principal Certifier and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifier*; and
- e) at least two days' notice must be given to the Council, in writing, prior to commencing any works.

#### Home Building Act 1989

9. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, the relevant requirements of the Home Building Act 1989 must be complied with.

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

#### Dilapidation Reports

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

D54/22



- excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises;
- as otherwise may be required by the *Principal Certifier*.

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

11. Noise and vibration emissions during the construction of the pre-existing walls and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

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.

#### **Construction Site Management Plan**

12. 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 & Construction Waste Plan**

13. A *Construction Waste Management Plan* (WMP) must be developed and implemented for the development.

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

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

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

#### 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

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

#### Site Signage

15. 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

16. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*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.*

**Excavations, Back-filling & Retaining Walls**

17. 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**

18. 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.
19. Prior to undertaking, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifier*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
  - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
  - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
  - as may be required by the *Principal Certifier*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifier*.

**Sediment & Erosion Control**

20. 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 of the sediment and erosion control measures to be implemented on the site must be included in with the Construction Management Plan and 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.

**Public Safety & Site Management**

21. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

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

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

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

- e) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open out into the road or footway.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.
- i) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

#### **Site Signage**

22. 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".

#### **Survey Requirements**

D54/22

23. 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:

- 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.

#### **Building Encroachments**

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

#### **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**

25. 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*.
26. Prior to the issuing of an Occupation Certificate, the applicant shall submit to the Principal Certifier for the development and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system associated with the new or modified works such as reconstructed walls and surface areas surrounding the building, 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.

#### **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.

#### **Waste Management**

27. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials.

#### **Plant & Equipment – Noise Levels**

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min

noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Environment Protection Authority (EPA) Noise Control Guidelines.

D54/22