

Randwick Local Planning Panel (Electronic) Meeting

Thursday 11 July 2024



RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING

Notice is hereby given that a Randwick Local Planning Panel (Electronic) meeting will be held online via Microsoft Team on Thursday, 11 July 2024

Declarations of Pecuniary and Non-Pecuniary Interests

Development Application Reports

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Meryl Bishop
DIRECTOR CITY PLANNING

Development Application Report No. D55/24

Subject: 20 Dudley Street, Randwick (DA/1035/2023)

Executive Summary

Proposal:	Alterations and additions to existing dwelling and detached studio including first floor level addition to dwelling, studio mezzanine, pool reduction, landscaping, and site works (Heritage Item & Heritage Conservation Area).
Ward:	East Ward
Applicant:	Mr J P Brancato
Owner:	Johnpaul & Eliza Brancato
Cost of works:	\$1,106,941.00
Reason for referral:	The development involves the partial demolition of a heritage item.

Recommendation

- A. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/1035/2023 for alterations and additions to existing dwelling and detached studio including first floor level addition to dwelling, studio mezzanine, pool reduction, landscaping, and site works, at No. 20 Dudley Street, Randwick, subject to the development consent conditions attached to the assessment report

Attachment/s:

1.  RLPP Dev Consent Conditions

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1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the development involves partial demolition of a heritage item.

The proposal seeks development consent for alterations and additions to an existing dwelling house and a detached studio including first floor level addition to dwelling, studio mezzanine, pool reduction, landscaping, and site works. The site is listed as a heritage item and also located within the Dudley Street Heritage Conservation Area as defined by Schedule 5 Part 2 of the RLEP 2012. The applicant submitted a Heritage Impact Statement (HIS) with the application.

The key issues with the proposal relate to the extent of internal works and excessive size and scale of alterations and additions to the cabana outbuilding.

Submissions have been received from the property to the south and rear western neighbours raising concerns with various impacts such as the originally proposed cabanas overshadowing, visual bulk, and view loss.

The applicant submitted amended plans in response to issues raised that reduced the size and scale of the proposed alterations and additions to the cabana, which will ensure it remains generally consistent with the existing size and scale and amended internal changes to the main dwelling. The internal modifications to the dwelling have been reviewed by Council’s Heritage Planner, who raises no further objections subject to appropriate conditions.

The proposal will not result in any unreasonable overshadowing, visual bulk or view loss impacts to the surrounding properties.

The proposal is recommended for approval subject to non-standard conditions that seek to protect the heritage significance of the item.

2. Site Description and Locality

The subject site is known as 20 Dudley Street and is legally described as Lot B in DP 317489. The site is 845.4m², is regular in shape and has a 19.81m frontage to Dudley Street to the east. The site contains a single detached dwelling, rear swimming pool and cabana, single detached garage fronting Dudley Street.

The site is elevated above Dudley Street level and site slopes down from the rear boundary to Dudley Street by approximately 7m from front to rear (from around RL68.7 to RL75.6).

The site is listed as a heritage item by Schedule 5 Part 1 of the Randwick Local Environmental Plan 2012 (RLEP 2012) as the third block in a row of 4 items from No. 16 and 18 located north west of the site and 22 Dudley Street located south east of the site. The site is located within the Dudley Street Heritage Conservation Area (HCA) as defined by Schedule 5 Part 2 of the RLEP 2012.

The adjoining properties to the north and south contain single detached dwellings on similarly sized lots. The adjoining properties to the rear front Sully Street and generally contain single detached dwellings on similarly sloping sites.

The locality is predominately characterised by 1-2 storey dwellings houses and 3 storey residential flat buildings. Refer to site context images below.

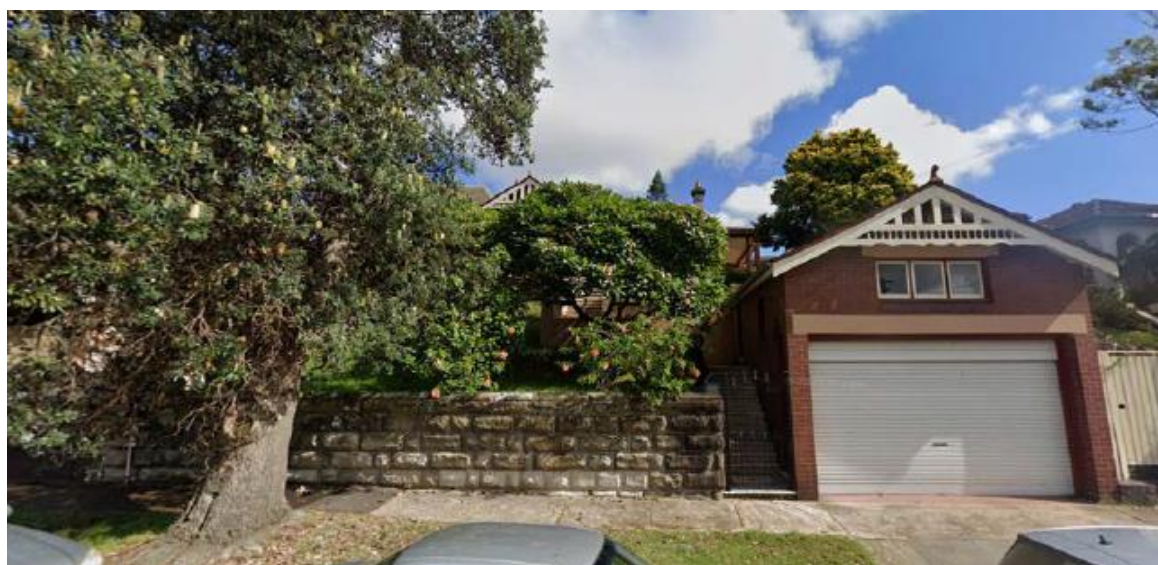


Figure 1 Street view of subject site.

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Figure 2: Oblique view of subject site.



Figure 3: Aerial view of subject site: sites shaded are identified as Heritage items under the LEP and sites hashed are located in the Dudley Street Heritage Conservation Area.

Rear yard



Figure 4: Rear ground level of subject site looking southward towards elevated pool house and neighbouring building at No. 22 Dudley Street.



Figure 5: Looking southward towards rear of No. 22 Dudley Street

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3. Relevant history

On 23 January 2024 a site visit was conducted, both within the dwelling and outdoor rear part of the site.

On 8 February 2024, an RFI was sent to the applicant identifying impacts associated with the size and scale of the outbuilding, heritage issues, requests for clarification of works and additional details on plans such as structures not shown such as pergola, and existing and proposed land levels.

On 12 April 2024, the applicant submitted amended plans reducing the size and scale of the cabana and amended internal changes to the main dwelling. These were referred to Council's Heritage planner for review and comment.

BA/196/1995: Approval for construction of front garage and rear cabana building in the rear. Note wet bar was approved in the cabana.

4. Proposal

The proposal seeks development consent for alterations and additions to existing dwelling and detached studio including first floor level addition to dwelling, studio mezzanine, pool reduction, landscaping, and site works (Heritage Item & Heritage Conservation Area).

The particulars of the proposal include the following:

Demolition

- Rear section of dwelling
- Studio (partial)
- Rear roof of dwelling house (partial)
- Swimming pool (partial)
- Rear garden structures

Alterations & Additions

Ground Floor

- Relocation of kitchen
- Provision of staircase
- Reconfiguration of bedrooms 2 and 3

First Floor

- Provision of additional storey largely within existing roof form including bedroom, ensuite and walk-in wardrobe
- Skylight over kitchen

Studio

- Expansion of studio (ground)
- Provision of mezzanine level (bedroom) – (deleted as part of amended plans).

Exterior

- Expansion of pool deck
- Landscaping
- Sauna
- Built-in BBQ and pergola
- New fencing and gate

*The application whilst stating a secondary dwelling is existing there is no record of a secondary dwelling being approved on the site noting that the previous consent was issued for a cabana with only a wet bar. Whilst cooking facilities are shown in the pool house, these were installed at a later date. A suitable condition is included requiring the pool house not be used as a secondary dwelling only allowing for a wet bar and for this detached building to be used ancillary to the main dwelling.

Amended Proposal

On 12 April 2024, the applicant submitted updated information and amended plans, including:

- Pool house deleting the upper level addition, predominately retaining the overall height of the existing pool house
- Amended openings and internal works to the main dwelling to address heritage matters raised by Council's Heritage Planner.
- Updated details on the neighbouring properties land levels relative to the proposed stairs and levels at the northern rear part of the site.

The amended plans form the basis of this assessment (dated 02/04/2024 Rev B). Refer to extract of the 3D image and plans below - at Figure 6 is a 3D image of the existing pool house and Figures 7 to 10 showing the proposed development as amended and as originally sought.

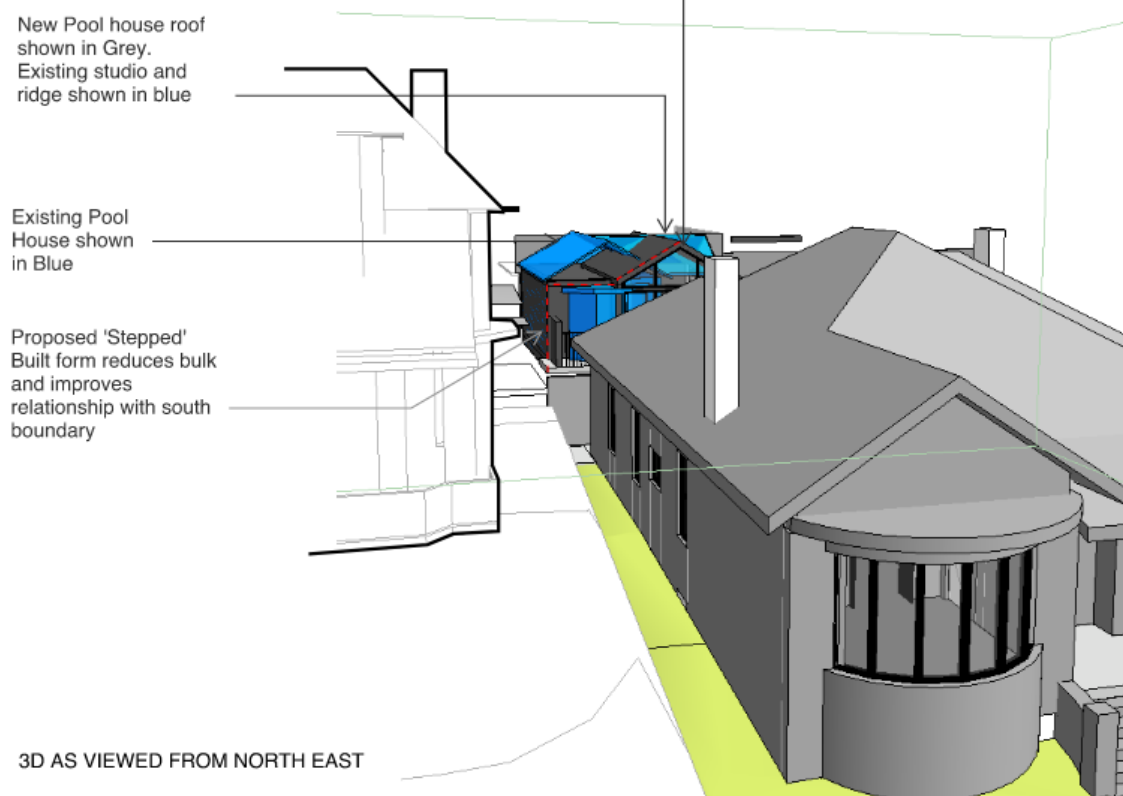


Figure 6: 3D image of proposed pool house as Amended shown in grey and current pool house shown in blue. The proposed pool house displays a more slender roof form than the existing.

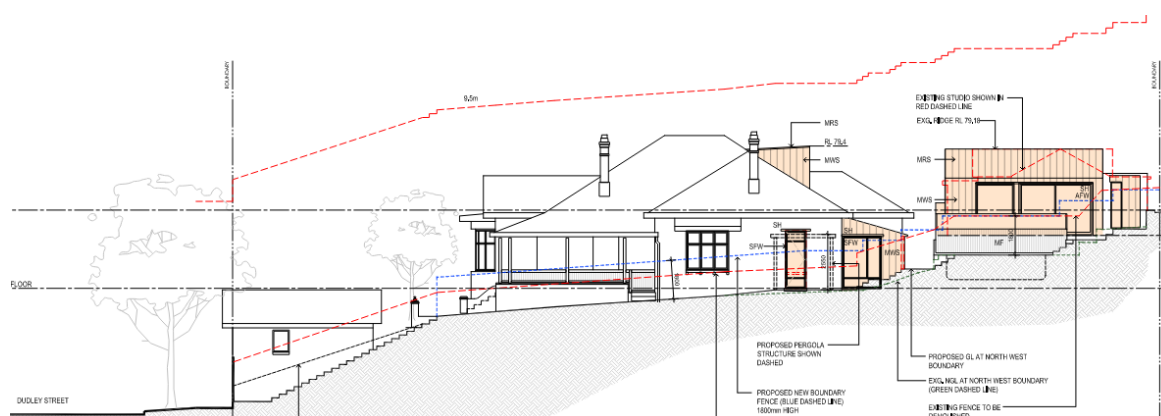


Figure 7: Amended— north side elevation showing at right cabana/pool house, additions to the main dwelling and openings along the northern elevation.

Figure 9: Amended rear elevation

Figure 10: Original rear elevation (deleted mezzanine above garage)

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

- | Issue | Comment |
|--|---|
| <p><u>Pool house design and height – heritage conservation</u></p> <p>Pool house will be viewable from surrounding properties and streets (streetscape), it is of contemporary design and exceeds the DCP height controls for outbuildings, noting it has already been built up above pre-existing land levels and will detract from and doesn't preserve the architectural integrity of the heritage conservation area.</p> | <p>Amended plans substantially scale back the alterations and additions to the pool house retaining the predominate scale of the existing. Council's Heritage planner has reviewed the amendments made having regard to the significance of the HCA and does not raise any objections to the pool house design.</p> |

Issue	Comment
<p><u>View loss</u></p> <p>The proposed pool house raises concerns about the potential obstruction of views from houses along Sully Street including 12, 14 and 18 Sully Street which have various views of ocean, Bondi Junction and Harbour Bridge fireworks. The principles in Tenacity Consulting apply to our objection.</p>	<p>Agreed, the originally proposed size and scale of the alterations and additions to the pool house were considered excessive and had the potential to result in adverse view loss from surrounding properties. The amended design removing the mezzanine level essentially negates the potential for view loss impacts.</p>
<p><u>Dangerous Precedent</u></p> <p>The proposed two storey detached pool house sets a dangerous precedent that disrupts the established architectural context and possible result in adverse consequence for the heritage value of neighbouring properties.</p>	<p>Noted, the proposal as amended to retain the existing single storey height is now considered to be consistent with the size and scale of the existing pool house which negates the potential for adverse precedent for excessively sized outbuildings in the locality.</p>
<p><u>Privacy</u></p> <p>New sections of the dwelling will have direct views of bedrooms of 22 Dudley Street (objection from 24 Dudley Street).</p>	<p>The additions to the primary dwelling will be focused to the rear and will not result in any unreasonable or obtrusive views of habitable rooms of No. 22 Dudley Street.</p>
<p><u>Errors in the HIS</u></p> <p>The HCA identified as the North Randwick Heritage Conservation area and address of the property should be corrected.</p>	<p>Noted Council's Heritage Planner identified this error, and the amended SOHI correctly identifies the subject site and its location within the Dudley Street Conservation Area (C9) by the Randwick LEP.</p>
<p><u>Overshadowing, overlooking and visual impact.</u></p> <p>The proposed pool house additions for a mezzanine level will increase overshadowing, overlooking into bedrooms of No. 22 Dudley Street.</p>	<p>Noted, the deletion of the mezzanine and retention of the pre-existing wall height along the southern elevation ensures no appreciable increase in overshadowing of the neighbouring property to the south.</p>
<p><u>Fencing</u></p> <p>New and increased height of fencing between No. 22 Dudley Street is not necessary noting that there is well established garden hedging and trees along the fencing that creates privacy and fencing at the front would be visible to the street views.</p>	<p>The proposed timber boundary fencing is sought to be around 1.8m high to replace existing metal mesh fence which is predominately around 1.3m in height. The proposed 1.8m high fencing is generally considered an acceptable height noting that the SEPP Codes does not require development consent for 1.8m boundary fencing made of lightweight materials such as colourbond or timber. Whilst consent is required for fencing in heritage conservation areas, the proposed boundary fencing is not considered obtrusive and ultimately provides for better privacy relationship between the two properties. It is also noted that the existing planting along the boundary is not subject to tree preservation orders, which means they could be removed at any point without development consent.</p>

6. Relevant Environment Planning Instruments

6.1. SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted in accordance with the requirements of the SEPP (Sustainable buildings) 2022.

6.2. SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The aims of Chapter 2 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.”

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). Council’s Landscape Officer raised no objection to the removal of existing trees on the site.

6.3. SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

A site inspection identified that the site is currently occupied by a residential building. The HIS submitted with the application indicates that the site has been used for this purpose since 1917. In conclusion, the site is suitable for the proposed development in accordance with contamination requirements of the Resilience and Hazards SEPP.

6.4. Randwick Local Environmental Plan 2012 (LEP)

On 18 August 2023, the Department of Planning and Environment (DPE) formally notified the LEP amendment (amendment No. 9) updating the *Randwick Local Environmental Plan 2012*, and the updated LEP commenced on 1 September 2023. As the subject application was lodged on or after 1 September 2023, the provisions of RLEP 2012 (Amendment No. 9) are applicable to the proposed development, and the proposal shall be assessed against the updated RLEP 2012.

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 fit in with the existing character of the area and not detract from the heritage significance of the item or the heritage conservation area.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
CI 4.4A(3) >600m ² : Floor space ratio (max)	0.6:1	0.369:1	Yes
CI 4.3: Building height (max)	9.5m	6.83m	Yes

6.4.1. Clause 5.10 - Heritage conservation

As discussed in Section 2, the site is listed as a heritage item by Schedule 5 Part 1 of the RLEP 2012. It is also located within the Dudley Street Heritage Conservation Area as defined by Schedule 5 Part 2 of the RLEP 2012. The applicant submitted a Heritage Impact Statement (HIS) with the application and an amended SOHI with the amended plans. Council's Heritage Planner raised no objection to the proposal from a heritage perspective. The heritage aspects are discussed in Section 8.

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.

Council has commenced a comprehensive review of the existing Randwick Development Control Plan 2013. Stage 1 of the RDCP 2013 review has concluded, and the new RDCP comprising Parts B2 (Heritage), C1 (Low Density Residential), E2 (Randwick) and E7 (Housing Investigation) commenced on 1 September 2023. As the subject application was lodged on or after 1 September 2023, the provisions of the new RDCP 2023 are applicable to the proposed development, and the proposal shall be assessed against the new DCP.

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	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development is consistent with the dominant character in the locality.

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Section 4.15 'Matters for Consideration'	Comments
environment and social and economic impacts in the locality	The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal 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

Heritage

The site is listed as a heritage item by Schedule 5 Part 1 of the RLEP 2012. It is also located within the Dudley Street HCA as defined by Schedule 5 Part 2 of the RLEP 2012. The heritage planner notes that Dudley Street features an impressive array of Federation and Edwardian houses with intricate details. The subject property at 20 Dudley Street is a well-preserved Edwardian Arts and Crafts style house constructed with brick and situated on a sandstone base. Both the internal and external spaces of the house are in good condition.

The applicant submitted a HIS with the application. Council's Heritage Planner reviewed the HIS and conducted a site visit requesting further information and to limit the extent of works to the internal fabric namely in relation to the stair configuration.

The applicant amended their plans reconfiguring the stairs and also limiting the openings at the northern ground level.

Council's Heritage Planner reviewed the amended plans and SOHI and concludes that "the proposed development as amended is generally consistent with the heritage objectives of Randwick LEP and Randwick DCP and is supported in relation to heritage subject to appropriate conditions of consent in relation to provision of a photographic archival record, schedule of conservation works and details in relation to structural engineering and salvaging existing materials. These conditions have been included in the recommended development consent.

Subject to the imposition of the heritage conditions, the proposal is considered to be acceptable from a heritage perspective.

Outbuildings

The site contains an existing outbuilding (pool house/cabana) and proposes amendments to the design and layout including a new spa house at the other end of the rear yard.

The proposed amendments to the pool house are generally less imposing than the existing and generally considered to be acceptable in relation to their location and potential impacts on the neighbouring properties with overshadowing predominantly cast within the site and resulting in reduced impacts in relation to privacy, visual bulk and views noting the central siting of the proposed expansion area. The proposed spa building provides for a maximum external wall height between 2.29m (at the rear) and 2.42m (within the site), which is generally compliant with the 2.4m maximum external wall height control applying to outbuildings in the DCP. The proposed spa pool structure will not result in any unreasonable adverse impacts on the amenity of neighbouring properties in relation to visual bulk, views, overshadowing or privacy.

9. Conclusion

That the application to carry out alterations and additions to existing dwelling and detached studio including first floor level addition to dwelling, studio mezzanine, pool reduction, landscaping, and site works be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the R2 zone in that it will continue to provide housing, does not adversely affect the heritage significance of the existing dwelling within the streetscape and protects the amenity of surrounding residents.
- The proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- 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.

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Appendix 1: Referrals

1. Internal referral comments:

1.1. Heritage planner

Background

This referral comment is following up on the previously provided comment on TRIM D05165145.

Assessment officer comment: the main issues raised in relation to the original application are itemised and responded to in the amended SOHI submitted with the amended plans. In short, the amendments relate to retain a greater portion of the existing layout of the dwelling and original fabric and stairs have been reconfigured to be located within the one room noting that the stair will be concealed when looking down the main hallway from the front door.

Submission

- P00342967-81 – full set of architectural drawings - amended.
- D05279213 – SOHI – amended.
- D05279212 – SEE - amended.

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 2023 provided Objectives and Controls in relation to heritage properties.

Comments

Concur with amended HIS prepared by Weir Philips on 4 April 2024 TRIM D05279213.

The proposed amended plans have satisfactorily addressed the issues raised in the previous referral TRIM D05165145.

The proposal is supported from a heritage perspective on the basis of having minor impact, being reversible, readily identifiable, and respecting the original layout and fabric.

Recommendation

Note - proposed front fencing is supported subject to soft landscaping / front hedging as proposed in TRIM P00337608 to maintain the streetscape character. The landscape plan is to be stamped or to be included as a condition of consent.

Conditions are recommended to be included regarding requirement for:

- Conservation Management Plan/Schedule for the historical component including windows, doors, ceilings, floors, and external surfaces (including roof, chimney, verandah, and stairway to the house)
- Unexpected finds
- Salvage plan
- Engineering certification of retained elements.
- Retention of certain elements of the item and
- Photographic archival documentation

1.2. Landscape Officer

An application has been received for alterations and additions at the above site.

This report is based on the following plans and documentation:

- Architectural Plans by Maryanne Taskovski and dated 22/11/2023.
- Amended Statement of Environmental Effects by Weir Phillips dated 12/4/2024.
- Detail & Level Survey by Hill & Blume dated 17/12/2022.
- Heritage Impact Statement by Weir Phillips dated 7/12/2023.

General Comments

No objections are raised to the development subject to the comments and conditions provided in this report.

Landscape Comments

Inspection was undertaken through google street view on Tuesday 7th May 2024 with pictures of all vegetation on Trim D05158389.

The only works carried out within the frontage of this dwelling, will be material handling and work vehicle offloading, most of the works will be restricted to the rear of the dwelling, with access only gained off Dudley Street, the only specimen which will be in conflict with secondary impacts, is the mature *Banksia integrifolia* (Coast Banksia) 10 metres high, good condition, good vigour, in recognition of its importance to the streetscape, protection measures have been imposed so as to prevent damage by trucks, deliveries and similar.

Moving within the frontage of dwelling, north of garage, a white gate leads up a secondary staircase to the upper level of the property, within the northeast front setback of the dwelling, a Golden Cypress tree, 7 metres high, good health, good vigour, this specimen is close conflict with work and material handling.

All vegetation within the frontage of the dwelling must be protected, power webbing fence will be attached to star pickets, measuring from southeastern aspect of upper western staircase, then measuring to the southeastern balcony of the dwelling, to which the whole frontage will be barricaded to protect all remaining vegetation.

Rear of property

Moving to the rear of the property, along the western side setback, which leads to an existing courtyard, the only vegetation found within the courtyard was an insignificant Frangipani tree, 3 metres high, not protected under the DCP, located within the southeast aspect of the lower courtyard, the only other vegetation found within the rear of the courtyard were small and insignificant which can be removed at any time.

Moving along the rear aspect of the dwelling, adjacent the covered awning, an existing staircase takes you to a 1600mm raised pool and pool house, the pool is directly to the west and existing pool house to the east, directly south of the pool, two brick retaining wall terraces with open lawn surfaces that measure the width of the block east to west.

The only vegetation on this upper level is mature *Araucaria heterophylla* (Norfolk Island Pine, 15 metres high, good health, good structure, protected by the DCP, a prominent tree in the local area, it is the only established specimen assessed for this application, whilst this tree is in close conflict with works, both Council and the applicant having a common law responsibility to ensure it is not affected in any way by the proposed pool house extension, will be protected with TPZ fencing and wooden battens strapped to the tree.

Whilst measuring of **Amended** Proposed Ground Floor Plan (DA – 03 Rev B) the Pine tree is currently plotted 1060mm southwest of the pool house, the proposed works to the pool house will

be reconfigured in size, showing the southern aspect wall of the structure to be demolished to make way for new internal wall, which will be erected 413mm further east within the structure and give a new measurement of 1460mm further east of the tree, the existing pool house floor, RL 75.20 and the southern existing terrace RL76.00, will be retained at the same level, which will not affect the structure of the tree,

Removal of such a significant tree may have impacts to the local area, which will see the removal of nests, wildlife and insects, to which local ecosystems can be disrupted, proposal of a new canopy tree of similar size and significance cannot be achieved within the rear, due to minimal space within this site.

Minimal works have been approved to the pool house, with sufficient conditions in this report to have minimal disruption to the tree so it can be retained.

- Floor levels, terrace levels are to remain to existing levels, in order to ensure appropriate level of care is applied during works, site specific protection measures will be imposed in this report requiring that all initial demolishing works adjacent the tree, must be undertaken by hand.
- Existing lower wall must not to be removed below RL76.00 terracing level.
- All Internal works must be contained inside the pool house.
- All footings to be installed in-situ with existing footings to engineers specific measurements and specifications.
- All existing wall/footings will act as a barrier between the tree and new works, which must be always retained during and after the works have been completed.
- Prior to proceeding further with footings or similar, must be inspected by Councils Officer to ensure that major roots which are important for health and stability are maintained in-situ.
- The new shade hood on the northern aspect of the pool house, which extends 1000mm towards the pool area, will now measure 1000mm from the tree, this is in direct conflict with the tree's lower western aspect canopy branches, which now may need pruned prior to these works.

The alterations do not change the existing site coverage by more than 10%, so the landscaping and tree canopy cover clauses in the C1 DCP 2023 will not apply.

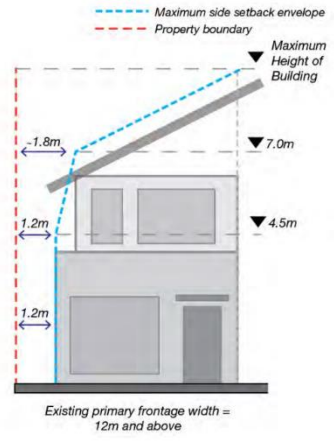
All other vegetation throughout this rear is insignificant, so can be removed where needed.

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning	845.4sqm 19.81m frontage	NA
2.3	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Proposed = 36.7%	Yes
2.4	Landscaping and permeable surfaces		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% iv) 601 sqm or above = 35% v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front. vii) Retain existing or replace mature native trees. viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.	Proposed = 28.3% The existing deep soil on site is 31.3% and the proposed sauna/spa is resulting in the loss of deep soil at the rear boundary resulting in 28.3% of the site maintained as deep soil. The further shortfall is considered acceptable having regard to the objectives of the DCP for the following reasons: The deep soil at the higher side of the site has less impact than if the deep soil was being removed at the front; The remaining deep soil within the site is strategically located around the permitter with substantial areas of deep soil retained at the front ensuring minimal impact on stormwater runoff; The proposal maintains large, unencumbered areas of open space throughout the property noting the low site coverage.	No, see comment at left.
2.5	Private open space (POS)		

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DCP Clause	Controls	Proposal	Compliance																								
	Dwelling & Semi-Detached POS																										
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Proposed = 5.6m x 20m	Acceptable on merit.																								
3	Building envelope																										
3.1	Floor space ratio LEP 2012 = 0.6:1	Site area = 845.4 Proposed FSR = 0.368:1 Reduced from 0.39:1 originally proposed.	Yes																								
3.2	Building height																										
	Maximum overall height LEP 2012 = 9.5m	Proposed =																									
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Existing = 7.23m Proposed = 6.83m Note taken to be RL72.57 that is 200mm below underside of ground floor level (72.77).	Yes																								
3.3	Setbacks																										
3.3.2	Side setbacks: See images in row below and control provisions applicable to the proposed development in row further below	Minimum = 1.7825m Proposed = 6.37m 8.8m	Yes																								
<table border="1"> <thead> <tr> <th colspan="4">Minimum side setbacks</th> </tr> <tr> <th>Existing primary frontage width</th><th>Building heights 0m to 4.5m</th><th>Building heights >4.5m to 7m</th><th>Building heights >7m</th></tr> </thead> <tbody> <tr> <td>Less than 6m</td><td colspan="3">Merit assessment</td></tr> <tr> <td>6m to less than 9m</td><td>0.9m</td><td>0.9m</td><td>0.9m + (building height - 7m)</td></tr> <tr> <td>9m to less than 12m</td><td>0.9m</td><td>$0.9m + \frac{\text{building height} - 4.5m}{4}$</td><td>$1.5m + 2 \times (\text{building height} - 7m)$</td></tr> <tr> <td>12m and above</td><td>1.2m</td><td>$1.2m + \frac{\text{building height} - 4.5m}{4}$</td><td>$1.8m + 2 \times (\text{building height} - 7m)$</td></tr> </tbody> </table> <p>Note: All building heights are measured from ground level (existing).</p> 				Minimum side setbacks				Existing primary frontage width	Building heights 0m to 4.5m	Building heights >4.5m to 7m	Building heights >7m	Less than 6m	Merit assessment			6m to less than 9m	0.9m	0.9m	0.9m + (building height - 7m)	9m to less than 12m	0.9m	$0.9m + \frac{\text{building height} - 4.5m}{4}$	$1.5m + 2 \times (\text{building height} - 7m)$	12m and above	1.2m	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$
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3.3.3	Rear setbacks i) Minimum 25% of allotment depth or 8m, 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 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	Minimum = 8m (10.66m = 25%) Proposed = 11.63m	Yes																								

DCP Clause	Controls	Proposal	Compliance
	<p>comply with other relevant provisions.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of:-</p> <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>		
4	Building design		
4.1	General		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> • articulated to enhance streetscape. • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	<p>Minor extensions of the existing building envelope and new level accommodated within habitable roof form consistent with relevant design controls.</p>	Yes
4.4	Roof Design and Features		
	<p><i>Rooftop terraces</i></p> <p>i) on stepped buildings only (not on uppermost or main roof)</p> <p>ii) above garages on sloping sites (where garage is on low side)</p> <p><i>Dormers</i></p> <p>iii) Dormer windows do not dominate</p> <p>iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</p> <p>v) Multiple dormers consistent</p> <p>vi) Suitable for existing</p> <p><i>Clerestory windows and skylights</i></p> <p>vii) Sympathetic to design of dwelling</p> <p><i>Mechanical equipment</i></p> <p>viii) Contained within roof form and not visible from street and surrounding properties.</p>	<p>Skillion dormer roof</p> <p>1.75m height</p> <p>Setbacks from the rear and sides.</p>	<p>Partial compliance – no objection to the exceedance of the height given its height and location is not considered to give rise to any appreciable adverse impacts associated with visual bulk or adverse impact on heritage significance.</p>
4.5	Colours, Materials and Finishes		
	<p>i) Schedule of materials and finishes</p> <p>ii) Finishing is durable and non-reflective.</p> <p>iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration)</p> <p>iv) Articulate and create visual interest by using combination of materials and finishes.</p> <p>v) Suitable for the local climate to withstand natural weathering, ageing and deterioration.</p> <p>vi) recycle and re-use sandstone (See also section 8.3 foreshore area.)</p>	<p>Schedule submitted for assessment.</p>	<p>Conditioned for further detail.</p>
4.6	Earthworks		
	<p>i) Excavation and backfilling limited to 1m, unless gradient too steep</p> <p>ii) Minimum 900mm side and rear setback</p> <p>iii) Step retaining walls.</p> <p>iv) If site conditions require setbacks < 900mm,</p>	<p>Proposed = minor excavation and fill associated with extension of existing decking</p>	<p>Yes, on merit.</p>

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DCP Clause	Controls	Proposal	Compliance
	<p>retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm.</p> <p>v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping)</p> <p>vi) cut and fill for POS is terraced <i>where site has significant slope:</i></p> <p>vii) adopt a split-level design</p> <p>viii) Minimise height and extent of any exposed under-croft areas.</p>	and manoeuvrability through the rear yard of the site.	
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	<p>i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June</p> <p>ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</p>	No significant change to existing site conditions.	Existing conditions.
	Solar access to neighbouring development:		
	<p>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.</p> <p>iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</p> <p>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.</p> <p>vi) Variations may be acceptable subject to a merits assessment with regard to:</p> <ul style="list-style-type: none"> Degree of meeting the FSR, height, setbacks and site coverage controls. Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. Topography of the subject and adjoining allotments. Location and level of the windows in question. Shadows cast by existing buildings on the neighbouring allotments. 	No appreciable adverse impacts noting the orientation of siting of proposed additions.	Yes
5.2	Energy Efficiency and Natural Ventilation		
	<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"> Skylights (ventilated) Clerestory windows 	Application accompanied by BASIX certificate and all new areas afforded with operable glazing to maintain internal	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> Fanlights above doorways Highlight windows in internal partition walls. ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries. iii) living rooms contain windows and doors opening to outdoor areas. <i>Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</i>	amenity levels.	
5.3	Visual Privacy		
	Windows		
	i) Proposed habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures: <ul style="list-style-type: none"> windows are offset or staggered. minimum 1600mm windowsills Install fixed and translucent glazing up to 1600mm minimum. Install fixed privacy screens to windows. Creating a recessed courtyard (minimum 3m x 2m). ii) Orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)	Rear facing windows to the bedroom are located a significant distance from the rear boundary.	Yes
	Balcony		
	iii) Upper floor balconies to street or rear yard of the site (wrap around balcony to have a narrow width at side) iv) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) v) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) vi) For sloping sites, step down any ground floor terraces and avoid large areas of elevated outdoor recreation space.	Extension of the pool decking is appropriately screened by new boundary fencing.	Yes
5.4	Acoustic Privacy		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows <i>Attached dual occupancies.</i> ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> Locate noise-generating areas and quiet areas adjacent to each other. Locate less sensitive areas adjacent to the party wall to serve as noise buffer. 	No change to uses at the rear of the site.	Yes
5.5	Safety and Security		
	i) Dwelling's main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a	Passive surveillance retained at the site frontage. Consistent with	Yes

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DCP Clause	Controls	Proposal	Compliance
	public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	current dwelling.	
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) Retaining existing views from the living areas are a priority over low use rooms iii) Retaining views for the public domain takes priority over views for the private properties iv) Fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (Certified height poles used)	The proposed alterations and additions to the pool house are generally consistent with the existing and the new sauna and spa area is compliant with the wall height at the rear, it is not considered that there will be any unreasonable impact on views from neighbouring properties. Note: The original proposal for alterations and additions to the pool house required a view sharing assessment.	Yes
7	Fencing and Ancillary Development		
7.1	General – Fencing		
	i) Use durable materials ii) Sandstone not rendered or painted iii) Do not use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street		Yes
7.2	Front Fencing		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) lightweight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). <i>Note: Any solid fences must avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants))</i> iv) 150mm allowance (above max fence height) for stepped sites	New fencing is located atop the existing sandstone retaining wall. The new fencing is open style fencing and whilst having a height above the footpath level that's well above the 1.2m maximum its open style design and consistency with the existing fencing in the area ensures compatibility with the streetscape character.	Yes

DCP Clause	Controls	Proposal	Compliance
	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.		
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Taper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	New 1.8m high boundary fencing is proposed noting step downs result in some elements being higher than 1.8m.	No objections to the variations to the fencing along the side boundaries noting that the existing fencing particularly along the northern side boundary is well below 1.8m in height and does not provide a reasonable privacy buffer between the neighbours.
7.4	Outbuildings		
	i) Locate behind the front building line. ii) Locate to optimise backyard space and not over required permeable areas. iii) Except for laneway development, only single storey (3.6m max. height and 2.4m max. wall height) iv) Nil side and rear setbacks where: <ul style="list-style-type: none"> - finished external walls (not requiring maintenance; - no openings facing neighbours lots and maintain adequate solar access to the neighbours dwelling v) First floor addition to existing may be considered subject to: <ul style="list-style-type: none"> - Containing it within the roof form (attic) - Articulating the facades; - Using screen planting to visually soften the outbuilding; - Not being obtrusive when viewed from the adjoining properties; - Maintaining adequate solar access to the adjoining dwellings; and - Maintaining adequate privacy to the 	Sauna, spa, pergola and outbuilding changes are all located behind the building line. The above are all located on the perimeter of the site ensuring back yard space is maximised. All structures comply with the maximum height and wall height controls except for the existing pool house and a slight variation to the sauna/spa building where it is 2.42m at the lowest ground level end within the site. Comment: Given	Yes. Yes, on merit - see comments at left.

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DCP Clause	Controls	Proposal	Compliance
	<p>adjoining dwellings.</p> <p>vi) Must not be used as a separate business premises.</p>	<p>the proposed alterations and additions to the pool house are generally consistent with the existing height it is not considered that there will be any unreasonable adverse impacts on the neighbouring properties from the minor variation. In relation to the sauna/spa build, the fact that the exceedance is minor and located within the site it means that there will not be any unreasonable adverse impacts on the amenity of neighbouring properties.</p>	
7.5	Swimming pools and Spas		
	<p>i) Locate behind the front building line</p> <p>ii) Minimise damage to existing tree root systems on subject and adjoining sites.</p> <p>iii) Locate to minimise noise impacts on the adjoining dwellings.</p> <p>iv) Pool and coping level related to site topography (max 1m over lower side of site).</p> <p>v) Setback coping a minimum of 900mm from the rear and side boundaries.</p> <p>vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks.</p> <p>vii) Position decking to minimise privacy impacts.</p> <p>viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.</p>	<p>Existing pool reduced in size and deck replaces this area.</p> <p>Pool remains in the rear of the site.</p> <p>Coping isn't setback 900mm from the side boundary, however this area is existing. All new extensions predominantly comply with the minimum setback.</p>	<p>Partial compliance, the proposed fencing is considered to provide for reasonable levels of privacy for the site and neighbouring property.</p>

Responsible officer: Louis Coorey, Senior Environmental Planning Officer

File Reference: DA/1035/2023

Development Consent Conditions (Dwellings and Dual Occupancies)



Folder /DA No:	DA/1035/2023
Property:	20 Dudley Street, RANDWICK NSW 2031
Proposal:	Alterations and additions to existing dwelling and detached studio including first floor level addition to dwelling, studio mezzanine, pool reduction, landscaping, and site works (Heritage Item & Heritage Conservation Area).
Recommendation:	Approval

GENERAL CONDITIONS

Condition

1.

Approved plans and documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA - 02 Rev B	Maryanne Taskovski Architect	02/04/2024	12 April 2024
DA - 03 Rev B		02/04/2024	12 April 2024
DA - 04 Rev B		02/04/2024	12 April 2024
DA 05 Rev A		02/04/2024	12 April 2024
DA 06 Rev A		02/04/2024	12 April 2024
DA - 21 Rev B		02/04/2024	12 April 2024
DA - 22 Rev B		02/04/2024	12 April 2024
DA - 31 Rev B		02/04/2024	12 April 2024
DA - 32 Rev B		02/04/2024	12 April 2024
DA 33 Rev A		02/04/2024	12 April 2024
DA 34 Rev A		02/04/2024	12 April 2024

<i>BASIX Certificate No.</i>	<i>Dated</i>
A1376911_02	18 June 2024

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

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

2.

Heritage Matters

- a. A brief and targeted Conservation Management Plan/Schedule for the historical component including windows, doors, ceilings, floors, and external surfaces (including roof, chimney, verandah, and stairway to the house) shall be provided to owners to guide long-term and short-term works to the building, to ensure that ongoing works are consistent with the Principles, Processes and Practices of the Australia ICOMOS Burra Charter 2013. This Plan shall be prepared by a suitably qualified and experienced heritage specialist, to the satisfaction of the Council Heritage Planner and the Director City Planning and

- | | Condition |
|----|---|
| | <p>shall be submitted with the construction certificate application.</p> <p>The applicant may contact Council's Heritage Planner on 9093 6784 for details of requirements for this condition.</p> |
| | <p>b. The conservation policies and maintenance program outlined in the Conservation Plan shall be adopted and the recommendations shall be implemented.</p> <p>c. An architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of conservation works/ repairs. A schedule of such works should be provided to Council. Principles of the Burra Charter must be adhered to throughout the design and execution of works.</p> <p>d. 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. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW).</p> <p>e. In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken, and the Heritage Council of NSW be notified under the requirements of the Heritage Act.</p> |
| | <p>Condition Reason: Heritage significance is maintained throughout the site's development.</p> |
| 3. | <p>Salvage, Reuse and Recycling of Traditional Building Materials</p> <p>a. A salvage plan shall be prepared and submitted to and approved by Council, 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 materials including bricks, timber structure, timber flooring, architraves, skirtings, windows, doors, and remnant components of significant heritage fabric are carefully removed and stored, re-used and/or sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.</p> <p>b. Salvaged traditional building materials surplus to the requirements of this project must not be scrapped and are to be sold to an established dealer in second-hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.</p> |
| | <p>Condition Reason: Salvage, reuse and recycling of building materials of significance</p> |
| 4. | <p>Structural Integrity of Retained Building Elements</p> <p>Prior to commencement of demolition or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council. The report must explain how the retained building elements, such as building facades, ceilings, walls, chimney, or other significant/original fabric of the building are to be retained, supported, and not undermined by the proposed development and give details of any intervention or retrofitting needed.</p> |
| | <p>Condition Reason: To ensure the structural integrity of retained elements are verifiably retainable.</p> |
| 5. | <p>Preservation of Internal Features</p> <p>a. The proposed works are to be carried out in a manner that minimises</p> |

	Condition
	demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
b.	The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
c.	The original brick corners of the building are to be left intact and the brick extension and the new work is to be separated from the old by an expansion joint.
d.	The new roof section of the house is not to intersect with the existing roof peak/ridge.
e.	Where proposed, details of external elements of mechanical ventilation systems, including layout and dimensions of ductwork, are to be submitted to and approved by Council, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979, prior to a Construction Certificate being issued for the development.
f.	<p>New services</p> <ul style="list-style-type: none"> • must use existing service runs; • Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council prior to the issue of any Construction Certificate.

Condition Reason: To ensure the conservation of heritage features as a part of the redevelopment.

6. **Photographic Archival Documentation**

- a) A digital photographic archival recording of the property internally and externally shall be prepared and submitted to and approved by Council, in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Digital Capture.

The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.

The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site and must be submitted to Council prior to any Occupation Certificate being issued.

- b) A digital photographic archival recording of the property internally and externally shall be prepared and submitted to and approved by Council, in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. The digital copy of the archival recording is to be submitted to Council for inclusion in the Local History Collection of Randwick City Library and for Council's own records incorporating the following:
- A PDF copy of the archival record incorporating a detailed historical development of the site, purpose of the archival recording, copyright permission for Council to use the photographs for research purposes, photographic catalogue sheet cross-referenced to the base floor and site plans showing the locations of archival photographs taken, and index print of the photographs;

Condition	
	<ul style="list-style-type: none"> Digital copies of the archival photographs in JPEG and TIFF formats. <p>Condition Reason: Archival recording of heritage fabric and features.</p>
7.	<p>Permitted uses</p> <p>No consent is provided for a secondary dwelling on site. The pool house/cabana shall not contain cooking facilities and is to be used ancillary to the primary dwelling and not as a separate dwelling.</p> <p>Condition Reason: Ensure the pool house is not used as a separated dwelling.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
8.	<p>Consent Requirements</p> <p>The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.</p> <p>Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.</p>
9.	<p>External Colours, Materials & Finishes</p> <p>The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.</p> <p>External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.</p> <p>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.</p> <p>Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.</p>
10.	<p>Section 7.12 Development Contributions</p> <p>In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,106,941.26 the following applicable monetary levy must be paid to Council: \$11,069.41.</p> <p>The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6000 or 1300 722 542 for the indexed contribution amount prior to payment.</p>

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

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

Where:

	Condition
	<p> IDC = the indexed development cost ODC = the original development cost determined by the Council CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy. </p> <p>Council's Development Contributions Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.</p> <p>Condition Reason: To ensure relevant contributions are paid.</p>
11.	<p>Long Service Levy Payments</p> <p>Before the issue of a Construction Certificate, the relevant long service levy payment must be paid to the Long Service Corporation of Council under the Building and Construction Industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Principal Certifier, in accordance with Section 6.8 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works.</i></p> <p>Condition Reason: To ensure the long service levy is paid.</p>
12.	<p>Sydney Water</p> <p>All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> • Building plan approvals • Connection and disconnection approvals • Diagrams • Trade waste approvals • Pressure information • Water meter installations • Pressure boosting and pump approvals. • Change to an existing service or asset, e.g. relocating or moving an asset. <p>Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
13.	<p>Building Code of Australia</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and</i></p>

	Condition
	<p><i>Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
14.	<p>Structural Adequacy</p> <p>Certificate of Adequacy supplied by a professional engineer shall be submitted to the Certifier (and the Council, if the Council is not the Certifier), certifying the structural adequacy of the existing structure to support the upper floor addition.</p> <p>Condition Reason: To ensure the structural integrity of the building is maintained.</p>
15.	<p>BASIX Requirements</p> <p>In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.</p> <p>The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
16.	<p>Stormwater Drainage</p> <p>Surface water from building work and structures must satisfy the following requirements (as applicable), to the satisfaction of the Certifier and details are to be included in the construction certificate: -</p> <ol style="list-style-type: none"> Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2). The surface water/stormwater is to be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit. Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building or cause a nuisance or damage to the adjoining premises. Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

Condition	
Condition Reason: To control and manage stormwater run-off.	
17.	<p>Excavation, Earthworks and Support of Adjoining Land</p> <p>A report must be obtained from a professional engineer prior to undertaking demolition, excavation or building work in the following circumstances, which details the methods of support for any buildings located on the adjoining land, to the satisfaction of the Principal Certifier:</p> <ul style="list-style-type: none"> • when undertaking excavation or building work within the zone of influence of the footings of a dwelling or other building that is located on the adjoining land. • when undertaking demolition work to a wall of a dwelling or other substantial structure that is built to a common or shared boundary (e.g., semi-detached or terrace dwelling); • when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land; and • as otherwise may be required by the Certifier for the development. <p>The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
18.	<p>Building Code of Australia – Swimming Pools</p> <p>Swimming Pools and Spa Pools are to be designed and installed in accordance with the requirements of the <i>Building Code of Australia</i> and be provided with a child-resistant barrier in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p> <p>Details of compliance are to be provided in the Construction Certificate.</p> <p>Temporary pool safety fencing is also required to be provided to swimming pools pending the completion of all building work and swimming pools must not be filled until a fencing inspection has been carried out and approved by the Principal Certifier.</p> <p><i>Note: This development consent does not approve the design and location of swimming/spa pool safety barriers. Swimming/spa pool safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2018 and relevant Standards. Details of compliance are required to be included in the Construction Certificate, to the satisfaction of the appointed Certifier for the development.</i></p> <p>Condition Reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area.</p>
19.	<p>Swimming Pool Safety</p> <p>Swimming pools are to be designed, installed and operated in accordance with the following general requirements:</p> <ul style="list-style-type: none"> • Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation. • Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed with a building to minimise noise emissions or result in a noise nuisance. • Water recirculation and filtrations systems are required to comply with AS

	Condition
	<p>1926.3 (2010) Swimming Pool Safety – Water Recirculation and Filtration Systems.</p> <ul style="list-style-type: none"> Paving and ground surfaces adjacent to swimming pools are to be graded and so as to ensure that any pool overflow water is drained away from buildings and adjoining premises, so as not to result in a nuisance or damage to premises. <p>Condition Reason: To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area.</p>
20.	<p>Protection of the frontage vegetation</p> <p>To ensure retention of all frontage vegetation, in good health, the following measures are to be undertaken:</p> <ol style="list-style-type: none"> All documentation submitted for the Construction Certificate application must show all northern frontage vegetation retention. The frontage vegetation is to be physically protected by the installation of power webbing fencing, to be attached to star pickets, measuring from southeastern aspect of upper western staircase, then measuring to the southeastern balcony of the dwelling, to which the whole frontage will be barricaded to protect all remaining vegetation. 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". Within the frontage 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. <p>The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.</p> <p>Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.</p>
21.	<p>Street Tree Protection Measures</p> <p>To ensure retention of the mature <i>Banksia integrifolia</i> (Coast Banksia) that is located east aspect of subject site, within Council's verge, the following measures are to be undertaken.</p> <ol style="list-style-type: none"> All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of its trunk, canopy, SRZ, TPZ and to be clearly and accurately shown on all plans in relation to the proposed works. The council tree is to be physically protected by the installation of star pickets on all four corners of the tree, with construction power webbing securely attached to pickets, which shall be located a minimum distance of 1000 mm from its trunk, matching up with the back of the kerb to the north, and pedestrian footpath to the south, this tree will be completely enclosed for the duration of works. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are

	Condition
	completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER" .
c)	Within the TPZ's 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.
d)	The applicant is not authorised to perform any other works to the public tree and must contact Council's Landscape Development Officer on 9093-6633 should clearance pruning or similar be needed. If approval is given, it can only be performed by Council, wholly at the applicants cost, GIVING UP TO SIX WEEKS NOTICE , with payment to be received prior to pruning or any Occupation Certificate.
e)	The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.
f)	A refundable deposit in the form of cash, credit card or cheque for an amount of \$500.00 must be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a Construction Certificate being issued for the development to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees. The refundable deposit will be eligible for refund following an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form' and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6633). Any contravention of Council's conditions relating to the trees at any time during works or prior to an Occupation Certificate may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.
	Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.
22.	<p>Protection of tree at rear of site</p> <p>To ensure retention of mature <i>Araucaria heterophylla</i> (Norfolk Island Pine, 15 metres high, good health, good structure, protected by the DCP, a prominent tree in the local area, it is the only established specimen assessed for this application that is located in the rear setback of this development site, adjacent existing pool house, the following measures are to be undertaken:</p> <p>a) All documentation submitted for the Construction Certificate application must note them for retention, with the position and diameter of their trunks and canopies/crowns to be clearly and accurately shown on all plans in relation to the new works.</p> <p>b) All Construction Certificate plans must show that the footprint of the rear pool house will be consistent with the AMENDED Proposed Ground Floor Plan, Dwg DA - 03, Rev B dated 2/4/2024, must show the western side aspect existing wall, will be demolished to the height of the upper terrace RL76.0, which the lower percentage of the existing wall to be retained, this will contain all roots within existing upper terrace, any works within the existing terrace wall within the northwestern frontage of pool house must</p>

Condition	
	also be retained for the same purpose with the Principal Certifier to ensure that all plans are prepared, approved and then constructed on-site to comply with this requirement.
c)	The placement of fill/raising of ground levels directly around the trunk of the Norfolk Island Pine as is not supported, with existing grades to be maintained in this area.
d)	Prior to the commencement of any site works, the trunk shall be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a minimum height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
e)	Ground protection comprising strapped together rumble boards, sheets of plywood/ layers of carpet/underfelt or similar shall also be provided at surface level for a minimum radius of 1 metre around the Norfolk Island Pine, which must remain in place until completion of works.
f)	There must 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 around their trunks, with all Site Management Plans to comply with these requirements.
g)	To prevent soil/sediment being washed over their root systems, erosion control measures must also be provided at ground level around the perimeter of the area described in point 'g' above.
h)	Due to the proximity of these new works, any demolition/removal of existing surfacing and structures, as well as all initial excavations for footings, changes to existing ground levels and similar within a radius of 1000mm from the trunk of the Norfolk Island Pine can only be performed by hand, not machinery, without damaging any roots encountered.
i)	Council's Landscape Development Officer (9093-6633) must then be contacted, prior to forming/pouring footings or proceeding further with any works in this area, giving at least 5 working days-notice to inspect the affected area, with any instructions issued to be strictly complied with.
	<i>NOTE: An Occupation Certificate cannot be issued unless this inspection takes place</i>
j)	Where major roots with a diameter of 50mm or more are encountered which Council's Officer determines must be retained; a cantilevered, pier and beam style footing or similar ' <i>tree sympathetic</i> ' construction method must be used for these areas, with details to be submitted to, and be approved by Council's Officer, prior to proceeding further with any of these works.
k)	The Construction Certificate plans must acknowledge (via the inclusion of a notation) that the site inspection referred to in point 'j' above may result in the need to alter the design away from traditional type footings.
l)	Where minor type roots are found which are in direct conflict with the approved works, and permission is given for their pruning, they may be cut cleanly using hand-held tools only, with the affected area to then be backfilled with clean site soil as soon as practically possible.

Condition	
m)	The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

Condition Reason: Protection and/or maintenance of existing significant tree.

BEFORE BUILDING WORK COMMENCES

Condition	
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23. **Building Certification & Associated Requirements**
The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:
- a) a *Construction Certificate* must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- b) a Registered (Building) Certifier must be appointed as the *Principal Certifier* for the development to carry out the necessary building inspections and to issue an occupation certificate; and
 - c) a principal contractor must be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the Principal Certifier and Council must be notified accordingly (in writing); and
 - d) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and
 - e) at least two days notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.

Condition reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.

24. **Home Building Act 1989**
In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and sections 69 & 71 of the *Environmental Planning and Assessment Regulation 2021*, in relation to residential building work, the requirements of the *Home Building Act 1989* must be complied with.

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

Condition reason: Prescribed condition under section 69 & 71 of the Environmental Planning and Assessment Regulation 2021.

25. **Dilapidation Reports**
A dilapidation report must be obtained from a Professional Engineer, Building Surveyor or other suitably qualified person to the satisfaction of the appointed Registered Certifier for the development, in the following cases:

	Condition
	<ul style="list-style-type: none"> • 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 structure located upon an adjoining premises; • demolition or construction of new dwellings; additions to dwellings or outbuildings, which are sited up to or less than 900 mm from a site boundary (e.g. a semi-detached dwelling, terraced dwelling or other building sited less than 900mm from the site boundary); • 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; and • as may be required by the Principal Certifier for the development. <p>The dilapidation report shall include details of the current condition and status of any dwelling, or other structures located upon the adjoining premises and shall include relevant photographs of the structures.</p> <p>The dilapidation report must be submitted to the Principal Certifier, the Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
26.	<p>Construction Noise & Vibration Management Plan</p> <p>Noise and vibration from the works are to be minimised and mitigated by implementing appropriate noise management and mitigation strategies.</p> <p>A Construction Noise & Vibration Management Plan Guideline must be prepared by a suitably qualified person in accordance with the Environment Protection Authority Construction Noise and the Assessing Vibration: A Technical Guideline and be implemented throughout the works. A copy of the Construction Noise Management Plan must be provided to the Principal Certifier and Council prior to the commencement of any site works.</p> <p>Condition Reason: To protect the amenity of the neighbourhood during construction.</p>
27.	<p>Public Utilities</p> <p>A <i>Public Utility Impact Assessment</i> must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works.</p> <p>Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifier prior to the commencement of any works.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>

DURING BUILDING WORK**Condition**

28. **Site Signage**
It is a condition of the development consent that a sign must be erected in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:
- showing the name, address and telephone number of the principal certifier for the work, and
 - showing the name, address, contractor, licence number and telephone number of the principal contractor, including a telephone number on which the principal contractor may be contacted outside working hours, or owner-builder permit details (as applicable) and
 - stating that unauthorised entry to the work site is prohibited.

The sign must be—

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

This section does not apply in relation to—

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

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

29. **Restriction on Working Hours**
Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavations in rock, sawing of rock, use of jackhammers, driven-type piling/shoring or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 3.00pm (maximum) Saturday - No work permitted. Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

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

30. **Public Safety & Site Management**
Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:

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Condition
<ul style="list-style-type: none"> a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time. b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident. c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction. d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council. f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident. g) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to the site to protect the public. Temporary site fences are to 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.
<p>Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.</p>
<p><i>If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or articles or, operate a crane, hoist or concrete pump on or over Council land, a Local Approval application must be submitted to and approved by Council beforehand.</i></p>
<ul style="list-style-type: none"> h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land. i) Noise and vibration from the works are to be minimised and mitigated by implementing appropriate noise management and mitigation strategies, in accordance with the Noise and Vibration Management Plan prepared in accordance with the relevant EPA guidelines. j) 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. k) Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Condition	
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
31.	<p>Building Encroachments</p> <p>There must be no encroachment of any structures or building work onto Council's Road reserve, footway, nature strip or public place.</p> <p>Condition Reason: To ensure no encroachment onto public land and to protect Council land.</p>
32.	<p>Vegetation</p> <p>Due to their small size and insignificance, no objections are raised to removing the Frangipani tree and any smaller vegetation within the rear of the development site where needed to accommodate the works as shown, subject to full implementation of any approved Landscape Plans.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>
33.	<p>Pruning of rear tree</p> <p>Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the eastern aspect of the Norfolk Pine that is located wholly in the rear setback of the property close to the common boundary and pool house, only where they overhang into the proposed new shade hood on the northern aspect of the pool house, will need to be pruned to avoid damage to the tree; or; interference with the renovated Pool House.</p> <p>Condition Reason: To ensure the protection and longevity of existing significant trees.</p>
34.	<p>Road / Asset Opening Permit</p> <p>A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.</p> <p>The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.</p> <p>For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.</p> <p>Condition Reason: To ensure road asset opening is appropriately managed.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
35.	<p>Occupation Certificate Requirements</p> <p>An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>Condition reason: Statutory requirement. To ensure the site is authorised for occupation.</p>

	Condition
36.	<p>BASIX Requirements</p> <p>In accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.</p> <p>Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.</p> <p>Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.</p>
37.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:</p> <ol style="list-style-type: none"> Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 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. Works on Council land must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval. The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing. <p>Condition Reason: To ensure rectification of any damage to public infrastructure and that works are completed in accordance with Council's requirements with Council's approval.</p>
38.	<p>Council's Infrastructure, Vehicular Crossings, street verge</p> <p>The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.</p> <p>Condition Reason: To ensure rectification of any damage to public infrastructure and that works are completed in accordance with Council's requirements with Council's approval.</p>
39.	<p>Council's Infrastructure, Vehicular Crossings, street verge</p> <p>That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.</p> <p>Condition Reason: To ensure rectification of any damage to public infrastructure and that works are completed in accordance with Council's requirements with Council's approval.</p>

Condition	
40.	<p>Swimming Pool Safety Swimming Pools [and Spa Pools] are to be provided with a child-resistant barrier (i.e. fence, in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p> <p>Condition reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
41.	<p>Swimming Pool Safety A 'warning notice' must be installed in a prominent position in the immediate vicinity of a Swimming Pool [or Spa Pool], in accordance with the provisions of the <i>Swimming Pools Regulation 2018</i>, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.</p> <p>Condition reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
42.	<p>Swimming Pool Safety The owner of the premises must 'register' their Swimming Pool [or Spa Pool] on the NSW Swimming Pool Register, in accordance with the <i>Swimming Pools Act 1992</i>. The Swimming Pool Register is administered by the NSW Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.</p> <p>Registration must be made prior to the issue of an Occupation Certificate for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifier and Council accordingly.</p> <p>Condition reason: To ensure registration of the swimming pool/spa in accordance with relevant legislation.</p>
43.	<p>Tree Protection Certification Prior to any Occupation Certificate, written certification must also be obtained from Council's Landscape Development Officer (9093-6633) confirming that the requirement for a joint site inspection of any hand dug trenches, or/and the removal of the western external wall of the pool house, next to the Norfolk Island Pine tree was performed, as required by the 'Tree Protection' conditions specified earlier in this development consent, with any other instructions issued also having been complied with during the course of works.</p> <p>Condition Reason: To ensure landscaping and protection measures are implemented in accordance with the consent and maintained for the life of the development.</p>

OCCUPATION AND ONGOING USE

Condition	
44.	<p>Use of Premises The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.</p> <p>Condition reason: To ensure the development is used for its intended purpose.</p>
45.	<p>External Lighting External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.</p>

Condition	
Condition reason: To protect the amenity of the surrounding area and residents.	
46.	<p>Plant & Equipment</p> <p>Noise from the operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area and residents.</p>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition	
47.	<p>Demolition Work Plan</p> <p>A demolition work plan must be developed and be implemented for any demolition works in accordance with AS2601 (2001)- Demolition of Structures.</p> <p>The demolition work must be carried out in accordance with relevant SafeWork NSW Requirements and Codes of Practice; Australian Standard – AS 2601 Demolition of Structures and Randwick City Council's Asbestos Policy.</p> <p>The demolition work plan must include details of the demolition, removal, storage and disposal of any hazardous materials (including materials containing asbestos).</p> <p>A copy of the demolition work plan must be provided to the Principal Certifier and Council. A copy shall also be maintained on site and be made available to Council officers upon request.</p> <p>Condition reason: To ensure demolition work area carried out in accordance with the relevant standards and requirements.</p>

DURING DEMOLITION WORK

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

Condition

qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works.

Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.

Condition reason: To ensure that the handling and removal of asbestos from the site is appropriately managed.

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Development Application Report No. D56/24

Subject: 39 Arcadia Street, Coogee (DA/10/2024)

Executive Summary

Proposal:	Alterations and additions to the multi-dwelling housing development approved under deferred commencement in DA/388/2022 involving reinstatement of amended alterations and additions to the northern elevation of Ballamac House (Heritage Item).
Ward:	North Ward
Applicant:	CE Ballamac House Pty Ltd
Owner:	CE Ballamac House Pty Ltd
Cost of works:	\$1,065,000.00
Reason for referral:	Demolition of a Heritage Item

Recommendation

- A. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/10/2024 for alterations and additions to the multi-dwelling housing development approved under deferred commencement in DA/388/2022 involving the reinstatement of amended alterations and additions to the northern elevation of Ballamac House (Heritage Item) at No. 39 Arcadia Street, Coogee, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1.  Conditions of consent DA/10/2024 39 Arcadia Street Coogee

D56/24

D56/24



1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the development involves partial demolition of a heritage item.

The proposal seeks development consent for alterations and additions to the northern (Arcadia Street) frontage of the locally heritage-listed Victorian villa and grounds known as ‘Ballamac’ at 39 Arcadia Street, Coogee (‘the site’). The two-storey addition adjoins the units of the core Ballamac building at Lower Ground and Ground Level, and the driveway entrance to a carpark beneath the site servicing the entire redevelopment approved under deferred commencement in DA/388/2022.

The previous development proposal was made operational in Q4 2023 and works have now commenced on the site. In terms of amendments to the original consent, this DA essentially seeks to delete deferred commencement condition A1 I & II, which required the deletion of additions to the north of Ballamac House via an amending development application.

The DA differs from DA/388/2022 in that it is narrower in design and lower in height noting that a key reason for the panel requiring deletion of the northern additions relate to its impact on the public domain view and presentation of Ballamac House.

The application was the subject of referral and review to Council’s Heritage Planner, who is supportive of the proposal, subject to standard consent conditions. A subsequent peer review by an external Heritage Planner assessed the proposed development albeit with some minor further amendments (in plans received by Council on 8 May 2024 – subject of assessment) and considers the proposed development is worthy of support.

The proposal has also been assessed and considered acceptable having regard to the SEPP Housing – residential apartment design, the Apartment design guide (ADG), Local Environmental Plan and relevant DCP’s. The key issues associated with the proposal relate to whether the proposed additions satisfy Clause 5.10 Heritage Conservation in the RLEP. In short, it is considered

that the proposed development as amended is considered to satisfy the Heritage Conservation objectives of the LEP and relevant DCP and will not result in any adverse impacts on the heritage significance of Ballamac House or the surrounding area.

The proposal is recommended for approval subject to consent conditions that address heritage conservation matters.

2. Site Description and Locality

The subject site is legally known as Lot 2 DP 51518 (being Lots 102, 7-9 in SP 13296, Lots 10-11 in SP 37904 and Lots 12-13 in SP 57370). The site is 1,571.81m² in area, is regular in shape with a bend at the rear boundary. The site has a 39.6m frontage to Arcadia Street to the north and a 40.995m frontage to Dunningham Reserve to the east. The topography of the site is significantly varied and slopes approximately 4m between the front and rear boundaries including the western and eastern side boundaries.

The site contains an existing strata titled residential flat building containing 6 units as a part of a heritage item known as Ballamac House – noting an approval has been granted for a new RFB within the site curtilage and substantial changes to predominately retain the existing Ballamac house under DA/388/2022.

At the time of its original construction, Ballamac House was the only building on the headland. The original residence had extensive grounds and gardens oriented to the west and south, with internal and external spaces also facing these directions towards Coogee Bay. The northern and eastern sides of the building had various uses over time but were typically service areas. Over time, the neighbouring lots have developed around Ballamac House, and its grounds have been subdivided and built on with a mixture of large residences and older and contemporary apartment buildings, ranging in height from 3 to 9 storeys. The property's primary frontage is now to the north along Arcadia Street, which was traditionally considered the 'rear' of Ballamac House.

The site is located along the southern side of Arcadia Street. The eastern side boundary runs along Dunningham Reserve, which connects to the coastal foreshore walk. Arcadia Street has a varied streetscape including apartment buildings up to five storeys tall along with a mix of detached and semi-detached dwellings between one and two storeys. Ballamac House is partly obscured from view by dense landscaping and front fencing. A five-storey apartment block is located directly opposite the site to the north at 10 Major Street. The southern neighbour is a nine-storey RFB at 23 Baden Street dating to the 1970s which is built above a podium providing car parking adjacent to the rear setback of the site. The tower orients its views eastwards towards the ocean. Windows on its northern elevation are secondary and attain less significant views.



Figure 1 – Aerial View of Subject Site

3. Relevant history

PL/8/2022

Pre-lodgement Application No. PL/8/2022 advice was provided on 13/07/2022 for demolition, tree removal, fencing, swimming pool, alterations and additions to Ballamac House and new four storey residential flat building.

DA/388/2022

At the 13 July 2023 meeting, the Randwick Council Local Planning Panel (RLPP) determined that Development Application No. DA/388/2022 for demolition, excavation, tree removal, alterations and additions to an existing residential flat building and construction of a new separate residential flat building with basement, new swimming pool, fencing, landscaping, site works and strata subdivision, at No. 39 Arcadia Street, Coogee, be granted deferred commencement consent, subject to satisfying Condition A1:

A1 The provision of amended plans that:

- I. Delete the proposed addition to the north of Ballamac House; and'*
- II. Documents any consequent internal reconfiguration of Ballamac House, supported by justification in an amended Heritage Impact Statement.*

To the satisfaction of Council's Manager Development Assessment.

The RLPP provided the following reason for their determination:

The Panel has visited the site and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

The Panel has considered the submissions received (oral and written) but is satisfied that a variation to the height control is acceptable and will not significantly impact upon the views or the amenity of neighbouring properties and its impact upon the Heritage Item and the public domain generally is acceptable.

Therefore, the Panel generally supports the application for the reasons given in the assessment report other than the addition to the north of Ballamac House. The Panel considers the deletion of the proposed northern addition is necessary to avoid inappropriate impacts on views and the fabric of Ballamac House.

This is important particularly in light of the new four (4) storey RFB addition obscuring the existing partial view of Ballamac House from the public realm at Dunningham Reserve. The Panel notes that the deferred commencement consent will reduce the FSR to below the maximum permitted but believes this reduction is necessary and is a reflection of the site constraints.



Figure 2 – Original proposal subject of deferred commencement condition showing northern addition to Ballamac house to be deleted.

Deferred commencement complied with

On 15 December 2023 the applicant submitted plans showing the deletion of the northern additions to Ballamac House (see figure below) allowing for the issuance of the Construction Certificate and site preparation works in accordance with the abovementioned deferred commencement matters.



Figure 3 – Image shows clouded the northern additions deleted showing the curved form of the internal stairs and blank walls on either side.

The site is currently under construction.

DA/719/2023

Development application focusing only on-site remediation works approved on 17 November 2023.

4. Proposal

The subject proposal DA/10/2024 seeks development consent for the reinstatement of the northern additions to Ballamac House. These include bedrooms added to unit 1 and unit 2 at lower ground and upper ground level respectively.

The applicant indicates in their SEE that they have undertaken further heritage impact and design assessment and produced a revision of the previous plans subject of consideration by the RLPP and amended the application as follows (shown also in image below):

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- Reducing the height of metal roof elements marginally (from RL33.27 to RL33.18) and using glass balustrading along the upper part of the roof; and
- Reducing the western extent of the ground level balcony thus retaining more views of the original Ballamac house west facing balconies that are being reconstructed under the original DA (DA/388/2022).



Figure 4 – Image plan received with the lodgement of this DA identifying the reduced height and removed balcony element at the western side of the Ballamac House as viewed from Arcadia Street.

Peer review and further amended plans.

Following Council's Heritage Planner's recommendations, Council subsequently sought a peer review of by an external Heritage Planner. The external Heritage planner notes that following a site visit, amended plans were received by Council on 8 May 2024 showing the following changes:

- Replace roof terrace glass balustrade with metal palisade balustrade; and
- Replace ground level fixed louvre screening with operable louvre screening.

These changes are shown in the image excerpt of the northern elevation plan below.

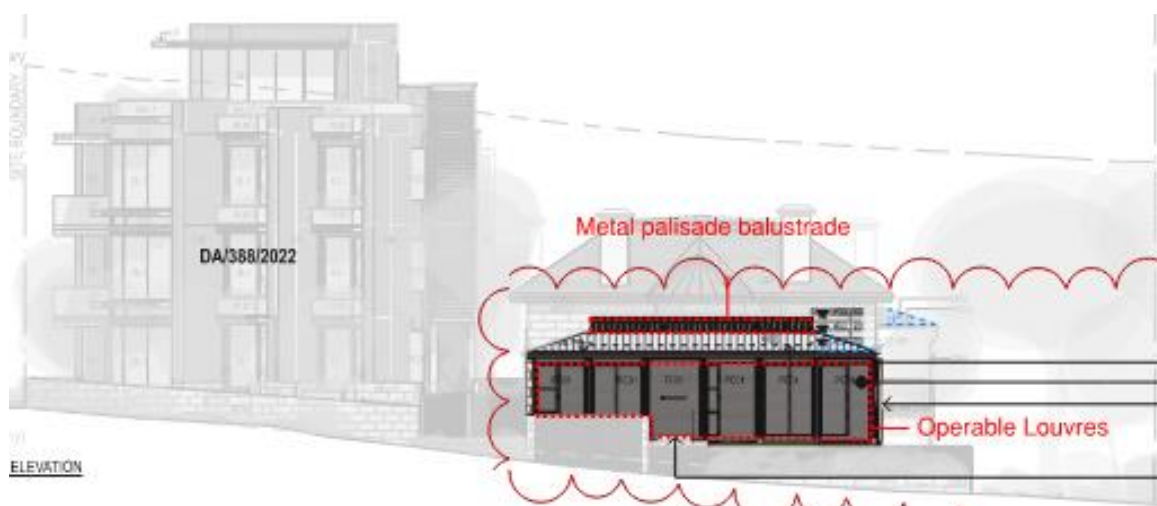


Figure 5 – Image excerpt of northern elevation plan subject of peer review by external Heritage planning consultant and assessment of this application.

The plans received by Council on 8 May 2024 are the subject of assessment of this DA.

5. Notification

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

- 56 Arcadia Street, Coogee

Issue	Comment
<p>A zoom meeting between Council committee, developers, architects, heritage society and myself took place several months ago. The main concerns were the length and height of the new structure and northern aspect of the Ballamac House.</p> <p>The idea being that removal of the brick and rendered existing additions to expose the original sandstone and not construct an ugly out of character structure to cover the sandstone. Please ask that this be removed or at least reduced so that the only truly prominent elevation left for public viewing remains. Nothing is in character with the original (slate roof and sandstone) nor the new structures.</p>	<p>As there's no changes to the approved new RFB, the northern additions to Ballamac House are of relevance to this application. At the outset, the proposal does display a reduction in scale and size to the originally proposed additions which were the subject of deletion under the Panel's deferred commencement consent. However, the additions retain a contemporary built form which is distinct from the historic materiality of Ballamac House. This approach is consistent with the Burra Charter, which to an extent requires that additions to heritage items differentiate from the original fabric and do not mimic a heritage significant item. In relation to public views of Ballamac House, the proposal has been designed with a reduced footprint by increasing the western side setback allowing for a greater view of Ballamac House particularly from the north western part of Arcadia Avenue. The proposed additions are also more centrally located ensuring a more uniform view of Ballamac House above.</p> <p>The proposed additions are acceptable in relation to heritage significance noting that amendments have been made with the support of Council's Heritage Planner and external Heritage consultant.</p>

6. Relevant Environment Planning Instruments

6.1. SEPP (Sustainable Buildings) 2022

The subject application contains an amended BASIX certificate as it relates to the additions to the lower ground and ground level additions.

6.2. SEPP (Housing) 2021

The proposal relates to a building that is only 2-storeys (not 4-storeys) and does not constitute the substantial refurbishment of a residential flat building for which the provisions in Chapter 4 of SEPP Housing 2021, regarding the design of residential apartment development apply. Notwithstanding, an assessment is carried out against the guiding design document of the ADG contained in **Appendix 3** of this report. In short, the proposed alterations provide for improved amenity in terms of apartment sizes and floor to ceiling heights. It is also noted that the original application for the development of the new four-storey RFB and additions to Ballamac House to which the ADG provisions applied, was generally supported by the Design Review Panel and there are no material changes that affect this advice noting that this DA is assessed in conjunction with current consents issued for the site under DA/388/2022 and DA/719/2023.

6.3. SEPP (Biodiversity and Conservation) 2021

No trees are sought to be removed as part of this Development Application noting that DA/388/2022 has appropriately considered the removal of landscaping on site and the subject application contains landscape plans that propose substantial landscaping between the northern additions and the front boundary.

6.4. SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is located within the Coastal Use Area Map within the SEPP (Resilience and Hazards) 2021. The proposal is supported as it is not expected to result in any adverse impacts on the coastal use area. Pursuant to required considerations in Clause 2.11 of the SEPP the proposal will not adversely impact existing safe access to the foreshore, result in appreciable overshadowing, wind funnelling, loss of views, visual amenity, scenic qualities of the coast, Aboriginal cultural heritage, or cultural and built environment heritage.

The assessment officer is satisfied that the development is generally designed, sited, and managed to avoid or minimise any significant adverse impacts which can be reasonably managed by conditions of consent and the bulk, scale, and size of the proposed development, does not have any detrimental effects on the coastal use area.

Chapter 3 & 4 - Remediation of Land

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 and to minimise the risk of harm.

The aims and objectives of this SEPP are as follows:

- (a) *to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and*
- (b) *to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and*
- (c) *to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- (d) *to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- (e) *to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- (f) *to require the advertising of applications to carry out any such development.*

The past operations of the site as a service station are documented as containing hydrocarbons which require removal in order to satisfy the SEPP notably chapter 3 relating to Hazardous and Offensive Development and chapter 4 in relation to making the site suitable (ie following remediation) for the proposed land use.

A current DA consent – DA/719/2023 – has been issued subject of conditions to remove hydrocarbons from the site to make the site suitable for the proposed residential purpose.

In conclusion, nothing restricts Council, under the SEPP, from consenting to the carrying out of the development subject to appropriate conditions of consent, noting that the approved remediation DA consent DA/719/2023 remain applicable to the site.

6.5. Randwick Local Environmental Plan 2012 (LEP)

On 18 August 2023, the Department of Planning and Environment (DPE) formally notified the LEP amendment (amendment No. 9) updating the *Randwick Local Environmental Plan 2012*, and the updated LEP commenced on 1 September 2023. As the subject application was lodged on or after 1 September 2023, the provisions of RLEP 2012 (Amendment No. 9) are applicable to the proposed development, and the proposal has been assessed against the updated RLEP 2012.

The site is zoned R3 medium 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 fit into the desired character of the locality, provides for the housing needs of the community, and will not adversely impact on residents or the surrounding area.

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	0.88:1	Yes
CI 4.3: Building height (max)	12m	7.42m (RL33.70-RL26.28)	Yes

6.5.1. Clause 5.10 - Heritage conservation

The RLEP states that *the consent authority may, before granting consent to any development:*

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The site is identified as a heritage item of local environmental heritage in the RLEP (as I41) known as "Ballamac" a Victorian Villa at 39 Arcadia Street Coogee.

The proposed development comprising additions to the north of Ballamac vary from the originally proposed development by way of deleting the western side extent of the front balcony and a reduction in height from the originally proposed additions under DA/388/2022. The revised proposal whilst obscuring the rear aspect of Ballamac House will still retain views of Ballamac house behind particularly from the western side and the curved elevations that will sit above the additions.

Council's Heritage Planner has reviewed the submitted plans and accompanying documents carrying out an assessment against the relevant matters for consideration in Clause 5.10 of the LEP, and DCP notably part B2, relating to heritage conservation. Council's Heritage Planner concurs with the proposed application's management of heritage conservation and raises no objections to the proposed development on heritage grounds recommending consent conditions be imposed should approval be granted (refer to Section 1.1 of Appendix 1).

Following receipt of the Heritage Planner comments, Council sought a peer review of the Heritage planner assessment via an external Heritage consultant. The external heritage consultant's peer review substantially concurs with Council's Heritage planner assessment noting that minor amendments to balustrade materiality and louvre operability were made as part of amended plans received following the external consultant's site visit. (Refer to Section 1.2 of Appendix 1).

Overall, it is considered that the objectives of clause 5.10 relating to Heritage Conservation are satisfied and the proposed northern additions will not unreasonably detract from significance of the heritage item.

6.5.2. *Clause 6.7 Foreshore scenic protection area*

The RLEP 2012 contains provisions that seek to ensure development is appropriate for the location and does not detract from the scenic qualities of the coast.

The most pronounced elements affecting the foreshore scenic protection area relate to the massing and selection of materials.

The amendments made to the development from that originally deleted by the Panel under DA/388/2022 have refined the built form through a reduction in height, increased western side setback, and changes in materiality that reduce the massing of the development with respect to Ballamac House as viewed from the foreshore.

There are no major objections to the selection of materials however a condition is included to allow for further details to be submitted post determination to the satisfaction of Council's Heritage Planning team.

Overall, the proposed development will not dominate the site and will contribute to the qualities of the foreshore scenic protection area.

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.

Council comprehensive review of the existing Randwick Development Control Plan 2013. Stage 1 of the RDCP 2013 review has concluded, and the new RDCP comprising Parts B2 (Heritage), commenced on 1 September 2023. As the subject application was lodged on or after 1 September 2023, the provisions of the new RDCP 2023 are applicable to the proposed development, and the proposal has been assessed against the new Part B2 of the DCP.

The relevant provisions of the DCP in relation to Part B2 and Part C2 medium density development are addressed in Appendix 3.

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 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iia) – 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 and will not dominate the 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 submission 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

Heritage Conservation

For the reasons outlined in the Heritage Planners comments and subsequent peer review by an external heritage planning consultant, the proposed alterations, and additions to the north of Ballamac House (as amended and identified further below) satisfy the relevant provisions in Clause 5.10 Heritage Conservation and relevant provisions in Part B2 of the RDCP relating to Streetscape presentation, Design and Character, Scale and form, Siting and Setbacks, and Detailing.

The application subject of assessment has undergone several amendments from that originally determined by the RLPP under DA/388/2022 which required the deletion of the northern additions to Ballamac House and detailed in the site history section of this report.

The proposal section of this report details the proposed reinstatement of the northern additions inclusive of amendments for glass roof balustrade and reduced height and width of the additions. Further amendments subject of Peer Heritage review included amendments such as replacing the roof terrace's glass balustrade with metal palisades and ground level fixed louvres being amended with operable louvres to improve transparency of the additions.

The more centralised location of the additions and use of metal palisades are considered to improve views of Ballamac House from the north west and directly in front along Arcadia Street from that originally proposed as part of this application and under DA/388/2022. The front setbacks also align with the predominant front building line along Arcadia Street. The addition's contemporary style whilst containing additional bulk and scale at the front of Ballamac House does have more articulation than the original blank walls of Ballamac House. In addition, landscaping proposed between the northern additions and the front boundary, will enhance the overall aesthetics and environmental quality of the site.

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Council's Heritage planner considers the proposed additions in the DA lodgement material introduces a meaningful visual connection to Arcadia Street and is worthy of support subject to conditions of consent. The external Heritage Consultant who conducted a peer review of Council's Heritage Planners assessment and recommendations, supports their recommendations noting overall, the proposed northern addition is a sympathetic and low scale addition that would not impact on any significant fabric of Ballamac, which will be restored and many of its missing elements will be reinstated as part of the previous approved 2022 DA for the site.

Subject to recommended conditions of consent relating to the balcony balustrades and interpretation material the proposed additions to the northern elevation of Ballamac House are supported.

9. Conclusion

That the application for alterations and additions to the north of Ballamac House 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 R3 Medium density residential zone in that the proposed additions provide for the housing needs of the community, protect the amenity of residents, the contemporary built form and scale does not detract from Ballamac House's heritage significance and fit into the desired streetscape character.
- The development enhances the visual quality of the public domain/streetscape and has provided for an appropriate heritage conservation outcome, subject to recommended condition amendments.

Appendix 1: Referrals

1.1. Heritage planner

The Site

The site is occupied by “Ballamac”, a Victorian villa listed as a heritage item under Randwick LEP 2012.

Background

The original application proposed retention and conservation works to the existing villa, construction of a two-level addition to the north of the villa and construction of a four storey detached apartment building to the east of the villa.

Heritage comments on the original application were provided by Paul O'Donnell and Lorraine Simpson - Heritage Planners. Heritage consent conditions were provided relating to conservation works, archival recording, salvage, interpretation, archaeological assessment.

The proposal was approved by the RLPP in July 2023, subject to deferred commencement conditions as follows:

1. The provision of amended plans that:
 - i) Delete the proposed addition to the north of Ballamac House; and
 - ii) Documents any consequent internal reconfiguration of Ballamac House, supported by justification in an amended Heritage Impact Statement.

To the satisfaction of Council's Manager Development Assessment.

The originally suggested extension to the northern part of Ballamac House was intended to include a bedroom and two bathrooms on the lower ground floor, along with two bedrooms and two bathrooms on the ground floor featuring verandas on the north and west sides, as well as a roof terrace. These additional bedrooms and bathrooms were intended to be part of the neighbouring apartments within Ballamac House. Revised plans excluded the ground floor of the proposed extension, substituting it with a terrace situated above the lower ground floor bedroom and bathrooms. Notably, the lower ground floor was predominantly below ground level and positioned behind the driveway ramp leading to the lower ground floor parking.

Heritage feedback on the modified plans suggested seeking planning input on the wording of the consent condition related to this matter. Subsequent discussions took place with the planning consultant representing the applicant. The Manager of Development Assessment for the Council recommended the removal of all additions to the front of Ballamac House, specifically at the lower ground and ground floor levels.

Proposal

- Alterations and additions to the multi-dwelling housing development approved under DA/388/2022 involving alterations and additions to the northern elevation of Ballamac House.

Submission

- D05179045 - Architectural Plans
- D05179358 – HIS
- D05179055 - SEE

Controls

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 Heritage section of Randwick Development Control Plan 2023 provided Objectives and Controls in relation to heritage properties.

Comments

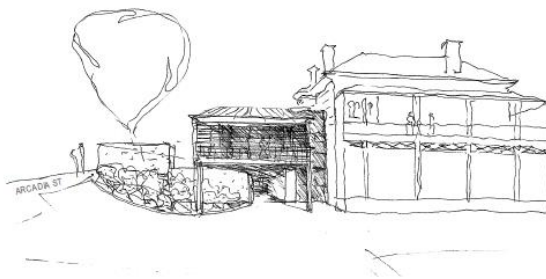
The following comments are made in light of the new information provided in relation to the heritage building and its original built form and orientation:

The proposal will re-orientate Ballamac House, which was historically designed to face Coogee Bay with secondary rear additions to the north, and will improve its Arcadia Street presentation. Key architectural elements of the original villa, such as the semi-circular form of the original staircase and the reconstructed verandah, will become features of the streetscape, respecting and enhancing the aesthetic significance of the place.

NORTHERN ADDITION CONCEPT



HISTORIC IMAGE FROM WESTERN LOOP DRIVEWAY



CONCEPT FOR NORTHERN ADDITION: RESPECT & RE-ORIENTATE

- *A careful review of the proposal shows that the development will result in an improved orientation toward its newly designated main address on Arcadia Street. The newly attached north built elements are thoughtfully aligned in terms of scale, style, and material composition, maintaining a sympathetic harmony with the historical structure.*
- *The proposed addition appears to be a careful modern interpretation in correspondence with the proportions and materiality of the original late 1800s north building to the sandstone Ballamac House.*
- *The addition is planned to be perceived as an identifiable modern complementary secondary component maintaining/re-introducing a meaningful visual connection to Arcadia Street.*
- *The addition is consistent with RDCP Objectives and Controls of Part B2 Heritage sections:*

2.1 on Streetscape presentation - A new building, or additions which will be visible from the street, should fit into its streetscape context.

2.2 Design and Character - To ensure that additions or changes to the external appearance of heritage items and contributory buildings within heritage conservation areas respect the original, built form, architectural style and character.

2.3 Scale and Form - To ensure that alterations and additions to heritage items and contributory buildings are consistent with the scale and form of these items or buildings, and do not dominate or compete with the existing significant heritage fabric.

2.4 Siting and Setbacks - To ensure the integrity of the heritage item and its setting, or the heritage conservation area is retained by the careful siting of new buildings and alterations and additions to existing buildings.

2.5 Detailing - To ensure that alterations and additions and new development have a level of detail which is appropriate to the architectural character and style of the heritage item or heritage conservation area setting.

- *The addition is acceptable from a heritage perspective since the new component respects and does not distort or obscure the cultural significance of the place or detract from its interpretation and appreciation.*

Recommendation

The following conditions should be included in any consent:

- *A Conservation Management Plan for the historical component shall be provided to owners to guide long-term and short-term works to the building, to ensure that ongoing works are consistent with the Principles, Processes and Practices of the Australia ICOMOS Burra Charter 2013. This Plan shall be prepared by a suitably qualified and experienced heritage specialist, to the satisfaction of the Heritage Planner and the Director City Planning and shall be submitted with the construction certificate application.*
- *The conservation policies and maintenance program outlined in the Conservation Plan shall be adopted and the recommendations shall be implemented.*
- *An architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of conservation works/ repairs. A schedule of such works should be provided to Council. Principles of the Burra Charter must be adhered to throughout the design and execution of works.*
- *Original masonry corners of the building are to be left intact and new work is to be separated from the old by an expansion joint. Existing mortar joints should be repointed if necessary, using a soft mortar mix. A soft mortar mix is required to avoid long term fretting of the surface of the sandstone blocks.*
- *In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken, and the Heritage Council of NSW be notified under the requirements of the Heritage Act.*

1.2. External Heritage planner peer review



City Plan Heritage P/L
ABN 46 103 185 413

30 May 2024

Our Ref: H-24047

David Ongkili
Heritage and Urban Design Advisor
Randwick City Council
30 Frances Street
RANDWICK NSW 2031
David.ongkili@randwick.nsw.gov.au

Dear David,

**RE: DA ASSESSMENT - HERITAGE PEER REVIEW & ADVICE
DA/10/2024 - 39 ARCADIA STREET, COOGEE NSW 2034**

City Plan Heritage (CPH) has been engaged by Randwick City Council to undertake an independent heritage assessment of the Development Application (DA/10/2024) for construction of additions at northern elevation of residential development located at 39 Arcadia Street, Coogee also known as "Ballamac". The following sections set out my assessment of the subject Development Application (DA) in relation to the heritage matters.

1. DOCUMENTATION

The following documentation was provided by Camden Council and have been reviewed in the assessment of the proposed development:

- Memorandum prepared for the Development Application DA/388/2022 by Randwick City Council Heritage Planner and dated 22 August 2022
- Memorandum prepared for the Development Application DA/388/2022 by Randwick City Council Heritage Planner and dated 26 June 2023
- Memorandum prepared for the Development Application DA/10/2024 by Randwick City Council Heritage Planner and dated 15 January 2024
- Development Consent DA/388/2022
- Development Consent DA/388/2022/A
- Statement of Heritage Impacts for 39 Arcadia Street, Coogee prepared by Tonkin Zulaikha Greer Heritage, March 2023
- Architectural Plans for Development Application DA/10/2024 prepared by Tonkin Zulaikha Greer Architects, dated 19 December 2023. The set includes 13 drawing sheets being the site analysis, historical streets and orientation, northern addition concept and analysis, existing elevations, floor plans, material finished and 3D photomontage.

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- Statement of Environmental Effects for 39 Arcadia Street, Coogee prepared by Tonkin Zulaikha Greer Heritage and dated 22 December 2023.
- Statement of Environmental Effects for 39 Arcadia Street, Coogee prepared by Tonkin Zulaikha Greer Heritage in March 2023

2. BACKGROUND

It is my understanding, that a development application (DA/388/2022) was lodged with Randwick City Council in 2022, which sought retention and conservation works to the existing villa, construction of a two-level addition to the north of the villa and construction of a four storey detached apartment building to the east of the villa.

The original development application was approved by Randwick Regional Panel on 13 July 2023; however, the works to northern façade (subject works) were excluded from the approval by the following deferred commencement conditions:

A1 The provision of amended plans that:

- i) Delete the proposed addition to the north of Ballamac House; and*
- ii) Documents any consequent internal reconfiguration of Ballamac House, supported by justification in an amended Heritage Impact Statement*

Revised plans submitted to Council excluded the ground floor of the proposed extension, substituting it with a terrace situated above the lower ground floor bedroom and bathrooms. During subsequent discussions with the planning consultant representing the applicant the Manager of Development Assessment for the Council recommended the removal of all additions to the front (northern) elevation of "Ballamac House", specifically at the lower ground and ground floor levels.

It is further understood that recently Randwick City Council received a new application (DA/10/2024) seeking approval for the above-mentioned additions at northern elevation at the subject site and the deletion of the deferred commencement condition and the modification of other relevant general conditions to ensure the current proposal to reintroduce additions and alterations to the northern elevation of "Ballamac House" that is similar to DA/388/2022.

3. LOCATION OF THE DEVELOPMENT SITE

The development site is located in the suburb of Coogee, within the Randwick LGA. The site is situated at the eastern end of Arcadia Street on the southern side of the road. Dunningham Reserve adjoins the site at the east, while two storey residential development adjoins the site to the west. A multi-storey residential development is located at the rear (southern) boundary of the subject site. Directly opposite the site is located a five storey apartment block.

The site has an area of 1578.9m² and occupies a single predominately rectangular in shape allotment described in documents held by NSW Land Registry Services as Strata Plan SP13296.



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4. DESCRIPTION OF THE DEVELOPMENT SITE

The subject site is currently under construction in accordance with the approved design for DA/388/2022. As such, it does not reflect the conditions and structures that were in existence at the time of the subject DA's submission. Currently only "Ballamac" is standing with all other structures and wings attached to the original 1860's house being removed. Excavation for the proposed new building is in progress.

Prior to the commencement of the construction the site comprised of three interconnecting or adjoining buildings arranged in a U-shape with shared courtyard and a pool along southern boundary of the allotment. Western wing featured a hipped tiled roof with flat top and projecting eastern section. The roof housed four rendered chimneys. This wing comprised the original sandstone building erected in 1860. Southern wing featured a hipped roof with a single chimney along its eastern wall. This structure was a 1912-1914 southeastern addition to the original building. Western wing consisted of two sections under a simple gable roof. The site also featured several small-scale extensions.

The SOHI describes the site in Section 4.2 (Site Assessment) as below:

Ballamac, the original house designed by Tomas Rowe and constructed in 1860, has undergone major additions and alterations over time. The original house currently comprises a shared basement, Apartment 3 on the ground level and Apartment 4 on the first floor level. The original house is easily identifiable from the south-western corner of the site from its sandstone exterior.

External extensions started with the two storey additions associated with Joynton-Smith, built to the north and south east of the original house in c.1912-1928, which currently comprise Unit 1 on the ground level and Unit 2 on the first floor level in the north, and Apartment 3 on the ground level and Apartment 4 on the first floor level in the south east. Another single storey addition was built c.1915-1927 to the north-east that is currently occupied by the kitchen and bathroom for Unit Apartment 4.

The last additions to enclose the original house were added c.1934-1943 and included the west terrace and the southern extension that included the balcony to Apartment 4. The original verandahs which wrapped around the western and southern facades were demolished in c.1934-1938 to allow for these additions. Subsequently, the original lot has also been subdivided to suit the construction of flats built adjacent Ballamac at various periods. These included the flats along the eastern boundary adjacent Dunningham Reserve which comprises Unit 5 and Unit 9 c.1915-1928, with an addition to Unit 5 completed in 1986. Another addition was constructed c.1943-1950 which further extended Apartment 5 towards the west.

Step access was added for Units 1 and 2 in c.1960-1970. The pool in the rear yard was added in 1976 and a new balcony to Apartment 5 was added in 1986 overlooking the rear yard.

The following description is summarised from Section 4.3 Condition and Integrity presented in SOHI.

The external walls of the original building (western wing) are easily identifiable and are the exposed sandstone structure. The interior of the original house features much of the architectural features such as the decorative ceilings, cornices, skirting boards, timber floors, fireplaces, mantels, hearths, customised timber brackets and built-in timber joinery. Additionally, the interior features the semi-circular curved sandstone wall defining the former staircase. This semi-circular curved bay is currently being exposed and fronts on to Arcadia Street following removal of the northern wing as approved under DA/388/2022 (see below images).



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5. HERITAGE STATUS AND SIGNIFICANCE

The subject site is listed as a heritage item of local significance in Part 1 of Schedule 5 of the Randwick Local Environmental Plan (LEP) 2012 as “Ballamac”, Victorian villa, 39 Arcadia Street, Coogee, item number I41 and is protected under the Environmental Planning and Assessment Act 1979 (NSW).

The NSW State Heritage Inventory database includes the following statement of significance for the place, updated in 2018¹:

Historically important as the first owner, the Hon Charles Moore played an important role in the Sydney and Randwick Municipalities. Later owners were also people of note.

The SOHI (TZG, 21 December 2023) provides the following assessment of the heritage impact of the proposed addition at the north of the subject Ballamac villa against the Statement of Significance and assessment criteria:

Criteria	Assessment of Significance	Comment
SHR Criteria a) [Historical significance]	Built in 1860 - 1861, on a Town Allotment of Crown Land purchased by Charles Moore in 1856, Ballamac has historical significance as one of the earliest residences in Coogee. The building also has significance for its early use as the Baden Baden Hotel, 1878 - 1905.	The historic significance of Ballamac as one of the earliest residences in Coogee and its early use as the Baden Baden Hotel is respected by the proposal.

¹ NSW State Heritage Inventory form for “Ballamac”, Victorian villa, 39 Arcadia Street, Coogee, accessed May 2024 via <https://www.hms.heritage.nsw.gov.au/About/Item/ViewItem?itemId=2310039>



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Criteria	Assessment of Significance	Comment
SHR Criteria b) [Associative significance]	<p>The building has high historical associational significance for its original owner, Charles Moore MLA.</p> <p>Moore was elected Councillor at Randwick in 1860 and Mayor in 1863, and was later Mayor of Sydney when he established the Councils' legal ownership of Sydney Common, now known as Moore Park. The building also has historical association with later owners, Sir James Joynton Smith, Lord Mayor of Sydney and owner of the publication Smiths' Weekly, and to a lesser degree with well known medical practitioner Reginald Stuart Jones, a flamboyant figure in Sydney's underworld from the 1930s. The building has some significance for its association with Thomas Rowe, original designer and colonial architect.</p>	<p>The historic association with Charles Moore MLA, Randwick Councillor and Mayor, Mayor of Sydney and as the building's original owner is retained and respected by the proposal.</p> <p>The stories of key people associated with the history of Ballamac including and the original designer and architect, Thomas Rowe, Sir James Joynton-Smith, Dr Reginald Stuart Jones will be interpreted within the project.</p>
SHR Criteria c) [Aesthetic significance]	<p>The building's aesthetic significance has been greatly reduced through a series of major additions and alterations which have resulted in the loss of original fabric to primary facades, and a loss of the original setting with the progressive subdivision of the lot and construction of flats adjacent. The significance of the 1950s apartment interior by important architect Peter Muller is limited and does not meet the threshold of heritage listing, as it does not represent a seminal work and is not acknowledged by the architect in his list of works.</p>	<p>The proposed addition will enhance the presentation of the original 1860s villa. The addition has been carefully designed to respect the character, scale, form, materials and colours and detailing of the original 1860s Victorian villa. Articulated from Ballamac House and sized to align with the original stone walls, the addition sits below the roofline of the original house to minimise heritage impacts and is designed to read as a contemporary secondary element in the composition.</p> <p>The proposal will re-orientate Ballamac House, which was historically designed to face Coogee Bay with secondary rear additions to the north, and will improve its Arcadia Street</p>



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Criteria	Assessment of Significance	Comment
		<i>presentation. Key architectural elements of the original villa, such as the semi-circular form of the original staircase and the reconstructed verandah, will become features of the streetscape, respecting and enhancing the aesthetic significance of the place.</i>
SHR Criteria d) [Social significance]	<i>There are no identified social values specifically attributed to Ballamac.</i>	
SHR Criteria e) [Research potential]	<i>The existing building has limited integrity under this criterion, as its ability to offer information about the era has been greatly reduced by the extent of alteration to original fabric.</i>	<i>The project may reveal more information about the original house.</i>
SHR Criteria f) [Rarity]	<i>The building is a rare example of a substantial mid Victorian seaside residence in the Municipality, however the successive alteration has reduced this aspect of significance.</i>	<i>The significance of Ballamac as a rare example of mid-Victorian seaside residence is enhanced by the proposal.</i>
SHR Criteria g) [Representativeness]	<i>No significance has been identified under this criterion.</i>	-
Integrity/Intactness	-	-
Statement of Heritage Significance	<i>Historically important as the first owner, the Hon Charles Moore played an important role in the Sydney and Randwick Municipalities. Later owners were also people of note.</i>	<i>The proposal respects the significance of Ballamac and it's historical associations with the Hon Charles Moore and later owners of note.</i>



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6. THE PROPOSAL

It is understood that the current proposal seeks to reinstate alterations to the north elevation of the subject site proposed in the original development application DA/388/2022. The SEE notes the following with a background to the current proposed works:

At its meeting of 13 July 2023, the Randwick Council Local Planning Panel (RLPP) determined that Development Application No. DA/388/2022 for demolition, excavation, tree removal, alterations and additions to an existing residential flat building and construction of a new separate residential flat building with basement, new swimming pool, fencing, landscaping, site works and strata subdivision, at No. 39 Arcadia Street, Coogee, be granted deferred commencement consent, subject to satisfying the Condition A1:

A1 The provision of amended plans that:

I. Delete the proposed addition to the north of Ballamac House; and'

II. Documents any consequent internal reconfiguration of Ballamac House, supported by justification in an amended Heritage Impact Statement;

To the satisfaction of Council's Manager Development Assessment.

The current application seeks approval for the deletion of the deferred commencement condition and the modification of other relevant general conditions to ensure the current proposal to reintroduce an additions and alterations to the northern elevation of Ballamac House is consistent with DA/388/2022.

Following engagement of City Plan Heritage for a peer review of the proposed reinstatement of the northern addition, a site inspection was carried out on Tuesday, 7 May 2024, with the Architects, Applicant's representative and Council's Officers. The design was slightly modified following the site inception and an amended set of drawings were submitted on the 8th of May. The changes included replacement of the proposed glass balustrade with a simple metal balustrade and provision of operable louvers screens to the verandah.

7. ASSESSMENT OF THE PROPOSED DEVELOPMENT

Following review of all related background information and on site discussion with the Architects, I am in the opinion of that the proposal aims to improve the existing conditions of the building and give presence to the Arcadia Street frontage. It is evident that the proposed northern addition is the result of extensive research and analysis of the Ballamac's historical development in particular its original context and successive additions and establishment of streets in the local area.

The SOHI includes the following Statement in relation to the proposed northern addition:

The northern elevation of Ballamac is a blank wall which was never intended to be seen from the public domain and has had a range of lower scale additions since 1860. An alternative version of the northern addition should be further explored which interprets this history yet is carefully designed to address the streetscape of Arcadia Street.

A better urban design result may be achieved by bringing in the western side of the addition originally proposed so that it is symmetrical about the facade. This would make the corner of the original building and the reconstructed verandah more visible from Arcadia Street and enhance the



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streetscape presentation of Ballamac. Further, the upstand portion of the roof of the addition could be lowered to reveal more of the original sandstone wall.

Views to the original house should be respected including to the western elevation, with its reconstructed verandah. The upper portion of the northern wall and the form of the roof should remain legible. The original house should read as the primary element in the composition, with the addition reading as a respectful secondary element. Impacts on original fabric should be minimised.

It is noted in Section 6.2 of the SOH that before arriving to the current DA proposal a number of options were considered.

Many options were considered prior to arriving at the current proposal. Common to all design options was the retention of the original house (Ballamac, 1860) with the reconstruction of the wrap-around verandah in its original location.

Options for the retention of the later additions associated with Joynton-Smith in 1912-1914 were also considered. However, these did not allow the primary form of the 1860s original house to be read in the round and were hence discounted.

...

The final scheme locates the new apartment building away from the house and creates a clear separation between the old and new. The new addition to the north of the house is a low-scale extension that sits below the eaves line with a roof form over the verandah that adopts the hip-roof profile of the original house.

The following comments related to the proposed northern addition were received from the Senior Environmental Planning Officer - Heritage on 12 July 2022 responding to the Pre-DA submission:

The proponents' design removes the various additions over time that have obscured the original heritage fabric and form of Ballamac and this is supported. The new northern addition obscures the original form of Ballamac to some extent and should aim to present as much of the original facade as possible for public appreciation (including the curved detail in the upper part), given that the setting for the house has changed and it must now address the street and park, rather than only the south and west. It is noted, however, that the northern facade has been much altered over the years and was originally more commonly used as the service area of the house.

To accommodate for the above comments, the design was changed:

The new northern addition to Ballamac aims to reveal the upper portion of the original wall including the apse which once enclosed a spiral stair. The design of this addition was amended in response to Pre DA feedback to align with the western face of the building, with the lightweight screen aligning with the restored verandah to minimise its visual impact.

An additional setback has been introduced on the western elevation of the addition. Here the vertical stair access of the new northern block has been set further behind the line of the western facade of the original house, allowing more of the upper portion of the original wall of Ballamac to be revealed.

Another comment stated:

The new development to the northern facade of Ballamac should not obscure views to the historic western facade of the house and should be recessive in alignment to the original building. Sandstone-like elements in the modern building should speak to the old but not attract attention away from it.



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The development application drawings should clarify degree of openness of the verandah at the new building. The type of shutters proposed should also be detailed.

In response "The proposed addition to the north of Ballamac has been adjusted to minimise impact to views. The proposed shutters have been designed to achieved maximum transparencies and to read as a contemporary counterpart to the open verandah of Ballamac".

...

Overall, the SOHI provides the following conclusion:

The proposed addition has been carefully designed to respect the character, scale, form, materials and colours and detailing of the original 1860s Victorian villa. Articulated from Ballamac and sized to align with the original stone walls, the addition sits below the roofline of the original house to minimise heritage impacts and is designed to read as a contemporary secondary element.

The proposal will re-orientate the original house, which was historically designed to face Coogee Bay with secondary rear additions to the north, and will improve its Arcadia Street presentation. Key architectural elements of Ballamac, such as the semi-circular form of the original staircase and the reconstructed verandah, will become features of the streetscape, respecting and enhancing the aesthetic significance of the place.

Having reviewed the documents provided by Randwick City Council and the amended plans, I consider that the proposed northern addition is an acceptable outcome for the reasons noted below:

- The current exposed street façade of Ballamac clearly shows that it was not designed to address the street as Arcadia Street was established long after the building's construction.
- Ballamac had a history of various additions to its northern side and other elevations in the form of wings until recently with the earliest being in existence by the mid-1890s approximately 25-30 years of its construction.
- It allows for a northern wing addition similar to that of seen in the 1897 image when the building was Baden Baden Hotel (see the image at the end of this section).
- The addition is a low-scale in contemporary but complementary architectural style that would create a street presence for the building of which will have restricted connection to Coogee Beach views following construction of the approved eastern new flat building.
- The proposed northern addition will be essentially a single storey wing separated from the original building via a new vestibule entrance while providing increased amenity to the approved apartments within Ballamac.
- The circular former staircase bay will be visible beyond and above the proposed northern addition expositing the original rear elevation and configuration of Ballamac.
- The proposed roof terrace balcony, while could be considered not essential, it allows for maintaining the roof height of the addition as low as possible and exposing the upper level of Ballamac's rear elevation. Changes in the material of roof terrace balustrade from glass to simple metal balustrade will make the terrace more compatible in materials reflecting the style of the historical roof terraces (watch towers) with palisade balustrades.
- The roof terrace will also provide some level of visual connection to Coogee Beach as it has been since the construction of Ballamac. The house evidently was designed to directly oriented towards



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Coogee Beach as seen in the historical development of the site, and analysis of the historical street and context of Ballamac provided by TZG.

- The louvers to the verandah have been modified to be operable in order to allow for a more transparent and flexible street front to the new addition rather than a closed-in verandah. It is acknowledged that an open verandah would not be appropriate due to the privacy issue for the bedrooms behind the veranda. The amended operable louvers are considered an acceptable compromise in place of an open verandah.
- Overall, the proposed northern addition is a sympathetic and low-scale addition that would not impact on any significant fabric of Ballamac, which will be restored and many of its missing elements will be reinstated as part of the previously approved 2022 DA for the site.



8. SUBMISSIONS

No submission for the subject DA/10/2024 has been provided by Randwick City Council to date. It is anticipated the Council will consider any submission in relation to heritage matters based on the independent assessment provided by Council's Heritage Officer and this independent peer review..



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9. CONCLUSIONS AND RECOMMENDATIONS

The current proposed deletion of the deferred commencement condition and the modification of other relevant general conditions to ensure the current proposal to reintroduce an additions and alterations to the northern elevation of Ballamac House is consistent with DA/388/2022, is considered an appropriate response to the current conditions of Ballamac and its exposed rear elevation that has been enclosed by various additions since at least the mid-1890s approximately 25-30 years after its original construction. It is noted that the proposed northern addition is the result of extensive research and analysis of the Ballamac's historical development in particular its original context and successive additions and establishment of streets in the local area. When Ballamac was constructed it was oriented towards Coogee Beach with access from Beach Street via a driveway loop. Arcadia Street and Baden Street were established long after its construction. Arcadia Street was evidently the rear of the site and remained as such until now. The exposed rear elevation of Ballamac is a blind façade that clearly will be an awkward element in the current context of the Street where all properties have been designed to address the street frontage. The proposed northern addition will provide an opportunity to reorient the house to the street and create a street presence in its future approved site configuration. In my opinion, without a northern addition that would allow articulation and alternative frontage to the blind rear façade of Ballamac, the house will appear as turned its back to the main street.

Based on the reasons included in this peer review, the proposed addition and associated modifications as detailed under DA/10/2024 are considered supportable from a heritage perspective. The proposal is consistent with the heritage provisions and controls of the Randwick LEP 2012 and DCP 2023 respectively.

I also support the recommendations made by Samira Abbasalipour, Council's Senior Environmental Planner - Heritage, in her heritage referral dated 15 January 2024, and provide the following additional recommendations to be included in the conditions of consent if the development is approved.

- The details for the new roof terrace balustrade and connection to the original house in the form of plans and sections at 1:20 scale and supported by specific details if found necessary at 1:20 scale with specifications at 1:5 scale that would allow understanding of the outcome for street presentation are to be submitted to and approved by the Council's Heritage Advisor prior to commencement of the works and issue of any Construction Certificate.
- A Heritage Interpretation Strategy/Plan should be prepared and submitted for approval by the Council's Heritage Advisor prior to the issue of any Construction Certificate. The strategy/Plan should detail the historical themes that would need to be represented in the interpretation, recommendations on the type, nature and locations of interpretive media with particular attention to the former uses of the site.

I trust the above heritage assessment will assist the Council in its assessment of the proposed development. Should you have any questions or require any further information on the heritage aspects of the proposal please do not hesitate to let me know.

Appendix 3: Compliance Tables

3.1 Apartment Design Guide

An assessment has been carried out in accordance with Part 3: Siting the Development and Part 4: Designing the Building of the Apartment Design Guide against the design criteria requirements. Any non-compliance to the design criteria includes a merit-based assessment as per the design guidance of the Apartment Design Guide and is further discussed in the Key Issues section.

Apartment Design Guide – Compliance Table									
Design Criteria		Proposal	Compliance						
<p><u>Communal and Public Open Space</u> Communal open space has a minimum area equal to 25% of the site (393m²).</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</p>		<p>Communal open space is retained at 170m² in accordance with the original consent. However, it is noted that private open space will be provided above relevant minimum requirements and that open space areas are improved under the subject application.</p> <p>In any event, the level of communal open space satisfies the design guidance provided by the ADG noting that the site is in very close proximity to a large public reserve - Dunningham Reserve – which provides adequate space for active recreational uses.</p>	No, however, satisfactory						
<p><u>Deep Soil Zones</u> Deep soil zones are to meet the following minimum requirements:</p> <table><tr><th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Greater than 1,500m²</td><td>6m</td><td>7%</td></tr></table>		Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	Greater than 1,500m²	6m	7%	No appreciable difference to the 9% provided in the deferred commencement consent.	Complies
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)							
Greater than 1,500m²	6m	7%							
<p><u>Visual Privacy</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr></table>		Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	The balcony is sited at least 12m from the nearest side boundary.	Complies.
Building Height	Habitable Rooms and Balconies	Non-habitable rooms							
Up to 12m (4 storeys)	6m	3m							
<p><u>Solar Access and Daylight</u> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>		Units 1 and 2 will receive at least 2 hours of solar access.	Complies						

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Apartment Design Guide – Compliance Table		
Design Criteria	Proposal	Compliance
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter		
<p><u>Natural Ventilation</u> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p> <p><i>Cross-over apartment</i> <i>cross ventilating apartment with two opposite aspects and with a change in level between one side of the building and the other</i></p> <p><i>Cross-through apartment</i> <i>cross ventilating apartment on one level with two opposite aspects</i></p>	Unit 1 and 2 are naturally cross ventilated.	Complies
<p><u>Ceiling Height</u> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable Rooms – 2.7m Non-habitable rooms – 2.4m 	Units 1 (2.74m) and 2 (close to 3m) are provided with minimum 2.7m ceiling heights.	Complies
<p><u>Apartment Layout</u> Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> Studio - 35m² 1 Bedroom - 50m² 2 Bedroom - 70m² 3 Bedroom - 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding</p>	<p>Units 1 and 2 comply with the minimum internal area requirements.</p> <p>All habitable rooms have windows that comply with the requirements of the ADG.</p> <p>All bedrooms and living rooms comply with minimum dimensions.</p>	Complies

Apartment Design Guide – Compliance Table		
Design Criteria	Proposal	Compliance
<p>wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>		
<p><u>Environmental Performance</u></p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Depth of habitable rooms (other than open plan rooms) do not exceed 2.5 x the ceiling height.</p> <p>Open plan rooms combining living, dining and kitchen have a maximum living room depth less than 8m from a window.</p>	Complies
<p><u>Open Space</u></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> • Studio - 4m² • 1 bedroom - 8m² (minimum depth of 2m) • 2 bedroom – 10m² (minimum depth of 2m) • 3+ bedroom apartments – 12m² (minimum depth of 2.4m) <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	All private open spaces comply with the minimum depth requirements.	Complies
<p><u>Common Circulation Space</u></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	One unit is proposed on each level of Ballamac House.	Complies
<p><u>Storage</u></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio - 4m³ • 1 Bedroom - 6m³ • 2 Bedroom - 8m³ • 3 Bedroom - 10m³ <p>At least 50% of the required storage is to be located within the apartment.</p>	Compliant storage is provided for each unit (1 & 2) within the unit and the basement.	Complies

3.1 Section C2: Medium Density Residential

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
2. Site Planning			
2.1	Site Layout Options		
	Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> • Two block / courtyard example • T-shape example • U-shape example • Conventional example 	The applicant has in their amended SEE and HIS addressed site layout constraints and opportunities noting that amendments made to the scheme.	Yes
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area (785.9m ²) is to be landscaped open space.	Proposed = 815m ² (52%)	Yes
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area (393m ²) should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting. (ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures. (iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting. (iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes. (v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.	Proposed = 413m ² (25%) increased from 400m ² in original approval in DA/388/2022	Yes
2.3	Private and communal open space		
2.3.1	Private open space		
	Private open space is to be: (i) Directly accessible from the living area of the dwelling.	Unit 2 in Ballamac house maintains an appropriately sized balcony under this DA	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(ii) Open to a northerly aspect where possible so as to maximise solar access.</p> <p>(iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas.</p> <p>For residential flat buildings:</p> <p>(vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from with the dwelling.</p> <p>(vii) Private open space for apartments has a minimum area of 8m² and a minimum dimension of 2m.</p>	and is enhanced by the proposed addition.	
2.3.2	Communal open space		
	<p>Communal open space for residential flat buildings is to be:</p> <p>(a) Of a sufficient contiguous area, and not divided up for allocation to individual units.</p> <p>(b) Designed for passive surveillance.</p> <p>(c) Well oriented with a preferred northerly aspect to maximise solar access.</p> <p>(d) adequately landscaped for privacy screening and visual amenity.</p> <p>(e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.</p>	Communal space is maintained as per original approval.	Yes
3.	Building Envelope		
3.1	Floor space ratio		
	0.9:1	0.88:1 (reduced by excluding services and also reducing the floor area between the ground level addition and Ballamac House).	Yes
3.2	Building height		
	12.5m	7.42m relates to the terrace balustrading.	Yes
3.3	Building depth		
	<p>For residential flat buildings, the preferred maximum building depth (from window-to-window line) is between 10m and 14m.</p> <p>Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over,</p>	The proposal complies with the minimum depth requirements in the DCP including the ADG.	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	double-height or corner dwellings / units.		
3.4	Setbacks		
3.4.1	Front setback		
	<p>(i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries.</p> <p>(ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis.</p> <p>(iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings.</p> <p>(iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.</p>	<p>The proposal includes front setbacks of 4.2m to the northern additions to Ballamac House.</p> <p>This setback is larger than the predominant setback of neighbouring properties and the new development within the subject site.</p>	Yes
3.4.2	Side setback		
	<p>Residential flat building</p> <p>(i) Comply with the minimum side setback requirements stated below:</p> <ul style="list-style-type: none"> - 4m for sites with frontage >20m <p>(ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to:</p> <ul style="list-style-type: none"> - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and 	<p>Additions to Ballamac House - Western Elevation 9.38m increasing from 7.65m originally proposed under DA/388/2022.</p>	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	natural ventilation for the development and the adjoining residences.		
4. Building Design			
4.1	Building façade		
	<ul style="list-style-type: none"> (i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. (iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length and stagger the wall planes. (vi) Conceal building services and pipes within the balcony slabs. 	The front façade to Arcadia Street associated with the additions are contemporary to differentiate from the heritage item and considered acceptable by Council's Heritage Planner.	Yes
4.2	Roof design		
	<ul style="list-style-type: none"> (i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three-dimensional form (size and scale) and façade composition of the building. (ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access. (iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape. (iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms. (v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights 	The proposed roof is hipped up to the roof terrace which is generally considered acceptable as it recedes within the site away from the front and sides.	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>must be sympathetic to the overall design of the building and the streetscape.</p> <p>(vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain.</p> <p>(vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:</p> <ul style="list-style-type: none"> - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building and are positioned to minimise direct and oblique views from the street. - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. <p>(viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>		
4.4	External wall height and ceiling height		
	(ii) Where the site is subject to a 12m building height limit under the LEP, a maximum external wall height of 10.5m applies.	6.02m	Yes
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	The proposal provides 2.7m floor to ceiling heights to both units 1 and 2.	Yes
4.5	Pedestrian Entry		

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.</p> <p>(ii) Present new development to the street in the following manner:</p> <ul style="list-style-type: none"> - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible. - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary). - Provide weather protection for building entries. <p>Postal services and mailboxes</p> <p>(i) Mailboxes are provided in accordance with the delivery requirements of Australia Post.</p> <p>(ii) A mailbox must clearly mark the street number of the dwelling that it serves.</p> <p>(iii) Design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.</p>	<p>The pedestrian and vehicular entries remain clearly distinguishable.</p> <p>The building entries remain directly accessible from the street, clearly defined and integrated into the overall building and landscape design noting larger landscaping associated with the ground level above the driveway undercroft area below.</p>	<p>Yes</p> <p>Yes</p>
4.7	Apartment layout		
	<p>(i) Maximise opportunities for natural lighting and ventilation through the following measures:</p> <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. 	<p>Apartment layout of Unit 1 and 3 are provided in accordance with the ADG, noting that each of these apartments have dual aspects and are naturally cross</p>	<p>Complies with the ADG.</p>

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<ul style="list-style-type: none"> - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. <p>Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.</p>	ventilated and provided with adequate natural light.	
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	The layout of units 1 and 2 provide flexible furniture arrangements.	Yes
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development. (iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.	All apartments are provided with compliant POS that complies with the ADG relation to area, however that there are certain constraints in providing for compliant 2.4m minimum depth in the ADG. This is not considered fatal to the application noting the heritage constraints and also the sizable area of POS provided for each of these apartments is well above the minimum area required.	Complies with the ADG design guidance having regard to adaptive reuse of existing buildings.
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8sqm and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments. (ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12sqm. All ground floor apartments are to have direct access to a terrace.	The proposal provides sufficient POS areas above the required size areas specified under the ADG.	Yes
4.9	Colours, materials and finishes		
	(i) Provide a schedule detailing the materials and finishes in the	The colours and materials schedule is	Satisfactory, as conditioned

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>development application documentation and plans.</p> <p>(ii) The selection of colour and material palette must complement the character and style of the building.</p> <p>(iv) Use the following measures to complement façade articulation:</p> <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of lightweight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. <p>(v) Avoid the following materials or treatment:</p> <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sunshade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts <p>(vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration.</p> <p>(vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.</p>	<p>considered to satisfy the relevant controls and heritage considerations of Ballamac House. Notwithstanding this, a condition has been included requiring a detailed schedule be submitted and approved by Council's Heritage planner post consent.</p>	
4.12	Earthworks Excavation and backfilling		
	<p>(i) Any excavation and backfilling within the building footprints 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 building within this extent of site modification.</p> <p>(ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of</p>	<p>The original application proposed excavation which is not appreciably changing as part of this application.</p>	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>earthworks at any point on the site.</p> <p>(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.</p>		
	<p>Retaining walls</p> <p>(iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</p> <p>(v) Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain.</p> <p>(vi) 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 with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing).</p>	No appreciable changes to retaining walls under this application.	Yes
5. Amenity			
5.1	Solar access and overshadowing		
	Solar access for proposed development		
	<p>(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.</p>	Units 1 and 2 will retain appropriate levels of solar access.	Yes
	<p>(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.</p>	75% of units will continue to receive at least 3 hours of solar access.	Yes
5.2	Natural ventilation and energy efficiency		
	<p>(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.</p>	All habitable rooms of units 1 and 2 are provided with natural daylight via windows.	Yes
	<p>(ii) Sun shading devices appropriate to the orientation should be</p>	Appropriate sun shading devices have	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	provided for the windows and glazed doors of the building.	been provided to unit 2 and 1	
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.	All habitable rooms within unit 1 and 2 are provided with window openings to outdoor areas.	Yes
	(iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.	All habitable rooms within units 1 and 2 are capable of natural ventilation.	Yes
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.	Units 1 and 2 are cross-ventilated.	Yes
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.	Unit 1 and 2 kitchens (100%) have access to natural ventilation.	Yes
5.3	Visual privacy		
	<p>(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings.</p> <p>(ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences.</p> <p>(iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.</p> <p>(iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.</p> <p>(v) Incorporate materials and design of privacy screens including:</p> <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open 	All windows are generally well designed with regards to privacy. The proposed roof terrace is appropriately sited away from site boundaries.	Yes.

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection		
5.4	Acoustic privacy		
	(i) Design the building and layout to minimise transmission of noise between buildings and dwellings. (ii) Separate “quiet areas” such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities. (iii) Utilise appropriate measures to maximise acoustic privacy such as: - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors	No appreciable changes with private open space and bedrooms orientated to the street.	Yes
5.5	View sharing		
	(i) The location and design of buildings must reasonably maintain existing view corridors and vistas to significant elements from the streets, public open spaces and neighbouring dwellings. (ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas should be given a priority over those obtained from the bedrooms and non-habitable rooms. (iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain. (iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain. (v) Adopt a balanced approach to privacy protection and view sharing and avoid the creation of long and massive blade walls or screens that obstruct views from	No appreciable impact from the proposed additions noting that they are well below the FSR and height standards in the LEP and setback in an appropriate manner from the western side and front boundaries.	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	the neighbouring dwellings and the public domain. (vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.		
5.6	Safety and security		
	(i) Design buildings and spaces for safe and secure access to and within the development.	Entry points to the building maintain lines of site.	Yes
	(iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.	Direct, secure access is provided.	Yes
	(iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed insufficient.	Unit 1 and 2 are provided with openable habitable room windows that are capable of being secured.	Yes
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.	The ground level bridge provides a larger landscaped area.	Yes
	(vi) Resident car parking areas must be equipped with security grilles or doors.	No change	NA
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	No change.	NA
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	No change	NA
	(ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies / foyers, hallways, open space and car parks.	Casual surveillance will be maintained to the street from units 1 and 2.	Yes
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	No change – conditioned in original DA/388/2022	NA

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	No change – conditioned in original DA/388/2022	NA
7. Fencing and Ancillary Development			
7.1	Fencing		
	(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering. (ii) Sandstone fencing must not be rendered and painted. (iii) The following materials must not be used in fences: <ul style="list-style-type: none"> - Steel post and chain wire - Barbed wire or other dangerous materials (iii) Expansive surfaces of blank rendered masonry to street frontages must be avoided.	Front and side fencing is maintained as per the original containing suitable materials such as sandstone, timber and metal. The materials schedule does not include any of the prohibited materials and there are no expansive surfaces of blank rendered masonry to the street or Dunningham Reserve frontages.	Yes
7.6	Storage		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> (a) Studio apartments – 6m3 (b) 1-bedroom apartments – 6m3 (c) 2-bedroom apartments – 8m3 (d) 3 plus bedroom apartments – 10m3 	Units 1 and 2 are provided adequate areas of storage in accordance with the ADG, which takes precedence over the RDCP for this development standard (refer to ADG assessment).	Complies with ADG.
7.7	Laundry facilities		
	(i) Provide a retractable or demountable clothesline in the courtyard of each dwelling unit.	No change	NA
	(ii) Provide internal laundry for each dwelling unit.	Unit 1 and 2 are provided with an internal laundry.	Yes

Responsible officer: Louis Coorey, Senior Environmental Planning Officer

File Reference: DA/10/2024

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Development Consent Conditions
(Medium Density Residential)



Folder /DA No:	DA/10/2024
Property:	39 Arcadia Street, COOGEE NSW 2034
Proposal:	Alterations and additions to the multi-dwelling housing development approved under DA/388/2022 involving alterations and additions to the northern elevation of Ballamac House (Heritage Item).
Recommendation:	Approval

GENERAL CONDITIONS

Condition

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

Plan	Drawn by	Dated
AA 10	Tonkin Zulaikha Greer Architects	19/12/23
AA 11 Rev A		07/02/24
AA 12		19/12/23
AA 30 Rev 01		07 May 2024
AA 35		07 May 2024
L01	Jane Irwin Landscape Architecture	17/11/23
L02		17/11/23
L03		17/11/23

BASIX Certificate No.	Dated
A466592_04	21 December 2023

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

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

Consent to operate in conjunction with current consents

The approved plans and documents operate in conjunction with current consents for the site inclusive of:

- DA/388/2022 and
- DA/719/2023

2. The subject consent allows for the construction of the northern additions to Ballamac House.

Condition reason: To enable this amending DA to operate in accordance with current relevant consents for the site.

Condition	
3.	Heritage Conservation Conditions <ol style="list-style-type: none"> A Conservation Management Plan for the historical component shall be provided to owners to guide long-term and short-term works to the building, to ensure that ongoing works are consistent with the Principles, Processes and Practices of the Australia ICOMOS Burra Charter 2013. The Plan should detail the historical themes that would need to be represented in the interpretation, recommendations on the type, nature and locations of interpretive media with particular attention to the former uses of the site. This Plan shall be prepared by a suitably qualified and experienced heritage specialist, to the satisfaction of the Heritage Planner and the Director City Planning and shall be submitted with the construction certificate application. The conservation policies and maintenance program outlined in the Conservation Plan shall be adopted and the recommendations shall be implemented. An architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of conservation works/ repairs. A schedule of such works should be provided to Council. Principles of the <i>Burra Charter</i> must be adhered to throughout the design and execution of works. Original masonry corners of the building are to be left intact and new work is to be separated from the old by an expansion joint. Existing mortar joints should be repointed if necessary, using a soft mortar mix. A soft mortar mix is required to avoid long term fretting of the surface of the sandstone blocks. In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken, and the Heritage Council of NSW be notified under the requirements of the Heritage Act. The details for the new roof terrace balustrade and connection to the original house in the form of plans and sections at 1:20 scale and supported by specific details if found necessary at 1:20 scale with specifications at 1:5 scale that would allow understanding of the outcome for street presentation are to be submitted to and approved by the Council's Heritage Advisor prior to commencement of the works and issue of any Construction Certificate. <p>Condition reason: To ensure the heritage conservation is maintained.</p>

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition	
4.	Consent Requirements <p>The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.</p> <p>Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.</p>
5.	External Colours, Materials & Finishes <p>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.</p> <p>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 Heritage Planner prior to issuing a construction certificate for the development.</p> <p>Condition Reason: To ensure colours, materials and finishes are appropriate and</p>

	Condition
	compatible with surrounding development.
6.	<p>Sydney Water</p> <p>All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> • Building plan approvals • Connection and disconnection approvals • Diagrams • Trade waste approvals • Pressure information • Water meter installations • Pressure boosting and pump approvals • Change to an existing service or asset, e.g. relocating or moving an asset. <p>Sydney Water's Tap in™ in online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
7.	<p>Building Code of Australia</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
8.	<p>BASIX Requirements</p> <p>In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.</p> <p>The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p>

Condition

Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.

BEFORE BUILDING WORK COMMENCES

Condition

9. **Building Certification & Associated Requirements**

The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:

- a) a *Construction Certificate* must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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

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

Condition reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.

DURING BUILDING WORK

Condition

10. **General conditions**

All conditions in DA/388/2022 applicable during building and construction work are applicable to this consent.

Note: Where reports are required to be provided for Council approval post determination, an addendum letter is only required under this DA.

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

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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

11. **Occupation Certificate Requirements**
 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 and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

 Condition reason: Statutory requirement. To ensure the site is authorised for occupation.
12. **BASIX Requirements**
 In accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

 Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.
13. **Fire Safety Certificate**
 A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate, in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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

 Condition Reason: Statutory requirement. To ensure compliance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, and that adequate provision is made for fire safety in the premises for building occupant safety.
14. **Structural Certification**
 A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifier*. A copy of which is to be provided to Council.

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

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

Condition	
	<p>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.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
16.	<p>Noise Control Requirements & Certification</p> <p>The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i>.</p> <p>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 <i>Protection of the Environment Operations Act 1997</i>, NSW Environment Protection Authority (EPA) Noise Policy for Industry and Council's development consent.</p> <p>A copy of the report must be provided to the <i>Principal Certifier</i> and Council prior to an occupation certificate being issued.</p> <p>Condition Reason: To protect the amenity of the surrounding area and residents.</p>
17.	<p>Street and/or Sub-Address Numbering</p> <p>Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.</p> <p>If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.</p> <p><i>Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.</i></p> <p>Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.</p>
18.	<p>Landscape Certification</p> <p>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 approved plan and relevant conditions of consent.</p> <p>Condition Reason: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.</p>

OCCUPATION AND ONGOING USE

Condition	
19.	<p>Fire Safety Statement</p> <p>A single and complete <i>Fire Safety Statement</i> (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> at least on an annual basis each year following the issue of the <i>Fire Safety Certificate</i>, and in accordance with the</p>

Condition
<p><i>Fire Safety Schedule</i> for the building.</p> <p>The <i>Fire Safety Statement</i> is required to confirm that all the fire safety measures have been assessed by a registered fire safety practitioner and are operating in accordance with the standards of performance specified in the <i>Fire Safety Schedule</i>.</p> <p>A copy of the <i>Fire Safety Statement</i> must be displayed within the building entrance or foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.</p> <p>Condition Reason: Statutory requirement. To ensure compliance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, and that adequate provision is made for fire safety in the premises for building occupant safety.</p>

Development Application Report No. D57/24

Subject: 124 Doncaster Avenue, Kensington (DA/458/2022)


Executive Summary

Proposal:	Alterations and additions to the existing residential flat building including an additional storey and new balconies.
Ward:	West Ward
Applicant:	Wentworth Kelly Investments Pty Ltd
Owner:	Strata Plan No. 30049
Cost of works:	\$3,051,562.00
Reason for referral:	The development is subject to SEPP 65 as the building is 3 or more storeys and contains at least 4 dwellings.

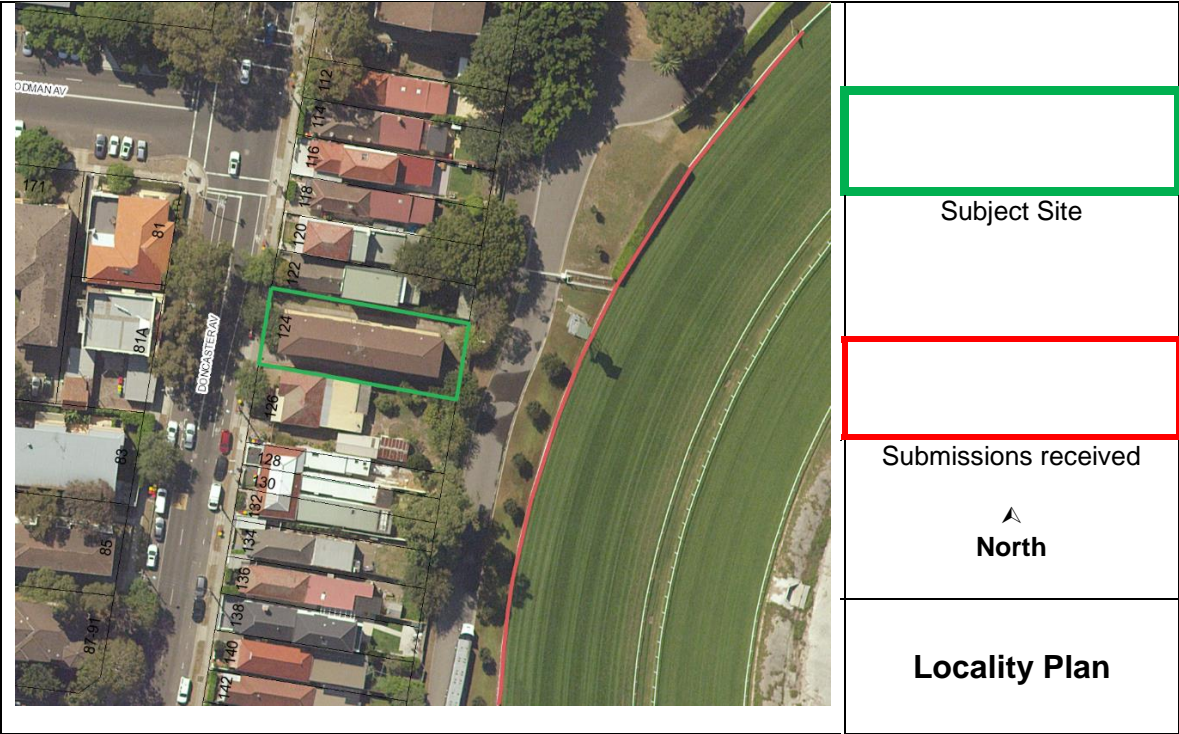
Recommendation

- A. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/458/2022 for alterations and additions to the existing residential flat building including an additional storey and new balconies, at No. 124 Doncaster Avenue, Kensington, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1.  RLPP Dev Consent Conditions (med density res) - DA/458/2022 - 124 Doncaster Avenue, KENSINGTON NSW 2033 - DEV - Randwick City Council

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1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the proposed development is subject to SEPP 65 – Design Quality of Residential Apartment Development (SEPP 65) as the building is 3 or more storeys and contains at least 4 dwellings.

The proposal seeks development consent for alterations and additions to the existing residential flat building including an additional storey and new terrace balconies, central lift, bin store and plant room.

The subject site is located within the Randwick racecourse heritage conservation area.

The key issues associated with the proposal relate to rear setback, non-compliant external wall height with regards to the lift shaft, visual bulk and scale of the development adjacent to neighbouring one and two storey properties, privacy and overshadowing.

The proposal demonstrates consistency with the objectives of the R3 Medium Density Residential zone and subject to a condition (in relation to privacy, increased solar access and improved visual bulk to the rear of the building) will not result in significant adverse amenity impacts to adjoining residents. Rather, the proposed works seek to improve the amenity and accessibility for residents of the existing RFB and increase the availability of housing stock within the locality.

The proposal will maintain the medium density character of the locality and is generally commensurate with the bulk and scale of development that is anticipated for the desired future of the site. Surrounding development ranges from one (1) to four (4) storeys in height. Whilst it is noted that the existing building is already prominent among its one and two-storey neighbours these properties are considered underdeveloped in the context of the current framework. The desired future character of the area will be shaped by a 12m height limit, with considerations for the heritage conservation area streetscape.

The proposed development subject to a condition will be generally consistent with the anticipated height, bulk and scale for desired future development within this section of the block. The proposed four (4) storey development is consistent with the four (4) storey form of nearby RFBs at Nos. 85, 87-91 & 102-110 Doncaster Avenue and the proposal has considered design elements that respond to the adjoining sites and the non-compliant wall section, which is limited to the lift shaft. This includes increased side setbacks than the current controls, an increased front setback of the upper

most level to recess the upper level addition and the incorporation of a different wall material treatment than the existing building to predominantly retain the existing presentation of the overall built form within the conservation area. In addition, the terrace balconies with planter boxes orientated towards the street and rear have been integrated to soften the built form and to take advantage of the views of the adjacent Racecourse.

Moreover, with the exception of the lift shaft which is located to the centre of the building and provides accessibility for the existing and proposed apartments, the building will comply with the external wall height of 10.5m. The proposed landscaping along the northern side boundary will soften the appearance of the built form as viewed from the southern neighbouring property and streetscape. In addition to the above, the proposed development is well under the FSR and Height of Building development standards of the Randwick LEP 2012.

The proposed development is supported given its consistency with Council's *'Design Ideas for Rejuvenating Residential Flat Buildings'*. In accordance with this policy, the proposal seeks to increase the availability and diversity of housing stock within the locality. The adaptive reuse of the existing building is supported as a sustainable means of redeveloping the site. The proposed upper floor addition is well articulated and integrated with the design of the existing building and subject to conditions to address privacy and solar access to the rear of the building will not adversely impact the amenity of neighbouring properties.

Subject to conditions, the proposed development is generally consistent with the relevant planning provisions including SEPP 65 and associated design guidance within the Apartment Design Guide (ADG), the relevant objectives of the Randwick LEP 2012 and Randwick DCP 2013.

Subject to conditions in relation to privacy, visual bulk and overshadowing, the proposed alterations and additions will create an improved indoor environment and amenity levels for the existing apartments with enhanced ventilation, solar access and natural lighting, energy efficiency, insulation, waste and storage facilities for the existing occupants of the site. The proposed development will also improve the aesthetics and appearance of the existing building as viewed from the streetscape and neighbouring development.

The proposal is recommended for approval subject to non-standard conditions in relation to privacy, visual bulk and overshadowing, which requires privacy measures to be implemented to a number of window and door openings to the northern and southern elevations and that requires the rear balconies on the first and second floor levels to be reduced in size with 1.6m high privacy screens to be provided to the sides of the balconies in order to improve solar access, privacy and visual bulk to the rear yards of neighbouring properties.

The non-standard conditions will read as follows:

2. The approved plans and documents must be amended in accordance with the following requirements:
 - (a) The rear balconies on the first and second floor level shall be reduced to a maximum depth of 2.5m and a maximum width of 5.2m to align with the sliding door openings. Privacy screens having the height of 1.6m from the finished floor level shall be provided to the northern and southern sides of the balconies.
 - (b) The following window openings to the southern side elevation require privacy measures to be implemented to ensure reasonable levels of privacy is maintained to the rear yard of the neighbouring property at no. 126 Doncaster Avenue:
 - (i) The entire staircase window opening to the southern elevation shall be fixed and be provided with translucent, obscured, frosted or sandblasted glazing.
 - (ii) The kitchen window openings W7 (Apartments 2 and 4) on the first and second floor levels shall be provided with translucent, obscured, frosted or sandblasted glazing and as an awning hung window to allow for ventilation into the kitchen.
 - (iii) The lower half of the window sash to the bathroom window openings W8 (Apartments 2 and 4) on the first and second floor level shall be fixed and be provided with translucent, obscured, frosted or sandblasted glazing.

- (iv) The kitchen window on the third floor level shall be provided with translucent, obscured, frosted or sandblasted glazing and as an awning hung window to allow for ventilation into the kitchen.
- (v) The lower half of the window sash to the two (2) living room window openings on the third floor level shall be fixed and be provided with translucent, obscured, frosted or sandblasted glazing.
- (c) The following window and door openings to the northern side elevation require privacy measures to be implemented to ensure reasonable levels of privacy is maintained to the rear yard of the neighbouring property at no. 122 Doncaster Avenue:
 - (i) The balustrading to the Juliet style balconies adjacent to the sliding door window openings W1, W2 & W3 on the first and second floor levels (Apartments 2 and 4) shall be at a height of 1.5m from finished floor level with the individual palisade openings not more than 30mm wide.
 - (ii) The living room window openings W4 & W5 on the first and second floor levels (Apartments 2 and 4) shall be fixed to a height of 1.6m from the finished floor level and be provided with translucent, obscured, frosted or sandblasted glazing, the upper portion of the window opening that extends above 1.6m may remain open to allow for ventilation.

2. Site Description and Locality

The subject site is known as 124 Doncaster Avenue, Kensington and is legally described as Lot 85 Sect 1 in DP 2905. The site is 612.2m² in area, is rectangular in shape and has a frontage width of 15.215m to Doncaster Avenue, side boundary depths of 40.235m and a rear width of 12.215m.

The site contains three storey residential flat building comprising two residential floors (with 4 x 3-bedroom dwelling units) above six separate and double, enclosed garage spaces at ground-level.

The site is generally flat with a gentle cross fall of approximately 0.57m from rear east end of the southern side boundary to front western end of the southern side boundary. To the northern end of the boundary, the site has a gentle cross fall of approximately 0.53m from the front western end to the rear eastern end of the boundary.

To the northern side of the subject site is a two storey dwelling house at No. 122 Doncaster Avenue. To the southern side of the subject site is a single storey dwelling house at No. 126 Doncaster Avenue. The Royal Randwick Racecourse adjoins the eastern rear boundary of the subject site. Directly opposite the subject site to the west is a 2 storey residential flat building at No. 81A Doncaster Avenue.



Figure 1: Subject site and adjoining development on Doncaster Avenue



Figure 2: Rear yard of subject site



Figure 3: Northern side boundary of subject site and adjoining property at 122 Doncaster Ave.



Figure 4: Southern side boundary of subject site and adjoining property at 126 Doncaster Ave.

3. Relevant history

The land has been used for residential purposes for an extended period of time. Development Application No. DA/169/1974 was approved on 29/11/1974 for the construction of a two (2) storey RFB with four (4) units with a garage level below.

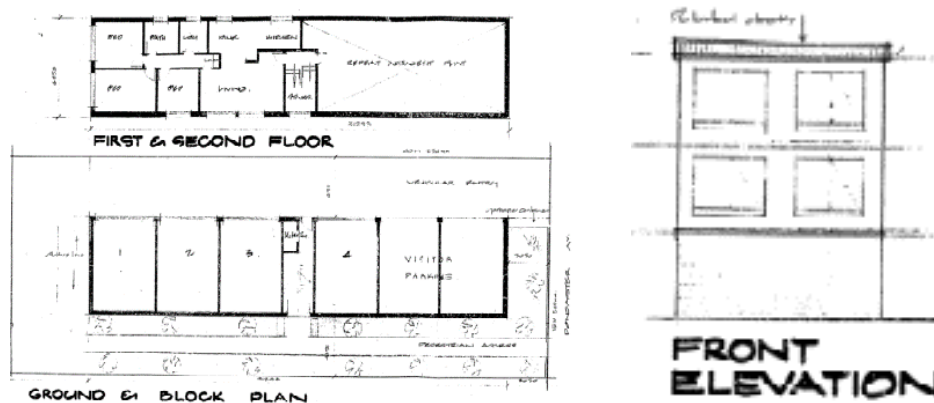


Figure 5: Existing approved floor plans and front elevation under DA/169/1974.

Request for Information

On 19/12/2023, Council requested additional information from the applicant relating to comments from Council's Design Excellence Advisory Panel and on 7/03/2024 relating to parking deficiency identified in the Development Engineering review.

Following a meeting with Council's assessment staff on 7 March 2024 to address panels comments, amended plans were submitted by the Applicant on 25 March 2024.

On the 5/06/2024, Council requested the applicant's planner to respond to the Design Excellence Advisory Panel (DEAP) and the response was received on 7/06/2024.

On 11/06/2024 Council requested elevational shadow diagrams showing location of the neighbouring property's north facing windows be provided at hourly intervals to determine the shadow impacts on the neighbouring property's northern windows. The shadow diagrams were provided on 12/06/2024.

Proposal

The proposal seeks development consent for alterations and additions to the existing two storey residential flat building with additional garage parking level on the ground floor. Specifically, the proposed works include:

- Addition of 1 x storey (Level 3) comprising 1 x three (3) bedroom apartment;
- Addition of enclosed bin storage room and plantroom at ground level to the rear of the existing building;

- Addition of new internal lift and entrance lobby;
- Reconfiguration of existing internal layout of apartments 1 to 4 on the first and second floor levels;
- New render and painted finish to the existing building; and
- New communal area, clothes drying area to the rear of the building and associated landscape works.

The proposal will provide six (6) garage spaces – two (2) for the new 3-bedroom unit and one (1) for the existing 4 x 3-bedroom units (as existing). The existing visitor space at the rear of the driveway will be retained.

The proposed alteration and additions are as follows on each of the floor levels:

Ground floor FFL: + RL 29.860

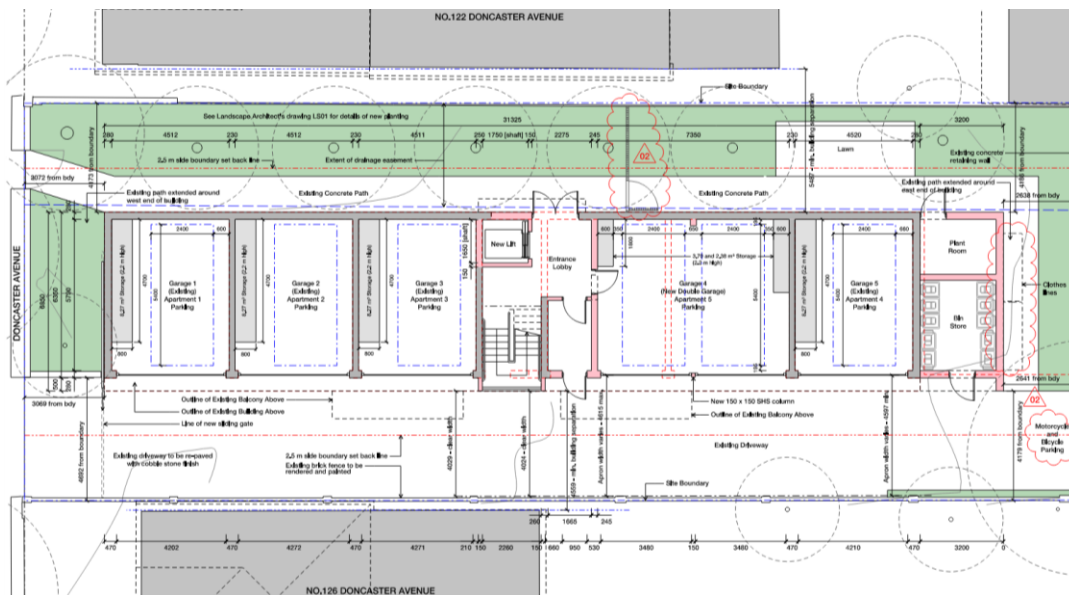


Figure 6: Proposed changes highlighted in red on the ground floor plan

First floor FFL: + RL 29.260

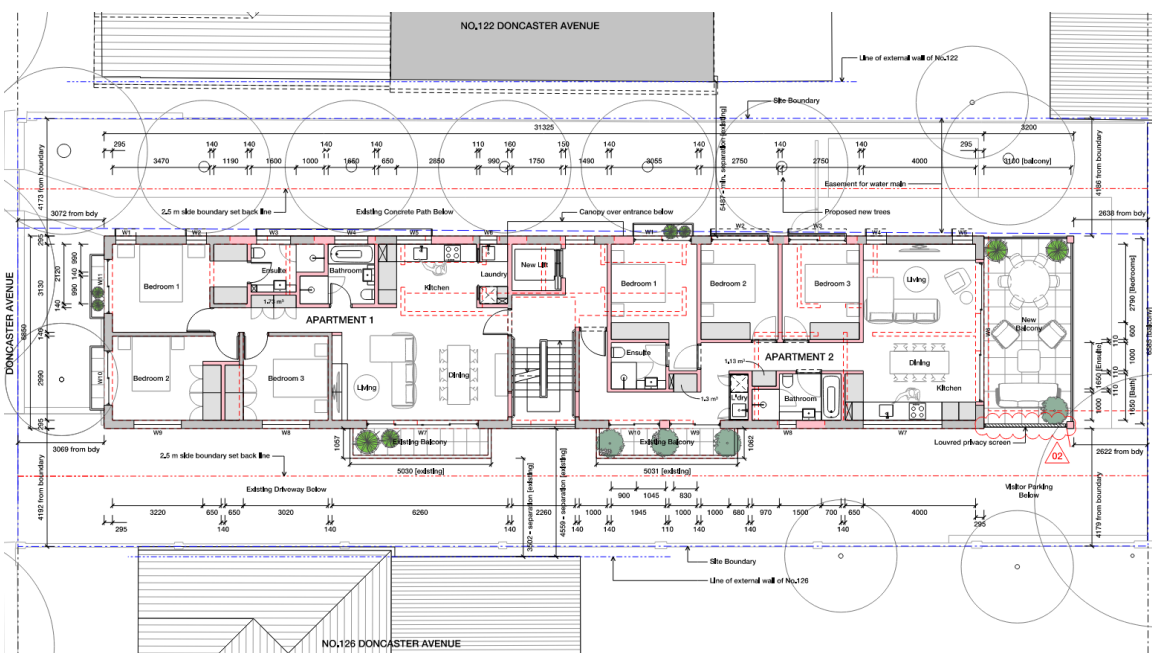


Figure 7: Proposed changes highlighted in red on the first floor plan

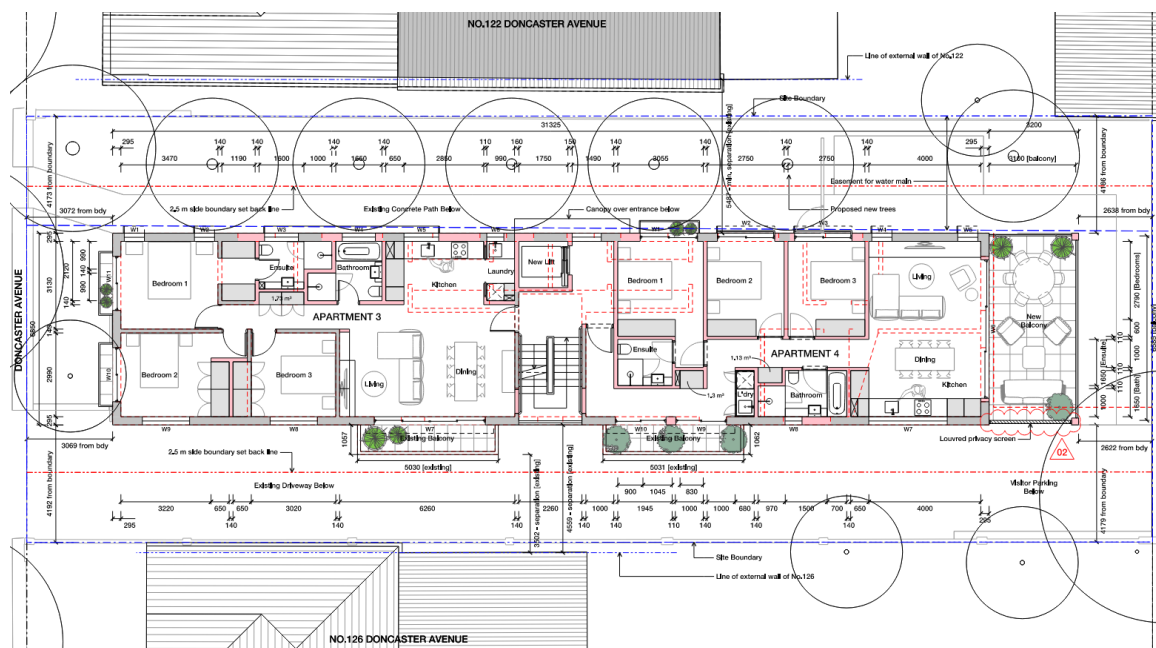
Second floor FFL: + RL 31.940

Figure 8: Proposed changes highlighted in red on the second floor plan

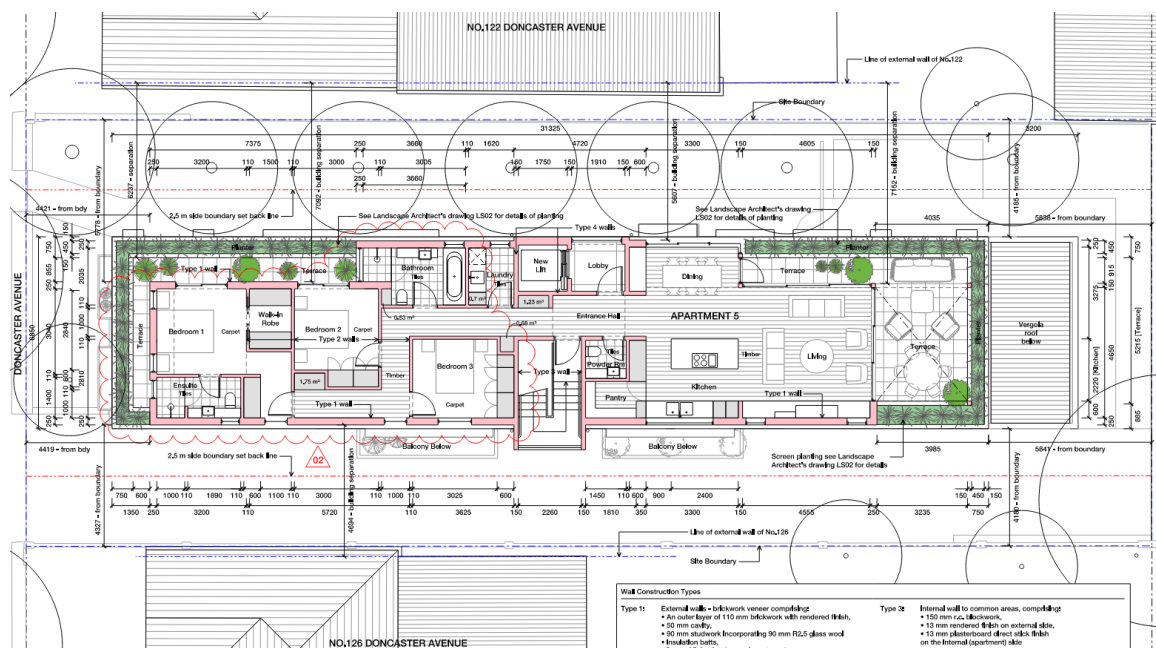
Third floor FFL: + RL 34.640

Figure 9: Proposed third floor addition

Amended plans were received by Council on 25 March 2024 to address concerns raised by Council's Planner, Development Engineers and Design Excellence Advisory Panel.

The amendments include the following changes:

- Revised parking and motorcycle layout.
- Revised bin store area.

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- Addition of a clothesline at the rear ground floor.
- Addition of a communal area within the northern setback towards the rear of the site along with a new entry gate and dividing fence to provide safety and security to the communal area.
- Louvred privacy screens provided along the southern side of the rear balconies on the first and second floor levels.
- Reconfiguration of penthouse unit to incorporate an increased front setback from the perimeter of the lower built form.
- Landscape plan was updated to include additional trees, landscaping and incorporate the communal open space on the northern side.

The assessment is based on the amended plans and documentation received by Council on 25 March 2024.

4. Notification

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

- Unknown submission from local area
- The Australia Turf Club - 77-97 Alison Road, RANDWICK

Issue	Comment
<p>Querying why the entire building located at 124 Doncaster Avenue was unable to be completed, retained and integrated into the redevelopment.</p> <p>There are not many buildings of its kind left in the area and it is typical of the heritage destruction that is occurring in the area that is changing the look and feel of the Eastern Suburbs. The area is already too dense and continuing to build more and more ugly high-rise concrete towers in Kensington and Kingsford is not going to result in the revitalisation of the area.</p> <p>It will only make it more gloomier and depressing. People will just go to areas like Surry Hills and Newtown/Enmore. The heritage along Anzac Parade has already been largely destroyed, the disastrous developments of 76-108 Anzac Parade and 116-124 Anzac Parade that are devoid of people and appear to be largely unoccupied.</p> <p>The shopping area will only improve if the council will allow the return of limited on street parking at Kensington Shops even though I would not like the increased traffic and congestion on the street.</p>	<p>Council's Heritage planner has reviewed the proposed development and notes that the development is constrained by the existing residential flat building on the site (i.e. footprint and land parcel) and the outdated building presents as detracting.</p> <p>The proposed upgrade of the facade with higher-quality materials, rendered finish and enhanced landscaping would change its presentation, making a positive visual contribution to the Heritage Conservation Area.</p> <p>The proposed development is supported given its consistency with Council's <i>'Design Ideas for Rejuvenating Residential Flat Buildings'</i>. In accordance with this policy, the proposal seeks to increase the availability and diversity of housing stock within the locality. The adaptive reuse of the existing building is supported as a sustainable means of redeveloping the site.</p> <p>Noted concerns in relation to the return of limited on-street parking at Kensington Shops, however this is not a matter for consideration under the subject proposal, along with the other development sites identified along the Anzac Parade corridor.</p>
<p>Questions why there are so many student accommodation buildings being allowed to be built at once when it is unknown what will be the impact of a single student accommodation building?</p>	<p>Noted. However, this application is for alterations and an addition of a third floor level containing a 3 bedroom apartment to an existing residential flat building.</p>

Issue	Comment
<p>The Australia Turf Club do not object to the proposed development provided the following concerns are considered in the final conditions for the benefit of future residents of this development:</p> <ul style="list-style-type: none"> - The proposal is sited within the Racecourse Precinct Heritage Conservation Area. - Note that this property is one of the closest to the course proper racetrack. The development may need to consider additional acoustic mitigation measures due to the nature of the operations and lower high street horse precinct being nearby. - Ensure the development does not result in overshadowing impact to the course proper racetrack. 	<p>Council's Heritage planner has reviewed the proposed development and as discussed above the proposed amendments will improve the presentation, addressed bulk and scale of the proposal by recessing the upper level addition and will not have any detrimental impact on the fabric, setting and visual corridors of the Racecourse Precinct Heritage Conservation Area.</p> <p>There is no perceived significant impact on any public views, either to and from the heritage item within the vicinity, or more generally any view corridors within the HCA and with particular regards to the Randwick Racecourse Precinct.</p> <p>The bedrooms are located to the front of the apartments and noise generated sources such as the living areas and balconies to the proposed development are located to the rear of the building to take advantage of the Randwick Racecourse Precinct and align with the acoustic interface at the rear.</p> <p>A full assessment of solar access to the neighbouring properties is provided under the Key Issues section of this report. On merit the impact is considered to be acceptable, subject to a condition which requires the balconies on the first and second floor level to be reduced in size. In addition, the upper level addition has been considerably recessed from the rear of the existing building envelope to further mitigate shadow impacts.</p>

4.1. Renotification

Renotification was not required as the proposed amendments are improving the visual amenity on the site and the additional wall to the northern side will not be further impacting neighbouring development with regards to solar access and privacy. In regards to the visual bulk, the external wall height complies with the DCP control limit of 10.5m, the building is setback greater than the minimum of 2.5m from the northern side boundary and additional landscape trees proposed along the northern side of the boundary will soften the appearance of the built form as viewed from the northern neighbouring property.

5. Relevant Environment Planning Instruments

5.1. SEPP 65 - Design Quality of Residential Apartment Developments

The [*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*](#) (SEPP 65) aims to promote quality design of Residential Flat Buildings.

SEPP 65 was repealed on 14 December 2023 and the relevant provisions were transferred to Chapter 4 of the Housing SEPP.

However, noting that the subject DA was lodged prior to 14 December 2023 and that the proposal relates to a 3 storeys (with a ground floor garage) RFB comprising five (5) units, SEPP 65 remains applicable.

Clause 28(2) of SEPP 65 requires the consent authority to consider:

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

5.1.1. Design Excellence Advisory Panel (DEAP)

The Design Excellence Panel functions as design review panel for the purposes of SEPP 65.

The development was referred to Council's Design Excellence Advisory Panel (DEAP) for advice concerning the design quality of the development. The advice provided by the DEAP has been considered (refer to **Appendix 1**) and the design scheme has been revised accordingly. An assessment has also been carried out against the Design Criteria of the Apartment Design Guide (ADG) (refer to **Appendix 2**).

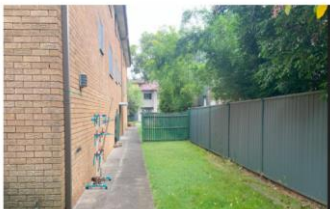
Subject to conditions, the comments provided by the Panel and response from the applicant and Council are adequately addressed in the amended plans, as detailed in the table below:

DEAP Comments	Applicant Response	Council Comments
<p>1. Context and Neighbourhood Character</p> <p>Although within a heritage conservation area, the subject site and existing building are not considered to be a contributory item. The existing three-storey building is already prominent among its one and two-storey neighbours. The future character of the area will be shaped by a 12m height limit, with considerations for the heritage conservation area streetscape. It is noted that 12m would not be sufficient for a new four storey building, suggesting that Council's objective is to have a maximum of three storeys.</p> <p>The proposed additional storey will further increase the visual bulk and impact of the building from in the streetscape. To mitigate this, the northern wall of the new storey is proposed to be set back at the front of the building. Further improvement can be achieved by setting back the western and southern walls at the front by 2m and 1.75m respectively, capped</p>	<p>The proposed built form will present as 3-4 storeys, the height of the built form as it presents to Doncaster Avenue, despite being within a 10.5m wall height. The existing floor-to-floor height of the garage and the 1st and 2nd residential levels are lower than the current height standards. On this basis, the entire building is able to remain compliant with the 10.5m DCP wall height and well below the LEP 12-metre height standard.</p> <p>There is no 3-storey control, as stated in the Panel comments.</p>  <p>Figure 1: Excerpt of the southern elevation, which confirms that the entire development is compliant with the wall height</p> <p>On this basis, the proposed presentation of the 10.5m wall-height building is consistent with the desired future character. Such height is also consistent with other properties that have been developed along the eastern side of Doncaster Avenue within the conservation area (i.e. 2-18 and 150-154 Doncaster Avenue).</p> <p>As outlined above, Council (nor the Panel) can impose a more onerous requirement than the 10.5m wall height numeric provision that applies to the conservation area.</p> <p>There are also numerous 3 and 4-storey residential flat buildings along both sides of Doncaster Avenue. Despite being compliant with the wall height, the recessed nature of the upper level provides for a compatible relationship with neighbouring buildings, including those of a lower scale. The inconsistent scale of built forms along the eastern side of Doncaster Avenue will remain as non-contributory building sites are redeveloped adjacent to contributory single and two-storey dwellings.</p> <p>The side setbacks of 4.18m are also 1.68m greater than the 2.5m side setback requirement in the DCP. Such greater setbacks with planting within the northern side also contribute to a reasonably built-form relationship despite the height differential with the 2-storey dwelling at 122 Doncaster. It is also noted that the adjoining property to the south has a detracting built form that could also be redeveloped with a similar compliant wall and overall height. Such height represents the desired future character.</p> <p>Despite being compliant with the wall height and providing a northern side setback greater than the side setback control, the upper level has still been recessed to satisfy the intent of the Panel comments. The upper level is now set back 5.778m from the northern boundary, which is 3.278m beyond that required. The front setback of the upper level is also 1.35m from the level below (despite being compliant with the wall height). The cantilevered roof form also conceals the wall height of the built form, as shown in the image above, as desired by the Panel comments.</p> <p>On this basis, it is considered that the intent of the Panel comments are satisfied despite varying from the numeric recommendations.</p> <p>The panel's request for such an extent of increase would be unreasonable and unnecessary, given compliance with the wall height and outperformance of setbacks. It is also reiterated that the FSR is approximately 80 sqm below what is permitted.</p>	<p>It is agreed that the existing three-storey building is already prominent among its one and two-storey neighbours. However, when considering the desired future character of the area with regards to the heritage conservation area, the proposed development will be of a scale, bulk and height that is anticipated by the permissible Height of Building and FSR development standards under the LEP 2012.</p> <p>The matters raised by the applicant hold merit. The increase in the front setback of the third-floor level of 1.35m with the inclusion of the front terrace balcony and substantial side setbacks to the northern and southern side boundaries which are greater than that anticipated for the control will provide sufficient articulation and visual relief as viewed from the street and neighbouring development.</p> <p>In addition to the above, when taking into account the significant side setbacks and anticipated built form for the site, noting the development results in an</p>

<p>by a cantilevered roof aligning with the main building footprint.</p> <p>The proposed street front balconies have the potential to enhance detail and interest, along with revised window proportions that are more in line with the conservation area's aesthetics.</p> <p>While it's acceptable to render the existing brick, the proposed bright white colour would be out of character with the exposed brick and darker coloured render of the conservation area.</p>	<p>As shown below, the street elevation incorporates small balconies with vertically proportioned openings compatible with the existing building and the conservation area.</p>  <p>Figure 2: Street elevation with vertically proportioned openings</p> <p>The provision of new balconies along the Doncaster Avenue elevation improves the appearance of the built form in the streetscape whilst also enhancing the amenity of the street-facing bedrooms.</p> <p>The rendered façade's colouring is neutral, while the additional storey includes a clad finish with a projecting roof element.</p> <p>A sample of the render finish/colour is shown below:</p>  <p>RSA Enigma- Render Systems Australia</p> <p>Such colours, materials, and finishes will transform the building from a detracting building to a contributing one, which is also consistent with the Council's Urban Design Manual—Rejuvenating Residential Flat Buildings.</p>	<p>FSR well below the development standard and is compliant with the overall building height in the LEP; it is evident that the development will fit into the anticipated future character of the area despite being predominate in its form to the directly adjacent development.</p> <p>Further, the proposed landscaping to the northern side boundary will mitigate and soften the built form as viewed from the southern neighbouring streetscape.</p> <p>The amended documentation notes that RSA Enigma colour will be provided to the rendered walls on the first and second floor level. An amended colours, materials and finishes schedule has been submitted.</p> <p>The condition recommended by the Heritage Planner requires details of external render materials and process which incorporates a longevity guarantee for the works prior to the release of the CC.</p>
<p>2. Built Form and Scale</p> <p>The existing built structure currently stands in a disproportionate scale compared to the neighbouring properties, necessitating a closer consideration of their amenity. As previously mentioned, the proposed roof design at the street-facing elevation should be revised to better align with the heritage context.</p> <p>While the exact impact of the rear extension on the southern neighbour's solar access remains uncertain and requires further shadow</p>	<p>The projecting roof form beyond the additional storey suitably caps the built form as it partly conceals the appearance and visual impact of the upper level, notwithstanding that the height is well below the height limit. The flat roof form is also consistent with the two recently developed buildings in the conservation area at 2-18 and 150-154 Doncaster Avenue, both of which are contemporary developments adjacent to terrace houses.</p> <p>The primary orientation of both neighbouring properties is to the rear to their landscaped gardens with the racecourse beyond. The northern neighbour has a 2nd storey with east-facing windows, which enable views of the racecourse from its rear detached built form.</p> <p>Both adjoining properties already adjoin the 3-level building and have limited side-facing openings, whilst landscaping in the northern setback further softens the appearance of the built form in a southerly direction.</p> <p>Additional overshadowing is inevitable on this east-west-facing series of allotments. Nevertheless, the extent of shadowing is suitably mitigated by the provision of a built form with a compliant wall height and southern side setback, which is 1.68m beyond that required. The broad 15-metre frontage of the property to the south ensures that the rear yard and elevation will maintain solar access during the morning, whilst the front/west-facing windows will maintain solar access during the afternoon.</p> <p>It is also noted that no objection has been raised from the southern neighbouring property at 126 Doncaster Avenue, and such property could also be redeveloped to 4 or 5 storeys in accordance with state and local controls.</p>	<p>The proposal would be a notable change to the streetscape and locality; however, it is of a built form, height and scale that is generally anticipated by the permissible building height and density development standards under the LEP.</p> <p>The heritage planner notes that the physical changes to the built form and increased front setback will contribute towards making the building less intrusive and more recessive. Overall, these amendments have reduced the perception of bulk and scale thus improving the presentation of the building</p>

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<p>studies, it is clear that it will further encroach upon their sky view. To address this concern, reducing the extension's width is recommended to minimise additional shadowing effects. Furthermore, the design of the second floor (third level) Vergola roof should be reconsidered to better preserve the southern neighbour's' sky outlook.</p>		<p>in the HCA. The Heritage planner also notes that, the proposal will not have any detrimental impact on the fabric, setting and visual corridors of the Racecourse Precinct Heritage Conservation Area.</p> <p>Whilst it is partly agreed with the Panel that there is room to reduce the extension at the rear of the building, the reduction will not significantly improve solar access, as illustrated in the submitted shadow analysis.</p> <p>However, the reduction will improve privacy and visual amenity impacts with a minor improvement to solar access at the rear of the building. It is therefore, recommended that a condition be included within the consent which requires the rear terrace balconies on the first and second floor levels to be reduced in width and depth.</p> <p>Refer to Section 7.1 Discussion of key issues, under rear setback and privacy for further detailed assessment.</p>
<p>3. Density</p> <p>The proposed floor space ratio of 0.77:1 is deemed suitable for this area, considering its well-established amenities and services.</p>	<p>The FSR is 0.13:1 below the FSR, which equates to approximately 80 sqm. Any further reduction would compromise the provision of a 3-bedroom unit on the upper level. The site's proximity to shops, light rail, UNSW, Prince of Wales Hospital, and Centennial Park makes it ideal for an increase in density. Any further reduction would be unreasonable and unnecessary.</p>	<p>Agreed.</p>
<p>4. Sustainability</p> <p>Commendable steps toward sustainability include improving landscaping and outdoor living spaces. Consider additional measures such as rainwater collection, solar panel installation, and implementing an insulated render system over the current brickwork to</p>	<p>The adaptive reuse of the existing building represents a sustainable use of the existing built form.</p> <p>The provision of new and enlarged openings to the existing units enhances solar access, daylight, and cross ventilation, thereby reducing reliance on artificial heating, lighting, and cooling. The incorporation of hoods and shading devices into the balconies also improves the building's existing performance.</p> <p>New building services, fixtures, and fittings will reduce energy consumption, and the accompanying BASIX Certificate confirms that the proposal satisfies the latest energy targets.</p> <p>Additional landscaping, including the use of low-water-use species (see landscape plan by Melissa Wilson Landscape Architect), also minimises water usage. The provision of canopy trees along the northern side will also assist with shading.</p>	<p>It is agreed with the applicant that the proposed alterations and additions will create a sustainable and healthier indoor environment for the existing apartments with improved ventilation, solar access and natural lighting, energy efficiency, circulation, better insulation, safety, waste and storage facilities for the</p>

significantly enhance thermal comfort in the units.		existing occupants of the site.
<p>5. Landscape</p> <p>Opting for the building entry on the northern side, set amidst a landscaped setback not only enhances aesthetics but also ensures a safer pathway. This landscaped northern setback adds privacy and offers a pleasant leafy view for the apartments.</p> <p>Nevertheless, there is room for improvement in terms of communal space utilisation, especially at ground level. Consider incorporating amenities like seating or a children's play area.</p> <p>A plan of maintenance including taps on balconies should ensure sustainability of private balcony landscaping.</p> <p>Additionally, and for practicality, the clothes drying area could find a place within the building footprint, adjacent to the plant room, providing shelter from rain.</p>	<p>As requested, a communal area has been provided along the northern side towards the rear. Such an area will receive abundant solar access.</p> <p>The east-facing units now have usable balcony areas beyond the dimensions and area requirements of the ADG. The new unit also has a suitably sized terrace and balconies with planters around its perimeter, which softens the appearance of the upper level.</p> <p>A clothes drying area has also been provided.</p> <p>The provision of greater than required private open space and the site's proximity to high-quality recreation areas (with numerous facilities), including Kokoda Park and Centennial Park (both within level and proximate walking distance), also confirm that the extent of communal areas is sufficient.</p>	<p>Additional landscaping is proposed to the northern side of the building with an improved outdoor living spaces and inclusion of a secure and safe communal open space, large canopy trees for shading and seating areas.</p> <p>A condition is included within the consent (recommended by Council's landscape officer) which requires suitable strategies to be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.</p> <p>Clothes drying facility are located to the rear of the building.</p>
<p>6. Amenity</p> <p>The enhancement of unit amenity, achieved through the addition of balconies and repositioning of some living rooms notably benefits the occupants. In particular, the eastern units have seen their living rooms relocated from the south to offer improved northern and eastern aspects, featuring racecourse views and eliminating the overlooking of their southern neighbors.</p> <p>To preserve solar access and privacy for adjacent dwellings and open spaces, as discussed above in 2. Built Form and Scale,</p>	<p>The proposal enhances the amenity of the existing units through the provision of increased access to daylight, solar access and ventilation.</p> <p>The provision of high-quality balcony areas for the eastern apartments on Levels 1 and 2 also represents a significant improvement to the amenity of these apartments (Units 2 and 4).</p> <p>The internal reconfiguration of apartments and removal of walls also improves the layout and amenity of the apartments.</p> <p>Additional privacy screening above the solid balustrading to the south-facing balconies could be conditioned.</p> <p>The provision of full height louvers to the new balconies mitigates privacy to the adjoining rear yard to the south, whilst deep soil canopy trees provide for a suitable degree of privacy to the northern neighbouring rear yard. It is noted from the image below that the northern neighbouring property has an established row of trees along its southern boundary adjoining the site, as shown in the image below:</p>  <p>When considering the issue of privacy, it is noted that the existing building has co-existed with the neighbouring buildings for a considerable period. There are numerous unscreened windows and balconies along both side elevations. The northern neighbour has limited south-facing windows and has dense screen planting, presumably to avoid privacy impacts.</p> <p>Privacy screens along the southern balconies can improve the existing interrelationship with that property.</p> <p>The new unit has its main orientation to the racecourse to the east with</p>	<p>It is agreed that the proposed alterations and additions will significantly improve the amenity of the existing units on the site.</p> <p>As discussed above in Section 2. Built Form and Scale, it is recommended that the rear balconies on the first and second floor levels be reduced in size and 1.6m high privacy screens (above the finished floor level) be added to the sides of the balconies. Refer to Section 7.1 Discussion of Key Issues, under Section 3.4.3 Rear setback and Section 5.3 Privacy for further detailed assessment.</p>

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<p>careful consideration must be given.</p> <p>The Juliet-style balconies on the north and south facades currently pose issues of overlooking, requiring revisions for enhanced privacy through the use of balustrades which obstruct views to neighboring units.</p> <p>For Apartment 5, repositioning bedroom 3 northward, retaining the planter, with a west-facing window not only increases privacy but also provides an improved outlook. Furthermore, windows in Apartment 5's kitchen, dining, and living rooms, facing the side boundaries, should incorporate privacy screens, and the width of the north and south planters should be extended inwards to prevent overlooking of neighboring habitable rooms and private open spaces.</p> <p>A suggestion for improved accessibility involves moving the entrance door eastward to ensure adequate circulation space for wheelchair and pram access, along with an enlarged lift lobby circulation area.</p> <p>Important details such as bike storage, letterboxes, and intercom should be clearly illustrated in the drawings. Air conditioning units must be discreetly located, not visible from the street and ideally away from balconies.</p>	<p>predominantly small or non-habitable windows on its southern side. The recessed nature of bedrooms 1 and 2 suitably mitigate downward overlooking impacts.</p> <p>The provision of planters around the perimeter of the new unit balconies suitable reduced downward overlooking opportunities.</p> <p>A large entry door could be provided to the lobby of Unit 5 (new unit). Storage has been allotted within the apartments and the 5 garage compartments.</p> <p>The bin store is suitably located at the rear which avoids any streetscape impacts and avoids any odour impacts to neighbouring properties and the units within the subject development.</p> <p>The solid nature of the balustrading allows for concealed location of A/C systems.</p> <p>Bike and motorbike parking has been allowed for at the rear whilst the over-sized garage areas could also reasonably accommodate secure storage of bikes.</p>	<p>Refer to Section 7.1 Discussion of Key Issues, under Section 5.3 Privacy which requires conditions to be included within the consent in relation to the Juliet style balconies to ensure privacy levels are maintained.</p> <p>Amendments have been updated to generally address notations required by the Panel. All remaining minor plan detailing matters have been addressed via recommended consent conditions.</p>
<p>7. Safety</p> <p>The relocation of the pedestrian entrance to the northern side of the building will improve safety. The relocation of living rooms to the western façade will</p>	<p>Agreed.</p>	<p>Agreed.</p>

increase casual surveillance of the street.		
<p>8. Housing diversity and social interaction</p> <p>While the apartments consist exclusively of three bedrooms, it's worth noting that the surrounding street features a diverse range of housing types, ensuring a satisfactory level of diversity within the neighborhood.</p> <p>To foster social interaction and community engagement, enhancing the communal open space and ground-level infrastructure is recommended.</p>	<p>This has been provided as outlined above.</p> <p>The provision of 3-bedroom units enhances work-from-home opportunities, which has become desirable following Covid-19.</p> <p>The 3-bedroom units can, therefore, accommodate couples and families, which is desirable given the site's convenient location, as outlined above.</p> <p>The provision of a communal area at the ground level addresses the Panel's comments.</p>	<p>It is agreed that surrounding street features a wide diverse range of housing types, this ensures a satisfactory level of diversity within the neighborhood.</p> <p>It is also agreed that the provision of 3 bedrooms will allow for enhanced opportunity for working from home which can contribute to the housing diversity by reducing the need for people to live close to their workplaces.</p> <p>The amended plans provide a safe secure communal open area to the northern side towards the eastern end of the building which addresses the Panel's recommendation.</p>
<p>9. Aesthetics</p> <p>Incorporating vertically proportioned openings and Juliet balconies will undoubtedly elevate the streetscape, along with a focus on increased landscaping.</p> <p>Regarding the rendering of brickwork, it is generally discouraged due to maintenance considerations. However, the Panel acknowledges that the existing brickwork may not align with current aesthetic preferences. Nevertheless, it's worth noting that 'Lexicon White' may appear too stark under intense sunlight. When working with rendered facades, meticulous detailing is essential to ensure long-lasting appeal.</p> <p>To guarantee the longevity of all landscaping elements, a comprehensive management plan will be necessary.</p>	<p>As outlined above and in the accompanying SEPP 65 statement by the project architect, the proposal will allow for a significant upgrade to the presentation of the building in the conservation area.</p> <p>The replacement of the outdated brick form with rendered finish, along with a substantial increase in landscaping, will provide for a superior visual outcome.</p> <p>The landscape plan has a maintenance schedule.</p> <p>Other matters raised can be addressed via condition (e.g. Taps on balconies etc)</p>	<p>The proposed development will improve the aesthetics and appearance of the existing building as viewed from the streetscape and neighbouring development.</p> <p>As addressed above in Section 1. Context and Neighbourhood Character, the amended documentation notes that RSA Enigma colour will be provided to the rendered walls on the first and second floor level.</p> <p>A condition has been recommended by the Heritage Planner which requires details of external render materials and process be submitted to Council's for approval which incorporates a longevity guarantee for the works.</p> <p>As noted above in Section 5. Landscape, a condition is included within the consent (recommended by Council's landscape officer) which requires suitable strategies</p>

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As discussed above in 1. Context and Neighbourhood Character, a cantilevered roof would enhance the roofline's overall contribution to the streetscape.		to be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
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Council is satisfied that the amended plans satisfactorily address the DEAP comments, and as such, re-referral to the Panel is not considered necessary.

Section 30 of SEPP 65 provides standards that cannot be used as grounds to refuse development consent, which include:

“(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters -

(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide”

Assessing officer’s comment: The proposal does not seek any change to the existing car parking arrangement. Six (6) x car parking spaces will be maintained on the site. The proposal will be increasing the parking demand by 2 car spaces. Amended plans show 2 motorcycle and 5 bicycle space are provided on the site to accommodate the shortfall.

Development Engineers have assessed and reviewed the proposed development in relation to parking and have supported the minor shortfall.

Refer to Appendix 1: Referrals - Section 2.2 Development Engineers comments below which demonstrates the parking shortfall being acceptable and appropriate provided the motorcycle and bicycle parking spaces are fully installed, there are no further objections from a parking perspective.

“(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide”.

Assessing officer’s comment: The proposed new three (3) bedroom penthouse apartment has an internal area of 123.14m² which complies with the minimum ADG requirement.

“(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.”

Assessing officer’s comment: The proposed third floor level provides a ceiling height of 2.7m for habitable spaces and non-habitable 2.4m which complies with the minimum ADG requirement.

“(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) the design quality principles, and*
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.*

Assessing officer’s comment: Based on comments provided by Council’s DEAP, adequate regard has been given to the SEPP 65 design quality principles and the ADG design criteria (refer to **Appendix 1 & 2**). The Applicant has submitted a Design Verification Statement prepared by a qualified architect.

“(3) To remove doubt:

(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and
(b) the design criteria specified in subclause (1) are standards to which section 4.15(2) of the Act applies.”

Assessing officer's comment: Noted.

Overall, the proposed internal and external alterations and additions shall provide better amenity for occupants of the site and would be consistent with the design quality principals set out in Schedule 1 of SEPP 65. The detailed comments provided by the DEAP are provided in Appendix 1 and above under Section 5.2 - SEPP 65 - Design Quality of Residential Apartment Developments which address SEPP 65 in detail.

5.1.2. *Design quality principles*

The comments provided by the DEAP (refer to Appendix 1) detail how each of the nine quality design principals have been considered in the proposal and addressed above under Section 5.2 - SEPP 65 - Design Quality of Residential Apartment Development.

5.1.3. *Apartment Design Guide*

Appendix 2 provides an assessment of the proposal against the relevant design criteria contained in parts 3 and 4 of the Apartment Design Guidelines. In cases where the development does not satisfy the relevant criteria, the design guidance has been used to determine whether the proposal still meets the relevant objectives.

5.2. **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of the Resilience and Hazards SEPP 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.

The application involves alterations and additions to an existing RFB. Noting that the site has historically been used for residential purposes, the possibility of contamination is unlikely, and the site is considered suitable for the proposed development.

5.3. **SEPP (Building Sustainability Index: BASIX) 2004**

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

5.4. **SEPP (Biodiversity and Conservation) 2021**

Chapter 2 of the SEPP applies to the proposal and subject site. The aims of this Chapter are:

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

The proposed development involves the removal of vegetation on the site. Council's Landscape Development Officer reviewed the proposal and confirmed support for the proposed removal of 2 trees and landscaping treatments, subject to the imposition of conditions which requires the amended landscape plans to be certified from a qualified professional in the landscape industry and street trees to be protected during construction (refer to Appendix 1 below). As such, the proposal satisfies the relevant objectives and provisions under Chapter 2.

5.5. Randwick Local Environmental Plan 2012 (LEP)

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

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide for the continued use of the site as a residential development, shall not fundamentally alter the existing streetscape, and shall not result in any unreasonable amenity impacts upon adjoining and surrounding properties. The proposed development will be improving the amenity on the site and visual quality of the existing building as viewed from neighbouring properties and the streetscape. The proposed development will support the growing needs of the local community, apartment livability and style that support diverse and transitional lifestyle needs. The following development standards in the RLEP 2012 apply to the proposal:

Clause	Development Standard	Proposal	Compliance (Yes/No)
Clause 4.4: Floor space ratio (max)	0.9:1 (max. GFA of 550.98m²)	0.77:1 (max. GFA of 472.45m²)	Yes
Clause 4.3: Building height (max)	12m	The proposed development has a maximum height of 11.7m to the top of the lift overrun.	Yes

5.5.1. Clause 5.10 - Heritage conservation

Clause 5.10(1) of Randwick Local Environmental Plan 2012 includes the 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 subject site is not a heritage listed item in the Randwick LEP. However, the subject site along with all properties to the eastern side of Doncaster Avenue falls within the Racecourse Precinct Heritage Conservation Area (HCA) as shown in Figure 10 below.

The proposal will not result in any adverse impacts to the heritage significance or qualities of the Racecourse Precinct Heritage Conservation Area. Refer to the comments from Council's Heritage Officer in **Appendix 1**.



Figure 10: Racecourse Precinct Heritage Conservation Area hashed in red and subject site is identified in green.

6. Development control plans and policies

6.1. 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 3.

Note: Clause 6A of SEPP 65 states:

- (1) *This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:*
 - (a) *visual privacy,*
 - (b) *solar and daylight access,*
 - (c) *common circulation and spaces,*
 - (d) *apartment size and layout,*
 - (e) *ceiling heights,*
 - (f) *private open space and balconies,*
 - (g) *natural ventilation,*
 - (h) *storage.*
- (2) *If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.*
- (3) *This clause applies regardless of when the development control plan was made.*

Consequently, where the Randwick DCP provides controls in relation to the matters listed in item (1), the assessment has been made against the relevant controls in parts 2 and 3 of the ADG (refer to appendix 1/2) rather than those in the DCP.

7. Environmental Assessment

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 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 residential 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.

7.1. Discussion of key issues

Part C2 – Medium Density Residential

3.4.3 Rear setback

Objectives

- *To define the street edge and establish or maintain consistent rhythm of street setbacks and front gardens that contributes to the local character.*
- *To ensure adequate separation between buildings for visual and acoustic privacy, solar access, air circulation and views.*
- *To reserve contiguous areas for the retention or creation of open space and deep soil planting.*

Controls

- i) *For residential flat buildings and multi dwelling housing, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.*

The existing building is setback approx. 5.82m from the rear boundary which currently does not comply with the control.

The new balconies to the rear are setback 2.641m to 2.638m from the rear boundary on the ground floor level and on the first and second floor levels the new balconies are setback 2.622m to 2.638m from the rear boundary.

The new third floor level terrace balcony is setback between 5.838m to 5.841m from the rear boundary and the building is setback between 9.826m to 9.873m from the rear boundary.

Full height louvered privacy screens are proposed to the southern side of the rear balconies on the first and second floor level.

To address part of the Design Panel's concerns in relation to rear setback with regards to solar access and Council's concerns in relation to privacy and visual bulk a condition is included, which recommends the balconies to apartments 2 & 4 at the rear of the building to be reduced in size, to a maximum depth of 2.5m and a maximum width of 5.2m as shown in Figure 11 below. This will slightly improve visual bulk and solar access to the neighbouring properties in the afternoon and address the objector's concerns in relation minimising solar access onto the racecourse.

To further reduce visual bulk impacts with regards to the full height privacy screen to the southern side of the balconies and address privacy impacts to the north of the balconies, it is recommended that 1.6m high privacy screens be provided to the southern and northern sides of the first and second floor rear balconies.

The proposed rear setbacks on the ground, first and second floor level subject to the above condition are considered acceptable in that it will allow for additional amenity for the occupations of the site without resulting in any unreasonable amenity impacts to the neighbouring properties in relation to visual bulk, solar access and privacy. The subject site adjoins the Randwick Racecourse to the rear, which is an open field with activities in place throughout the year and therefore, eliminates any potential visual and privacy impacts to the rear.

In addition to the above, to the north of the building substantial landscaping is proposed with private secured communal area that improves the visual amenity on the site.

For the above reasons, the proposed development subject to condition will meet the objectives of the setback control.

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Figure 11: Northern elevation showing recommendation of the proposed rear setback hashed in blue.

4.11 Alterations and additions to residential flat buildings

Objectives

- Promote design excellence in the refurbishment of older residential flat buildings.

Controls

- DA for the comprehensive refurbishment of older walk-up flat buildings must have regard to the Randwick City Council 'Design Ideas for rejuvenating residential flat buildings' manual, dated 2006.
- DAs involving alterations and additions to residential flat buildings located within heritage conservation areas or a heritage item shall ensure that the overall aesthetic improvements to the appearance of the building can make a positive contribution to the heritage streetscape by:
 - providing for a combination of materials, colours and finishes to the building façade that are compatible with the heritage conservation area or heritage item;
 - incorporating elements such as shading devices, blade walls or vertical elements to articulate the façade of the building;
 - providing for balconies and terraces that can help recess garages;
 - incorporating landscaping and where practical suitable fencing to the street frontage;
 - where practical, remove external elements that detract from the appearance of the heritage conservation area or heritage item.

The proposed development has been designed in accordance with Council's 'Design Ideas for Rejuvenating Residential Flat Buildings'. The adaptive reuse of the existing building is supported as a sustainable means of redeveloping the site and the proposed upper addition is well integrated with the existing building.

The Application was referred to the Design Excellence Advisory Panel (DEAP) and a meeting was held on 18 September 2023. The Panel's comments are detailed in **Appendix 1**.

In response to the Panel's comments, Council requested several amendments. Amended plans were submitted by the Applicant, as detailed below:

- The front setback of the upper addition is increased by 1.35m to provide a more cantilevered roof form to the front of the building, secured communal open space is proposed to the northern side and rear eastern end of the building that includes clothes drying facilities, privacy louvred screens are provided to the southern side and rear balconies on the first and second floor levels.

Conditions have been included where panel comments have not been addressed to Council satisfaction.

Overall, the proposed development will be enhancing the amenity and quality of living for residents of the existing units to meet the current lifestyle needs. The rejuvenation of the existing old RFB will improve solar access to the existing units, circulation, safety, sustainability and the appearance of the building.

The DEAP noted that the existing three-story building is already prominent among its one and two-storey neighbours. The future character of the area will be shaped by a 12m height limit, with considerations for the heritage conservation area streetscape. The proposed additional storey will further increase the visual bulk and impact of the building from the streetscape. It was recommended by the panel to mitigate the visual bulk impacts, the northern wall of the new third storey be setback at the front of the building and the western and southern walls at the front by 2m and 1.75m respectively capped by a cantilevered roof aligning with the main building footprint.

The amended proposal has increased the front setback of the third-floor level by 1.35m and has provided a cantilevered roof structure that aligns with the main building footprint. Council considered the proposed setback is acceptable and will suitably mitigate the visual bulk impacts as viewed from the street and surrounds. The new terrace balconies with planter box to the front and northern side of the building will provide visual interest and enhance the detailing of the building.

The upper-level addition is setback 5.778m from the northern side boundary which is greater than the minimum requirement of 2.5m. The proposed landscaping along the northern side boundary will soften the appearance of the built form as viewed from the southern neighbouring property and streetscape. Moreover, the building complies with the external wall height of 10.5m with the exception of the lift shaft which is located to the centre of the building and provides accessibility for the existing and proposed apartments. The proposed lift will improve accessibility for the existing building and provide better amenity for the occupants of the site.

Overall, the proposed alterations and additions will create a healthier indoor environment for the existing apartments with improved ventilation, solar access and natural lighting, energy efficiency, better insulation, waste and storage facilities for the existing occupants of the site.

The proposed development will also improve the aesthetics and appearance of the existing building as viewed from the streetscape and neighbouring development and presents as an integrated design with suitable façade configuration, materials and detailing, and the new and retained structures are visualised as one whole building.

Subject to conditions Council is satisfied that the amended plans satisfy the DEAP comments, and as such, re-referral to the Panel is not considered necessary.

4.4 External Wall Height & Ceiling Height

Part C2, Section 4.4 of RCDGP 2013 prescribes a maximum external wall height of 8m for the site. The objectives of this Section seek:

- *To ensure that the building form provides for interesting roof forms and is compatible with the streetscape.*
- *To ensure ceiling heights for all habitable rooms promote light and quality interior spaces.*
- *To control the bulk and scale of development and minimise the impacts on the neighbouring properties in terms of overshadowing, privacy and visual amenity.*

The proposed development has a maximum external wall height of up to 11.5m to the top of the lift shaft, which exceeds the DCP control. Numeric non-compliance is considered acceptable in this instance.

The non-compliant elements are limited to the lift shaft as shown in Figure 12 below and will not be readily visible from the street. Refer to below photomontages demonstrating the extent of the wall height breach in Figure's 13 and 14. The main built form to the façade will comply with the external wall height of 10.5m and the overall development will comply with the Height of Building development standard under the LEP 2012. The overall built form is well under the FSR development standard under the LEP 2012.

The proposed upper addition has incorporated staggered wall planes, a tapered roof form around the perimeters of the facade, terrace balconies to the front, side and rear elevations with planter boxes around the perimeters, window openings, and a mix of surface finishes, which will appropriately articulate the building façades and create visual interest.

The proposed design scheme generally adopts a flat roof with tapered sides to the roof form, which will minimise the overall building height. The selected materials for the upper addition (timber cladding, rendered brickwork for the lift shaft, and terrace balconies with planter boxes) will also minimise the perceived bulk of the addition as it presents as a visually recessive element. These design measures will minimise the visual scale and bulk of the proposed building despite non-compliance with the external wall height control. Overall, the architectural character and form of the proposal are considered to carry positive design merits.

A decrease to the overall building height to comply with the 10.5m wall height control would result in poor internal amenity for the proposed penthouse apartment and would not provide any benefit to the amenity of neighboring properties.

The building is compatible with the desired future character of the locality and streetscape and will not result in significant adverse amenity impacts to neighbouring properties relative to overshadowing, privacy and visual amenity. As shown in Figure 12 below, the non-compliant element is located to the northern side elevation, localised to the centre of the building and does not result in any unreasonable overshadowing impacts.

The non-compliant element is a result of the proposed lift shaft which is a vital contribution in improving accessibility for the existing building and provides better amenity for the occupants of the site. The proposed landscaping along the northern side boundary will soften the appearance of the built form as viewed from the southern neighbouring property and streetscape.

Noting the above, the proposed development is consistent with the objectives of Part C2, Section 4.4 of RDCP 2013 and non-compliance with the external wall height control is acceptable.

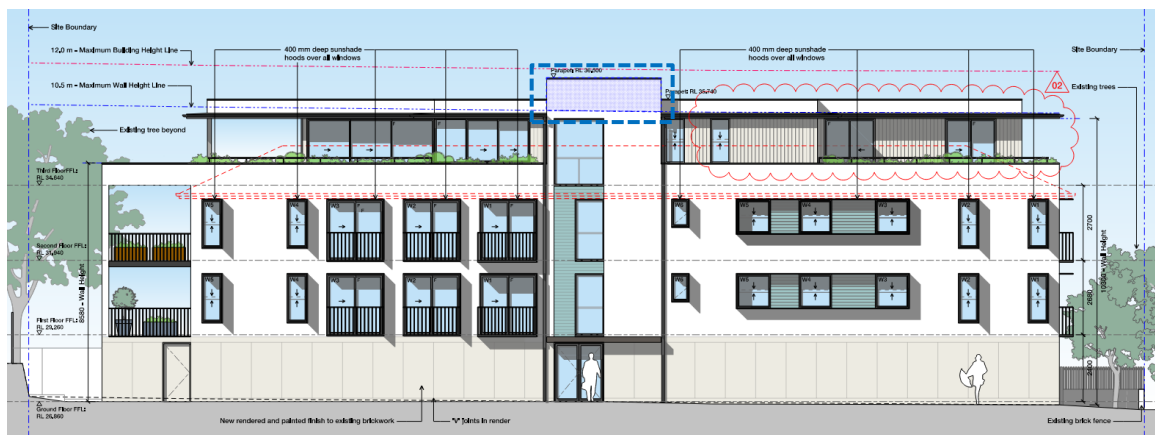


Figure 12: Northern elevation indicating area of non-compliance hashed in blue.



Figure 13: Street perspective of upper level addition.



Figure 14: Side view of lift overrun.

5 Amenity

5.1 Solar access and overshadowing

Objectives

- *To ensure the design, orientation and siting of development maximises solar access to the living areas of dwellings and open spaces, and is encouraged to all other areas of the development.*
- *To ensure development retains reasonable levels of solar access to the neighbouring properties and the public domain.*
- *To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.*

Controls

Solar access for proposed development

- i) *Dwellings within the development site must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June (mid winter).*
- ii) *Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least three hours between 8am and 4pm on 21 June (mid winter).*
- iii) *Limit the number of single-aspect apartments with a southerly aspect (SW4SE) to a maximum of 10 percent of the total units within a residential flat building.*
- iv) *Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.*

Solar access for surrounding development

- v) *Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June (mid winter).*
- vi) *At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June (mid winter).*
- vii) *Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.*

The proposed development is improving solar access to the existing apartments by reorientating the living areas of Apartments 2 & 4 with northerly and easterly aspects and the open plan kitchen to the northern side to Apartments 1 & 3 will allow better daylight to the current south facing living areas. The proposed Penthouse Apartment 5 will receive more than 2 hours of direct sunlight between 9am and 3pm on 21 June to the north facing living room windows and rear private terrace area.

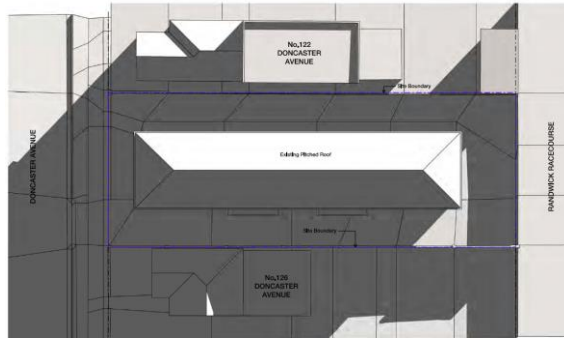
The shadow diagrams submitted in Figures 15 to 17 below demonstrates that the existing north facing living room windows at no. 126 Doncaster Avenue are currently overshadowed by the existing built form on the subject site and only one window in the late afternoon receives solar access. The proposed development will not be further reducing solar access to this north facing window.

The shadow diagrams submitted in Figures 15 to 17 below demonstrate that POS to the rear yards on the subject site and neighbouring properties are currently impacted by existing built form on the subject site with the majority of the rear yard is already overshadowed by existing development and currently receives limited solar access.

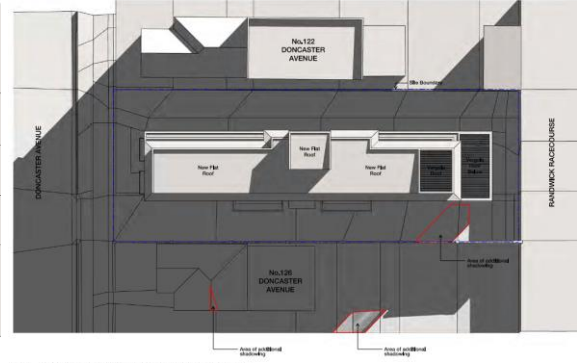
The additional shadow impacts are shown in red below and are largely due to the orientation of the site rather than a poorly designed development. The shadow diagrams show that the principle open space (directly to the rear of the dwelling) of the neighbouring property to the north at no. 126 Doncaster Avenue is already overshadowed by the existing development. The area directly to the rear boundary that currently receives solar access and a small section of the racecourse will be impacted by the proposed development in the afternoon. This is not unreasonable when taking into account the benefits the proposed development will have on the amenity of the existing building and as stated above is largely unavoidable and is a consequence of the site's orientation. In addition to the above, the racecourse will continue to receive a significant amount of solar access thought out the day.

As discussed above under Section 3.4.3 Rear setback, to address part of the Panel's concerns in relation to rear setback with regards to solar access and Council's concerns in relation to privacy and visual bulk a condition is included which recommends the balconies to apartments 2 & 4 at the rear of the building to be reduced in size. This will slightly improve solar access to the neighbouring properties in the afternoon and address the objectors concerns in relation minimising solar access onto the racecourse.

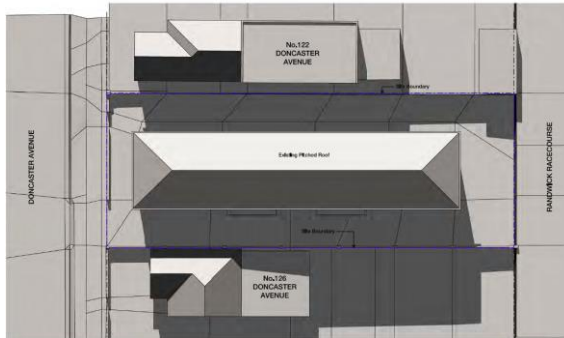
D1: EXISTING SHADOWS AT 08.00 ON 21 JUNE



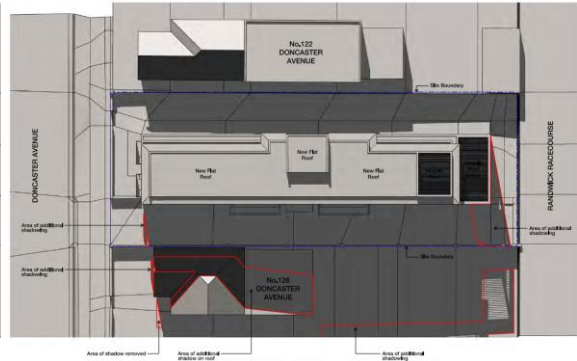
D2: PROPOSED SHADOWS AT 08.00 ON 21 JUNE



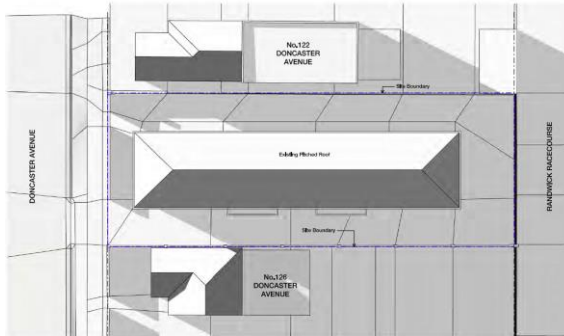
D3: EXISTING SHADOWS AT 12.00 ON 21 JUNE



D4: PROPOSED SHADOWS AT 12.00 ON 21 JUNE



D5: EXISTING SHADOWS AT 16.00 ON 21 JUNE



D6: PROPOSED SHADOWS AT 16.00 ON 21 JUNE
No Change to Shadowing

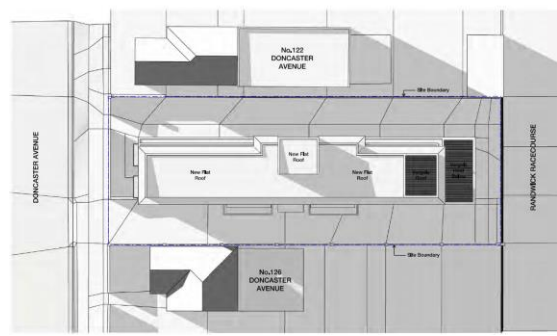
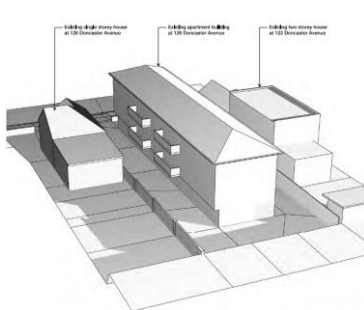
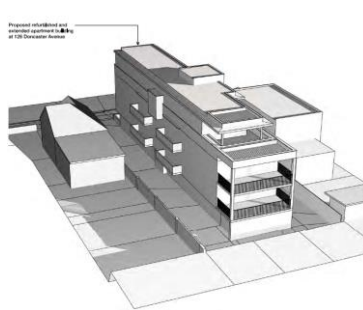


Figure 15: Existing and proposed shadow plans on 21 June

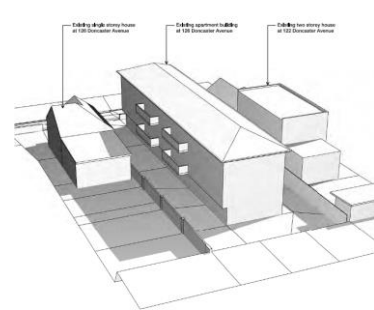
D7: EXISTING SHADOWS AT 08.00 ON 21 JUNE - VIEWED FROM EAST



D8: PROPOSED SHADOWS AT 08.00 ON 21 JUNE - VIEWED FROM EAST

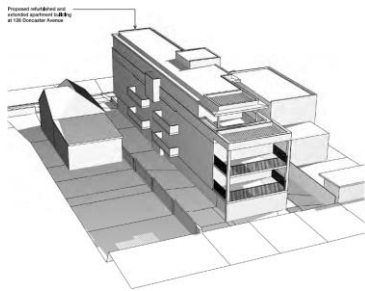


D9: EXISTING SHADOWS AT 12.00 ON 21 JUNE - VIEWED FROM EAST

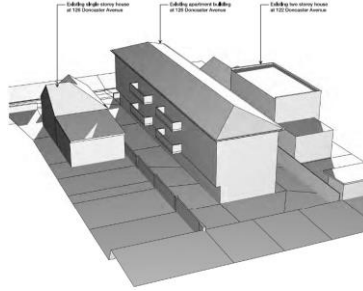


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D10: PROPOSED SHADOWS AT 12.00 ON 21 JUNE - VIEWED FROM EAST



D11: EXISTING SHADOWS AT 16.00 ON 21 JUNE - VIEWED FROM EAST



D12: PROPOSED SHADOWS AT 16.00 ON 21 JUNE - VIEWED FROM EAST

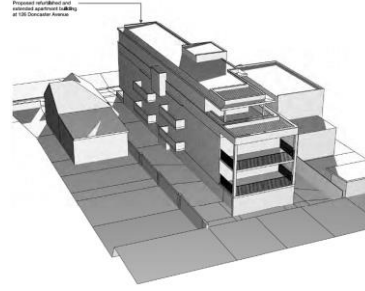


Figure 16: Existing and proposed 3D shadow plans on 21 June

D13: EXISTING SHADOWS AT 08.00 ON 21 JUNE - VIEWED FROM STREET

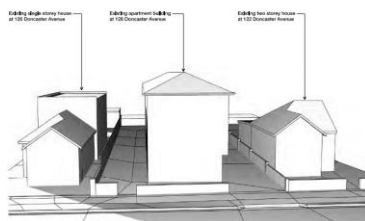


Diagram A: Proposed Shadows at 08.00 on 21 June (View From Street)

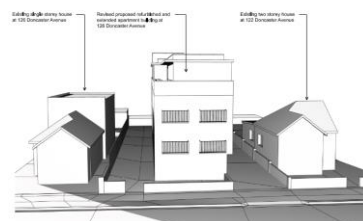


Diagram B: Proposed Shadows at 09.00 on 21 June (View From Street)

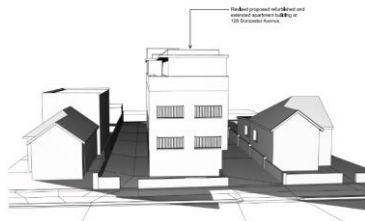


Diagram C: Proposed Shadows at 10.00 on 21 June (View From Street)

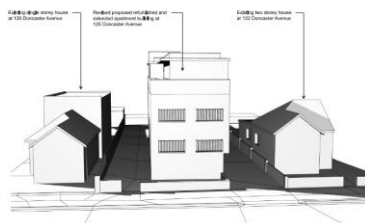
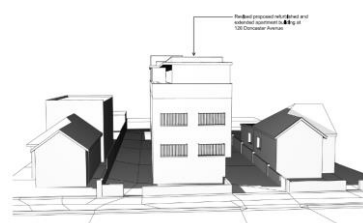


Diagram D: Proposed Shadows at 11.00 on 21 June (View From Street)



D15: EXISTING SHADOWS AT 12.00 ON 21 JUNE - VIEWED FROM STREET

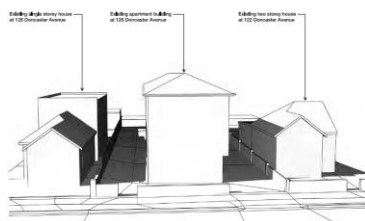


Diagram E: Proposed Shadows at 12.00 on 21 June (View From Street)

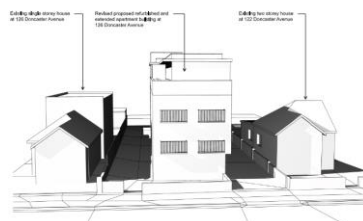


Diagram G: Proposed Shadows at 14.00 on 21 June (View From Street)

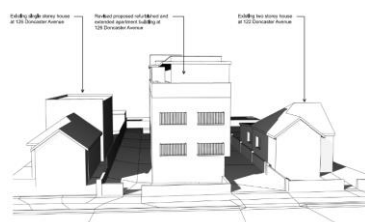


Diagram H: Proposed Shadows at 15.00 on 21 June (View From Street)

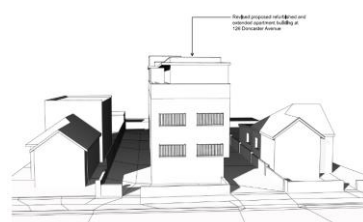
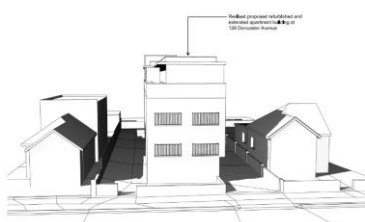


Diagram F: Proposed Shadows at 13.00 on 21 June (View From Street)



D17: EXISTING SHADOWS AT 16.00 ON 21 JUNE - VIEWED FROM STREET

Diagram 1: Proposed Shadows at 16.00 on 21 June (View From Street)

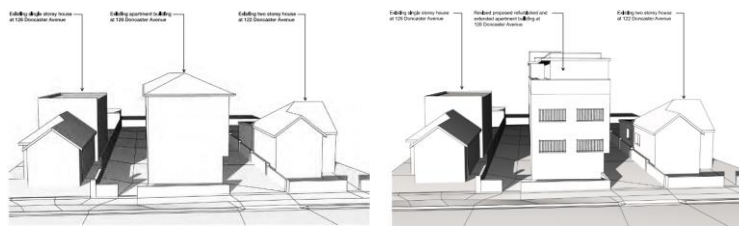


Figure 17: Existing and proposed northern 3D shadow impacts on 21 June

5.3 Visual Privacy

Objectives

- To ensure a high level of amenity by providing for reasonable level of visual privacy for dwellings and neighbouring properties
- To ensure new development is designed so that its occupants enjoy visual and acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.

Controls

- Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings (whether part of the development or on adjoining properties).
- Orient balconies to the front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences.
- Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.
- Locate and design areas of private open to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.
- Incorporate materials and design of privacy screens including (but not limited to):
 - Translucent or obscured glazing
 - Fixed timber or metal slats mounted horizontally or vertically
 - Fixed vertical louvers with the individual blades oriented away from the private open space or windows of the adjacent dwellings
 - Screen planting and planter boxes may be used as a supplementary device for reinforcing privacy protection. However, they must not be used as the sole privacy protection measure.

(a) Windows

Subject to conditions, it is not considered that the proposed development will result in any unreasonable privacy impacts to the neighbouring properties. The window and door openings to the front eastern elevation and rear western elevation will primarily overlook the street and Randwick Racecourse, respectively.

To the southern side elevation most of the window and door openings are considered acceptable as they are either existing window and door openings or are offset from adjoining window openings. On the third-floor level the ensuite, Bedroom 1, hallway adjacent to the bedrooms and bedroom 3 window openings will not result in any unreasonable overlooking impacts as they will primarily overlook the roof area of the neighbouring property at no. 126 Doncaster Avenue.

The following window openings require privacy measures as they will have the potential to cause overlook impacts into the rear yard of the neighbouring property at no. 126 Doncaster Avenue:

- (iii) The entire staircase window opening to the southern elevation shall be fixed with obscure glazing.
- (iv) The kitchen window openings W7 on the first and ground floor levels (Apartments 2 and 4) shall be of obscure glazing and awning hung windows to allow for ventilation into the kitchen.
- (v) The lower half of the window sash to the bathroom window openings W8 on the first and second floor level (Apartments 2 and 4) shall be fixed and be provided with obscuring glazing.
- (vi) The kitchen window on the third floor level shall be of obscure glazing and awning hung windows to allow for ventilation into the kitchen.
- (vii) The lower half of the window sash to the two (2) living room window openings on the third floor level shall be fixed and be provided with obscuring glazing.

To the western end of the building the window openings to the northern side elevation are acceptable as they are offset from adjoining window openings at no. 126 Doncaster Avenue. Refer to the southern elevation below in Figure 16 to see window locations at no. 126 Doncaster Avenue. On the third floor level the window openings will either overlook the roof area of the neighbouring property at No. 122 Doncaster Avenue or are recessed within the terrace areas which are surrounded by planter boxes and limits overlooking in a down direction.

However, the following window openings require privacy measures as they will overlook the rear yard of the neighbouring property at no. 122 Doncaster Avenue:

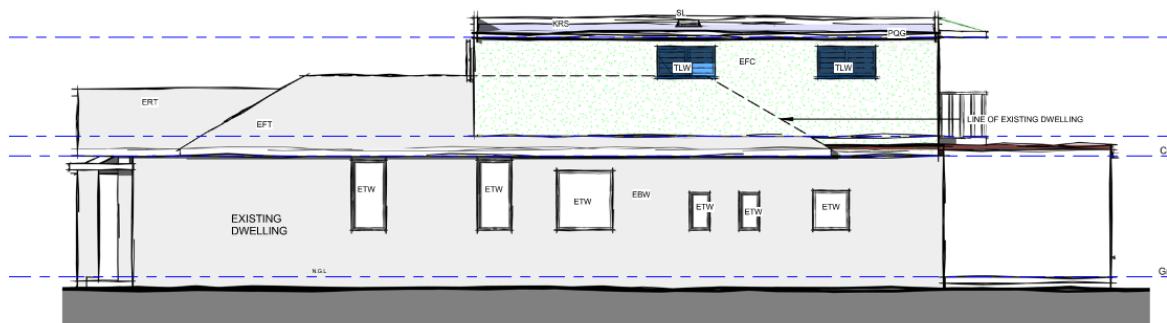
- The sliding door window openings W1, W2 & W3 on the first and second floor levels (Apartments 2 and 4) may result in overlooking impacts, to ensure reasonable privacy levels are maintained, the balustrading to the Juliet style balconies shall be at a height of 1.5m above finished floor level with the individual palisade openings not more than 30mm wide.
- The living room window openings W4 & W5 on the first and second floor levels (Apartments 2 and 4) shall be fixed to a height of 1.6m from the finished floor level and be provided with obscure glazing, the upper portion of the window opening that extends above 1.6m can be open to allow for ventilation.

b. Balconies

The rear balconies to apartments 2 & 4 on the first and second floor levels are excessive in size and may result in overlooking impacts to the neighbouring properties rear yards.

To reduce privacy impacts to the neighbouring properties rear yards and address part of the Panel's comments in relation to rear setback with regards to solar access, it is recommended that the rear balconies to apartments 2 & 4 on the first and second floor levels, respectively be reduce to a maximum depth of 2.5m and a maximum width of 5.2m with 1.6m high privacy screens to be provided to the sides of the balconies.

This will improve privacy and visual bulk to the rear yards of neighbouring properties and will also slightly improve solar access to the neighbouring properties in the afternoon.



3 South Elevation
1 : 100

Figure 18: Southern elevation of neighbouring property to north of the subject site at No. 126 Doncaster Avenue.

8. Conclusion

That the application for alterations and additions to the existing residential flat building including an additional storey and new balconies 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.
- Subject to conditions, the proposal is consistent with the objectives contained within SEPP 65.
- The proposal is consistent with the specific objectives of the R3 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The physical changes to the existing built form and increased setbacks to the front and sides contribute towards making the building less intrusive and more recessive and is of a scale and design that is considered suitable for the location and is compatible with the desired future character anticipated for the locality.
- Subject to conditions that address non-compliant elements of the development in relation to external wall height and rear setbacks, it is considered that the proposal will not result in any significant adverse amenity impacts to the adjoining residential properties in terms of overshadowing, visual bulk, privacy or view loss. The alterations and additions are well integrated into the articulated design aesthetic of the built form and will not have any detrimental impact on the fabric, setting and visual corridors of the Racecourse Precinct Heritage Conservation Area.

Appendix 1: Referrals

1. Design Excellence Advisory Panel Comments

PROJECT DESCRIPTION

Alterations and additions to the existing three storey residential flat building including an additional storey and new balconies.

Zone R3 – Medium Density Residential, Max, Height 12m, Max. FSR 0.9:1

INTRODUCTION

The alterations and additions include:

- Reconfiguration of four existing three-bedroom units
- New fourth storey three-bedroom unit
- Additional balconies and terraces
- Relocation of entry to North side
- New lift
- Reconfiguration parking
- New bin store
- Associated landscaping

The panel's comments are:

1. Context and Neighbourhood Character

Although within a heritage conservation area, the subject site and existing building are not considered to be a contributory item. The existing three-storey building is already prominent among its one and two-storey neighbours. The future character of the area will be shaped by a 12m height limit, with considerations for the heritage conservation area streetscape. It is noted that 12m would not be sufficient for a new four storey building, suggesting that Council's objective is to have a maximum of three storeys.

The proposed additional storey will further increase the visual bulk and impact of the building from in the streetscape. To mitigate this, the northern wall of the new storey is proposed to be set back at the front of the building. Further improvement can be achieved by setting back the western and southern walls at the front by 2m and 1.75m respectively, capped by a cantilevered roof aligning with the main building footprint.

The proposed street front balconies have the potential to enhance detail and interest, along with revised window proportions that are more in line with the conservation area's aesthetics.

While it's acceptable to render the existing brick, the proposed bright white colour would be out of character with the exposed brick and darker coloured render of the conservation area.

2. Built Form and Scale

The existing built structure currently stands in a disproportionate scale compared to the neighbouring properties, necessitating a closer consideration of their amenity. As previously mentioned, the proposed roof design at the street-facing elevation should be revised to better align with the heritage context.

While the exact impact of the rear extension on the southern neighbour's solar access remains uncertain and requires further shadow studies, it is clear that it will further encroach upon their sky view. To address this concern, reducing the extension's width is recommended to minimize additional shadowing effects. Furthermore, the design of the second floor (third level) Vergola roof should be reconsidered to better preserve the southern neighbour's sky outlook.

3. Density

The proposed floor space ratio of 0.77:1 is deemed suitable for this area, considering its well-established amenities and services.

4. Sustainability

Commendable steps toward sustainability include improving landscaping and outdoor living spaces. Consider additional measures such as rainwater collection, solar panel installation, and implementing an insulated render system over the current brickwork to significantly enhance thermal comfort in the units.

5. Landscape

Opting for the building entry on the northern side, set amidst a landscaped setback not only enhances aesthetics but also ensures a safer pathway. This landscaped northern setback adds privacy and offers a pleasant leafy view for the apartments.

Nevertheless, there is room for improvement in terms of communal space utilisation, especially at ground level. Consider incorporating amenities like seating or a children's play area.

A plan of maintenance including taps on balconies should ensure sustainability of private balcony landscaping.

Additionally, and for practicality, the clothes drying area could find a place within the building footprint, adjacent to the plant room, providing shelter from rain.

6. Amenity

The enhancement of unit amenity, achieved through the addition of balconies and repositioning of some living rooms notably benefits the occupants. In particular, the eastern units have seen their living rooms relocated from the south to offer improved northern and eastern aspects, featuring racecourse views and eliminating the overlooking of their southern neighbors.

To preserve solar access and privacy for adjacent dwellings and open spaces, as discussed above in 2. Built Form and Scale, careful consideration must be given.

The Juliet-style balconies on the north and south facades currently pose issues of overlooking, requiring revisions for enhanced privacy through the use of balustrades which obstruct views to neighboring units.

For Apartment 5, repositioning bedroom 3 northward, retaining the planter, with a west-facing window not only increases privacy but also provides an improved outlook. Furthermore, windows in Apartment 5's kitchen, dining, and living rooms, facing the side boundaries, should incorporate privacy screens, and the width of the north and south planters should be extended inwards to prevent overlooking of neighboring habitable rooms and private open spaces.

A suggestion for improved accessibility involves moving the entrance door eastward to ensure adequate circulation space for wheelchair and pram access, along with an enlarged lift lobby circulation area.

Important details such as bike storage, letterboxes, and intercom should be clearly illustrated in the drawings. Air conditioning units must be discreetly located, not visible from the street and ideally away from balconies.

7. Safety

The relocation of the pedestrian entrance to the northern side of the building will improve safety. The relocation of living rooms to the western façade will increase casual surveillance of the street.

8. Housing diversity and Social Interaction

While the apartments consist exclusively of three bedrooms, it's worth noting that the surrounding street features a diverse range of housing types, ensuring a satisfactory level of diversity within the neighborhood.

To foster social interaction and community engagement, enhancing the communal open space and ground-level infrastructure is recommended.

9. Aesthetics

Incorporating vertically proportioned openings and Juliet balconies will undoubtedly elevate the streetscape, along with a focus on increased landscaping.

Regarding the rendering of brickwork, it is generally discouraged due to maintenance considerations. However, the Panel acknowledges that the existing brickwork may not align with current aesthetic preferences. Nevertheless, it's worth noting that 'Lexicon White' may appear too stark under intense sunlight. When working with rendered facades, meticulous detailing is essential to ensure long-lasting appeal.

To guarantee the longevity of all landscaping elements, a comprehensive management plan will be necessary.

As discussed above in 1. Context and Neighbourhood Character, a cantilevered roof would enhance the roofline's overall contribution to the streetscape.

SUMMARY AND RECOMMENDATIONS

A. Overall, the proposal will enhance the buildings present contribution to the streetscape and the quality and amenity of the apartments within. There is room for improvement to preserve the neighbour's amenity regarding privacy, solar access and views to sky.

The Panel recommends that the applicant:

- Provides a more cantilevered roof form at the front of the building by setting back the western and southern walls at the front by 2m and 1.75m respectively, topped by a cantilevered roof aligning with the main building footprint.
- Reduces openings in the side balcony balustrades to inhibit views out.
- Revise the external wall colour to have a reflectivity more in keeping with the immediate neighbours.
- Provides a Plan of Management for all landscaping including taps on balconies.
- Provides a Plan of Management for the rendered façade.
- Reconsider the second-floor terrace Vergola roof to better preserve the existing amenity of the southern neighbour.
- Increases the roof terrace planter widths to 1m.
- Submits a 1:20 detailed plan and section or 3D of the rendered façade and cantilevered roof illustrating waterproofing, sills, drip grooves, downpipes, and other services to ensure a façade that ages well.

2. Internal referral comments:

2.1. Heritage planner

Updated Heritage Comments on Amended proposal:

Amended plans and additional details have been received on 25 March 2024 in response to an RFI. The amendments are as follows:

1. Revised parking and motorcycle layout in accordance with Council's engineering recommendations
2. Revised bin store area in accordance with Council's waste officer.
3. Addition of a clothesline at the rear of the ground floor.
4. Addition of a communal area within the northern setback towards the rear of the site, along with a new entry gate and dividing fence to provide safety and security to the communal area.
5. Louvred privacy screen along the southern side of the rear balconies (1st and 2nd floors)
6. Reconfigured penthouse unit incorporating additional setback from the front of the perimeter of the built form.
7. Updated landscape plan to reflect the incorporation of the communal space on the northern side.

The amended details that relate to physical changes to the built form and its setting (points 4, 5, 6 and 7) have been assessed and are considered acceptable for the following reasons:

- The physical changes to the built form and increase setback contribute towards making the building less intrusive and more recessive. Accordingly, these amendments have reduced the perception of bulk and scale thus improving the presentation of the building in the HCA.
- The proposed louvred privacy screen along the southern side of the rear balconies present as light weight elements and assist in softening the masonry sections of the south and east elevations.

Overall, the amendments to proposal represent further improvements to the presentation, bulk and scale of the proposal and will not have any detrimental impact on the fabric, setting and visual corridors of the Racecourse Precinct Heritage Conservation Area. Accordingly, the heritage comments for the original proposal below remain valid and applicable.

Heritage Comments on Original proposal:

The Site

The subject property is located at 124 Doncaster Avenue, Kensington, and with a legal land parcel description of CP/SP 30049. It is a rectangular-shaped land parcel of 612m² with an east frontage to Doncaster Street. The east and west boundaries are of 15.215m and the north and south side boundaries are of 40.235m. On site is a light-coloured brick and tile flat building, comprising two residential floors above six separate and double, enclosed garage spaces at ground-level. The building was constructed about five decades ago in a utilitarian style typical of the era, as a walk-up, three-storey complex for four x three-bedroom units. A single-storey residential dwelling adjoins the site to the immediate south (126 Doncaster Avenue). A two-storey detached residential dwelling (single storey presentation to Doncaster Avenue) adjoins the site to the immediate north (122 Doncaster Avenue). And there is a two-storey residential flat building directly opposite to the west (81A Doncaster Avenue).

The subject residential flat building is sited within the Randwick Local Government Area, bordering the Royal Randwick Racecourse immediately to the east. It is not individually heritage listed, however, along with all properties along this east side of Doncaster Avenue, it falls within the Racecourse Precinct Heritage Conservation Area (HCA).

This precinct, along with surrounding parklands is part of an extensive area of open space in the eastern suburbs of Sydney, characterised by expansive views, educational and recreational buildings, and established plantings. The site is also located in the vicinity of the Kensington Public School Buildings (77-79E Doncaster Avenue) approximately 50 metres away, and with an oblique

line of sight. This is a locally listed individual heritage item (Item126) in Schedule 5 of the Randwick Local Environmental Plan. There are other individually listed heritage items in the wider vicinity (Items 127, 114 and 149), however there is no visual or physical relationship to any of these items.

The subject site in its existing presentation is considered detracting within this context, being a somewhat outdated building. It is proposed that a presentational upgrade of the facades, deploying higher-quality materials and enhanced landscaping would greatly improve its contribution within the HCA. Moreover, the interior reconfiguration and additions would promote appropriate contemporary amenity in the precinct.

Background

The residential line along the east side of Doncaster Avenue, which is included in the HCA, appears to have existed since its original subdivision in the early twentieth century. There is no other domestic development adjoining its rear east side, but only the pre-existing Royal Randwick Racecourse precinct.

The subject flat building appears to have had no substantial work or upgrade since its construction.

On the west side of Doncaster Avenue, as well as further to the north and south along the east side, there are some low-scale residential flat buildings constructed from the interwar period to present times.

Proposal

The proposed alterations and additions to the existing flat building seek to reconfigure and refurbish the existing units, as well as to construct an additional floor level for a larger penthouse dwelling.

The exterior presentation of the building will have improved articulation, glazing upgrades, improved colouration and professionally conceived landscaping.

The proposal also seeks to improve existing internal amenity and function within each unit, and in common spaces such as entry configuration and lift provision, as well as providing better and additional private open areas in the form of elevated balconies.

The additions to the east side (rear) also incorporate upgraded waste-room and building-plant facilities.

Submission

The proposal is accompanied by:

- Architectural drawings of the proposal by *N2 STUDIO* of Castlecrag NSW 2068 – being version 01 July 2022 (received 13 Sept 2022).
- This set includes a helpful photomontage.
- The architectural drawings include a schedule of Colours, Materials and Finishes.
- Detailed set of Landscape Plans by *Melissa Wilson Landscape Architects* Darlinghurst, being version 09 June 2022 (received 13 September 2022).
- A professionally presented and extensive Statement of Environmental Effects (SEE) by *ABC Planning*, dated as September 2022 (Received 13 September 2022).

Controls

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.

Objectives: The objectives of this clause are as follows: (a) to conserve the environmental heritage of Randwick, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Assessment: The subject site is not heritage listed. The proposal is sited within the Racecourse Precinct Heritage Conservation Area (HCA), 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.

In the vicinity, and in the wider precinct of the subject site are several individually listed items 126 (Kensington primary School), as well as 127, 114 and 149. However, there is a negligible perceived visual impact upon the nearby primary school and no perceived visual impact upon items in the wider vicinity. This is especially the case given that the proposal involves upgrade works on a long-established flat building, substantially within an existing footprint, albeit with a marginal increase in height.

RDCP 2013, Heritage Section 2.7 - Roof and Chimneys, sets out the principle of retaining the characteristic roof forms within Heritage Conservation Areas. It is noted that the existing flat building, constructed about five decades ago, presents with a hipped formation in keeping with established roofing forms in the HCA. However, the long-established height and footprint of this complex mark it as a stand-alone feature in its immediate precinct. The determination of such forms as roofing and articulation is therefore more appropriately assessed under Section C2, 4.1 and 4.2 of the DCP (building façade and roof design) since its height and presentation are to be substantially and positively altered.

Comments

The proposed development is constrained by the givens of the existing flat building on its site - footprint and land parcel – and therefore to possibilities within these givens.

The outdated walk-up three-storey residential flat building presents as detracting. The proposed upgrade of the facade with higher-quality materials, rendered finish and enhanced landscaping would change its presentation, making a positive visual contribution to the Heritage Conservation Area.

Moreover, the enhanced apartment amenity would further contribute to ongoing precinct perception, directly related to desirable neighbourhood outcomes.

There is no perceivable significant impact on any public views, either to and from the heritage item within the vicinity, or more generally any view corridors within the HCA.

The additional storey is deemed to be a modest change, given that the new flat roof will be perceived within any view corridors as relatively neutral. Moreover, the additional height sits below the permissible height standard for the precinct.

The proposal incorporates the design concepts and principles outlined in the 'Design Ideas for Rejuvenating Residential Flat buildings 2006 Manual by Randwick Council. It also positively reflects the design principles outlined in the Randwick Development Control Plan 2013, Section C2 - Medium Density Residential.

The proposal is accompanied by a detailed landscaping plan relating to both ground level presentation and amenity, as well as elevated balcony/terrace spaces.

The Colours, Materials and Finishes Schedule is deemed as acceptable in this streetscape in that the renewed presentation adopts a substantially contemporary idiom. This schedule is also compatible with other renovated residential flat buildings in the area.

Accordingly, considering the above and given the lack of unreasonable impacts resulting from the proposed development, and the greatly improved presentation, the proposal is considered appropriate.

2.2. Development Engineer

An application has been received for alterations and additions to the existing residential flat building including an additional storey and new balconies at the above site.

This report is based on the following plans and documentation:

- Amended Parking plan by PDC Consultants dated 8/03/2023
- Architectural Plans by N2 Studio dated 1st July 2022;
- Amended Landscape plans by Melissa Wilson Dwg LS01-03 Issue D dated 18/3/2024;
- Statement of Environmental Effects by ABC Planning dated September 2022;
- Detail & Level Survey by Beveridge Williams dated 21/1/2022;
- Traffic and Parking Statement by PDC Consultants dated 27/4/2022;

General Comments

There are no objections to the proposal subject to the comments and conditions provided in this report.

Parking Comments

Current situation

The existing building currently comprises of 4 x 3 bedroom units which under the parking rates specified in Part B7 of the DCP would generate an **existing parking demand of 7 spaces** (including 1 visitor space). Six spaces have been provided on the site and are indicated on the strata scheme in SP 30049.

Despite the originally submitted plans indicating an existing visitor space at the end of the driveway (being a 7th space), no formal approval for this space could be located even though it is evident that it has probably been used for off-street parking for quite some time. The 2009 google street view image (and other years since) all indicate a vehicle parked at this location.

Notwithstanding the visitor space was not supported and it was requested it be converted to motorbike and bicycle parking in support of the parking shortfall.

Proposed Development

The proposal is for an additional 3-bedroom unit on a new third floor while the original 4 units will be reconfigured but will still all remain as 3 bedroom units.

When assessed against the parking rates specified in Part B7 of Council's DCP the proposed 5th unit will increase parking demand on the site by 1.5 spaces resulting in a total of 9 spaces (when rounded) including 1 visitor space.

Parking Required = 5 x 1.5 + 1 Visitor = 8.5 = **9 spaces**.

No additional parking has been proposed with 6 spaces to be maintained and so the application will result in a further increase of the parking shortfall by 2 spaces to a total of 3 spaces or 33% of the total parking demand of 9 spaces.

It was previously advised the shortfall was excessive and not supported by Development Engineering unless ways to mitigate this demand and/or provide alternative transport options were provided.

Amended plans have now been received that provide 2 motorbike and 5 bicycle spaces in compensation for the 2 space vehicle parking shortfall. This is considered acceptable and appropriate given the following aspects.

- The site is located adjacent to a new Council cycle way (currently under construction) in Doncaster Avenue which will be provided within a separate carriageway and provides a vital north-south cycle link.
- The site is less than 200m from Kensington Town Centre

- The site is less than 250m from Kensington Light Rail Stop and bus stops on Anzac Parade.
- The site is situated in close proximity to carshare bays operated by GoGet carshare with the closest being provide at the corner of Darlin St and Darling Lane approximately 210m walking distance away.

It is therefore apparent that a variety of alternative transport options are available and the new provision of motorbike and bicycle parking will help facilitate this.

Provided the motorbike and bicycle parking are fully installed there are no further objections from a parking perspective.

Strata Comments

There is currently s strata scheme operating on the site operating under SP 30049 which will need to be modified to incorporate the new alterations and additions. New Strata Plans must therefore be prepared and registered that subdivide the existing strata lots and common property so as to incorporate the proposed alterations & additions into the strata scheme. The developer shall obtain a strata/subdivision certificate and comply with all requirements of NSW Land Registry Services (LRS) in this regard. A suitable condition has been provided in this report.

Drainage Comments

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

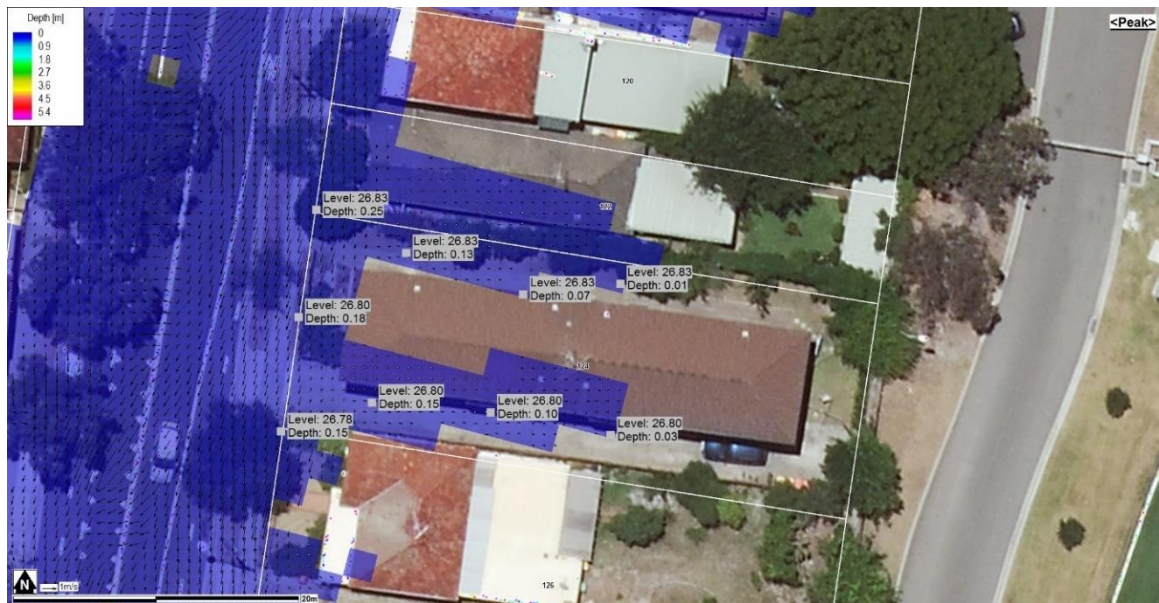
The stormwater must be discharged (by gravity) either:

- Directly to the kerb and gutter in front of the subject site in Doncaster Avneue ; or
- To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

Flooding Comments

The site lies within the catchment for the Council commissioned and adopted 'Kensington-Centennial Park Flood Study' which predicts the front of the site will be impacted by flooding during major storm events (see plot below). Flood depths of between 0.01m at approximately the middle of the property and 0.2m at the front property boundary on Doncaster Avenue are predicted for the 1% AEP (1 in 100yr) storm event. The max level of the 1% AEP flood on the site is approximately RL 26.83 AHD.

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The rear of the site being the location of the new waste room and the motorbike/bicycle parking is generally above RL 26.94 and therefore will not be affected by the predicted 1% AEP flood. No flood controls are therefore applicable to the new works.

The existing garages are indicated at a level of around RL 26.86 and so comply with Council's current flood controls in Part B8 of the DCP requiring them to be provided at or above the level of the 1% AEP Flood (RL 26.83).

The proposed development is therefore acceptable from a flooding perspective.

Undergrounding of power lines to site

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

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

The subject **is** located within 15m of a mains power distribution pole on the same side of the street hence the above clause **is** applicable. A suitable condition has been included in this report.

Waste Management Comments

The waste Management Plan shall not be approved as part of this consent. Development Engineering has included a condition in relation to the preparation of a new Waste Management Plan prior to the issuing of a Construction Certificate.

The addition of the new 3-bedroom unit will result in a total of 5 x 3-bedroom units on the site. This will necessitate the total provision of 8 x 240L waste bins comprising of 3 x 240L bins for garbage (red lid) , 3 x 240L bins for recycling (yellow lid) and up to 2 x 240L bins for FOGO (green lid).

The submitted plans indicate a new waste storage room at the rear on the ground floor with provision for up to 10 x 240L bins and so comply with this requirement.

Street Tree and Landscape Comments

Site inspection was undertaken on Thursday 31st Aug 2023, with all pictures of vegetation on D05047929.

Firstly, on council's verge, north of existing driveway, centrally adjacent property No124, a mature *Schinus molle* (Peppercorn tree) 5.5 metres high, poor vigour, fair health, low landscape significance, in close conflict with works, TPZ fencing required to protect from material handling, physical and mechanical damage.

Moving within the frontage of property, two immature *Grevillia spp.* (Grevillea moonlight) located between the green picketed fence and unit block building, 3 metres high, poor vigour, poor health, direct conflict with works, to be removed, with new landscaping in the same area.

Moving east, down the rear lane, adjacent No 126 Doncaster Ave, wholly in the neighbouring property several species of insignificant shrubs, measuring well clear of boundary wall, and proposed rendering works to the north facing brick wall.

Further east at the rear of the property, 1.2 metre high concrete retaining wall, which retains the rear neighbouring land, this retaining wall measures the width of the property, north to south, plotted within the upper southeast corner of the wall, mature *Celtis sinensis* (Chinese hackberry) 6 metres high, poor vigour, listed as an undesirable weed, roots were noticeably pushing pressure on this retaining wall, which is pushing it towards the proposed bike and scooter parking area which is directly below the tree, must be removed.

Moving to the rear northeast, again, plotted above retaining wall, near hills hoist washing line, mature *Morus spp* (Mulberry) poor vigour, poor health, listed as an undesirable weed, must be removed, whilst both trees within the upper retaining wall may be difficult to stump grind, different removal techniques may be applied to remove these stumps.

Moving to the northern boundary, to which a colour bond fence stretches the whole site, east to west, wholly in the neighbouring property, several Bamboo species, Lilly Pilly tree and various other vegetation, well clear of any works.

These alterations do not increase site coverage by more than 10%, so the landscaping and tree canopy cover clauses in the C1 DCP 2023 will not apply.

All other vegetation within the north and south adjoining sites noted to be sited well clear of all works.

Appendix 2: SEPP 65 Compliance Table

Clause	Design Criteria	Proposal	Compliance												
Part 3: Siting the Development															
3D-1	Communal and Public Open Space														
	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	<p>A total of 14.14% (or 86.6m²) is provided on the site for communal open space.</p> <p>The communal open space is proposed to the northern side and eastern rear end of the building.</p> <p>Numeric non-compliance is acceptable noting that it is a continuation of an existing non-compliance and is an improvement to the existing landscaped area on the site. Sufficient private open space is provided to the proposed penthouse apartment, existing apartments 2 & 4 in excess of minimum ADG requirements.</p>	On merit. Meets the objectives of the control.												
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The communal open space is orientated to the northern side and eastern rear end of the site and receives a minimum of 2 hours of direct sunlight between 9am and 3pm on 21 June.	Yes												
3E-1															
	<p>Deep soil zones are to meet the following requirements:</p> <p>Site Area:</p> <table><tr><th>Site Area</th><th>Min. Dimension</th><th>Deep Soil Zone (% site)</th></tr><tr><td>< 650m²</td><td>-</td><td>7%</td></tr><tr><td>650–1,500m²</td><td>3m</td><td>7%</td></tr><tr><td>>1,500m²</td><td>6m</td><td>7%</td></tr></table>	Site Area	Min. Dimension	Deep Soil Zone (% site)	< 650m ²	-	7%	650–1,500m ²	3m	7%	>1,500m ²	6m	7%	<p><u>Existing:</u></p> <p>163.81m² (26.76%)</p> <p><u>Proposed:</u></p> <p>135.08m² (22.06%)</p>	Yes
Site Area	Min. Dimension	Deep Soil Zone (% site)													
< 650m ²	-	7%													
650–1,500m ²	3m	7%													
>1,500m ²	6m	7%													
3F-1	Visual Privacy														
	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	The proposed third floor level (Penthouse) will provide the following separation	Yes												

Clause	Design Criteria	Proposal	Compliance												
	<table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</p>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>distances to adjoining development:</p> <p><u>Northern side Balconies:</u></p> <ul style="list-style-type: none">6.237m separation from the front and rear of terraces to neighbouring property's building. <p><u>Northern side windows:</u></p> <ul style="list-style-type: none">5.607m to 7.152 separation from the windows to the neighbouring property's building. <p><u>Southern side balcony:</u></p> <ul style="list-style-type: none">4.941m separation from the front terrace to the property boundary.5.182m separation from the front and rear of terraces to the property boundary. <p><u>Southern side window:</u></p> <ul style="list-style-type: none">4.694m from the window to the neighbouring property's building. <p>Note: There are no directly adjoining neighbouring windows and balconies adjacent to the proposed third floor level as the neighbouring dwellings are less than two storey.</p> <p>Planter boxes are proposed around the perimeters of the terrace areas will minimising direct overlooking into neighbouring</p>	
Building Height	Habitable Rooms and Balconies	Non-habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
Over 25m (9+ storeys)	12m	6m													

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Clause	Design Criteria	Proposal	Compliance			
		properties. Refer to Figure 17 below.				
	<p>Figure 17: Building separation distances between windows and balconies of neighbouring properties.</p> <p>The diagram illustrates the proposed building layout for 'APARTMENT 5' and its required setbacks from neighboring properties and boundaries. Key features include:</p> <ul style="list-style-type: none"> Boundaries: NO.122 DONGCASTER AVENUE to the north, NO.126 DONGCASTER AVENUE to the south, and various side boundaries. Rooms and Features: Bedroom 1, Bedroom 2, Bedroom 3, Kitchen, Living, Dining, Bathroom, and various balconies. Setbacks: Dimensions are provided for setbacks from boundaries (e.g., 4.0m, 3.0m, 2.0m) and from neighboring properties (e.g., 1.0m, 1.5m, 2.0m). Legend: <ul style="list-style-type: none"> Type 1: External walls to common areas, comprising: <ul style="list-style-type: none"> • 100 mm solid brickwork with rendered finish. • 50 mm cavity. • 50 mm solid brickwork. Type 2: Internal walls to common areas, comprising: <ul style="list-style-type: none"> • 100 mm solid brickwork. • 50 mm cavity. • 50 mm solid brickwork. Type 3: External walls to private areas, comprising: <ul style="list-style-type: none"> • 100 mm solid brickwork with rendered finish. • 50 mm cavity. • 50 mm solid brickwork. Type 4: Internal walls to private areas, comprising: <ul style="list-style-type: none"> • 100 mm solid brickwork. • 50 mm cavity. • 50 mm solid brickwork. 					
3J-1	<p>Bicycle and Car Parking</p> <p>For sites located within 800m of a light rail stop, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p><u>Randwick DCP 2013</u> Part B7 - Transport, Traffic, Parking and Access</p> <p>Vehicle Parking Rates for residential flat buildings:</p> <table border="1"> <tr> <td>Multi dwelling housing and residential flat buildings</td> <td> 1 space per 2 studio 1 space per 1 bedroom apartments (over 40 m²) 1.2 spaces per 2 bedroom apartments 1.5 spaces per 3 or more bedroom apartments 1 visitor space per 4 dwellings (but none where development is less than 4 dwellings) Note: Car share facilities in certain locations are a viable option and should be discussed with Council staff. </td> <td>5% of the car parking requirement</td> </tr> </table>	Multi dwelling housing and residential flat buildings	1 space per 2 studio 1 space per 1 bedroom apartments (over 40 m ²) 1.2 spaces per 2 bedroom apartments 1.5 spaces per 3 or more bedroom apartments 1 visitor space per 4 dwellings (but none where development is less than 4 dwellings) Note: Car share facilities in certain locations are a viable option and should be discussed with Council staff.	5% of the car parking requirement	<p>When assessed against the parking rates specified in Part B7 of Council's DCP the proposed 5th unit will increase parking demand on the site by 1.5 spaces resulting in a total of 9 spaces (when rounded) including 1 visitor space.</p> <p>5% of 9 spaces = 0.45 spaces (when rounded) 1 space is required.</p> <p>No additional parking has been proposed with 6 car spaces to be maintained on site.</p> <p>The proposal will be increasing the parking demand by 2 car spaces.</p> <p>Amended plans show 2 motorbicycle and 5 bicycle space are provided on the site to</p>	<p>Development Engineers have assessed and reviewed the proposed development in relation to parking and have supported the shortfall.</p> <p>Refer to Section 2.2 Development Engineers comments above under Section 2 Internal referral comments section of the report which demonstrates the parking shortfall being acceptable and appropriate provided the</p>
Multi dwelling housing and residential flat buildings	1 space per 2 studio 1 space per 1 bedroom apartments (over 40 m ²) 1.2 spaces per 2 bedroom apartments 1.5 spaces per 3 or more bedroom apartments 1 visitor space per 4 dwellings (but none where development is less than 4 dwellings) Note: Car share facilities in certain locations are a viable option and should be discussed with Council staff.	5% of the car parking requirement				

Clause	Design Criteria	Proposal	Compliance
		accommodate the shortfall.	motorbike and bicycle parking are fully installed there are no further objections from a parking perspective.
Part 4: Designing the Building			
4A	Solar and Daylight Access		
	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid Winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>The proposed development is improving solar access to the existing apartments by reorientating the living areas of Apartments 2 & 4 to have northerly and easterly aspects and the open plan kitchen to the northern side to Apartments 1 & 3 will allow better daylight to the south facing living areas.</p> <p>The proposed Penthouse Apartment 5 will receive more than 2 hours of direct sunlight between 9am and 3pm on 21 June.</p>	Yes
4B	Natural Ventilation		
	<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	All units are naturally cross-ventilated.	Yes
4C	Ceiling Heights		
	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable Rooms – 2.7m Non-habitable – 2.4m Attic spaces – 1.8m at edge with min 30 degree ceiling slope Mixed use areas – 3.3m for ground and first floor <p>These minimums do not preclude higher ceilings if desired</p>	<p>Apartments 1 to 4 are maintaining existing ceiling height which current do not comply with the minimum ceiling heights for habitable rooms. This is considered acceptable given it is an existing situation and comply with the minimum National</p>	<p>Apartments 1-4 do not comply – Existing situation.</p> <p>Proposed additional Penthouse Apartment 5 - Yes</p>

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Clause	Design Criteria	Proposal	Compliance
		<p>Construction Code (NCC) of Australia requirements for ceiling height.</p> <p><u>Apartment 5:</u></p> <ul style="list-style-type: none"> Habitable Rooms = 2.7m Non-habitable = 2.4m 	
4D	Apartment Size and Layout		
	<p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> Studio - 35m² 1 bedroom - 50m² 2 bedroom - 70m² 3 bedroom - 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m² each</p>	<p>Apartments 1 & 3 = 88.1m²</p> <p>Apartments 2 & 4 = 84.9m².</p> <p>Apartments 1 to 4 are existing 3-bedroom apartments which have been reconfigured to allow for better internal circulation and amenity, solar access, daylight and cross ventilation.</p> <p>Apartment 5 complies with the minimum internal areas.</p>	<p>Apartments 1 to 4 do not comply. Already existing apartments.</p> <p>Yes</p>
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms comprise of a window opening for the purposes of light and will not have an area less than 10% of the floor area of the room.	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	All habitable room depths are within the maximum limit.	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All apartments have open plan layouts. The maximum depth does not exceed 8m from the external windows / glazed balcony doors.	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Bedrooms will achieve minimum area requirements.	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	<p>Apartments 1 & 3 have minimum dimensions of 3m x 3m.</p> <p><u>Apartment 2 & 4:</u></p>	<p>Apartments 1 & 3 - Yes</p> <p><u>Apartment 5:</u></p>

Clause	Design Criteria	Proposal	Compliance															
		Bedroom 1 – 3.055m x 2.79m Bedroom 2 – 2.75m x 2.79m Bedroom 3 – 2.75m x 2.79m <u>Apartment 5:</u> Bedroom 1 – 3.2m x 3.15m Bedroom 2 – 3m x 3m Bedroom 3 – 3m x 3m	Bedroom 1 – No Bedroom 2 – No Bedroom 3 - No Bedroom 1 – Yes Bedroom 2 – Yes Bedroom 3 – Yes Apartments 2 & 4 do not comply. On merit are considered acceptable when taking into consideration the proposed internal changes are improving the amenity of the apartments.															
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	The living areas pf all apartments comply with the minimum width requirement.	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The depth of the apartments are 6.85m.	Yes															
4E	Apartment Size and Layout																	
	<div>All apartments are required to have primary balconies as follows:</div> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4 m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8 m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10 m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12 m²</td><td>2.4m</td></tr></table> <div>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</div>	Dwelling type	Minimum area	Minimum depth	Studio	4 m ²	-	1 bedroom	8 m ²	2m	2 bedroom	10 m ²	2m	3+ bedroom	12 m ²	2.4m	<div>The existing apartments 1 to 4 currently do not meet the minimum requirements and have small balconies located on the southern side of the boundary rather than the rear.</div> <div>The proposed development will be improving the POS by providing larger</div>	<div>Apartments 1 & 3 do not comply – Existing situation.</div> <div>Apartments 2, 4 & 5 comply.</div>
Dwelling type	Minimum area	Minimum depth																
Studio	4 m ²	-																
1 bedroom	8 m ²	2m																
2 bedroom	10 m ²	2m																
3+ bedroom	12 m ²	2.4m																

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Clause	Design Criteria	Proposal	Compliance
		balconies to the rear of units 2 & 4 which will meet the minimum requirements. Apartment 5 meets the minimum dimension requirements.	
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	There are no ground floor apartments.	Not applicable.
4F	Common Circulation and Spaces		
	The maximum number of apartments off a circulation core on a single level is eight	The maximum number of apartments of a single lift core is two on first and second floor levels and on the third floor level there is one penthouse apartment.	Yes
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	The building is 4 storeys in height.	Not applicable.
4G	Storage		
	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio apartments - 4m³ • 1 bedroom apartments - 6m³ • 2 bedroom apartments - 8m³ • 3+ bedroom apartments - 10m³ <p>At least 50% of the required storage is to be located within the apartment</p>	<p>Adequate storage is provided within each of the existing reconfigured apartments (1 to 4) and within the garage level. While 50% of the storage is not provided within these apartments, overall, the proposed development is improving storage within the apartments and extra storage is provided within the garage to meet the minimum requirements.</p> <p>The proposed new Apartment 5 will comply with the ADG storage requirements with at least 50% of the storage area located within the apartment.</p>	<p>Apartments 1 to 4 will be improving storage within the apartments and overall will meet the minimum storage requirements.</p> <p>Apartment 5 complies.</p>

Appendix 3: DCP Compliance Table**3.1 Section B6: Recycling and Waste Management**

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
4.	On-Going Operation		
	(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.	The bin store is located at the rear of the dwelling adjacent to the garage parking area.	Yes
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.	The bin store is enclosed within a room to the rear of the dwelling adjacent to the garage parking area and driveway away from habitable rooms.	Yes
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.	The bin store is enclosed within a room to the rear of the dwelling and is not visible from neighbouring properties and the public domain.	Yes
	(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).	The bin store is conveniently located to allow for unobstructed access between the storage area and collection point.	Yes
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.	The proposed units are adequately sized to enable single day's waste storage.	Yes
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.		Yes

3.2 Section B7: Transport, Traffic, Parking and Access

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
3.	Parking & Service Delivery Requirements		
	Car parking requirements: <ul style="list-style-type: none"> • 1 space per 2 studios • 1 space per 1-bedroom unit (over 40m²) • 1.2 spaces per 2-bedroom unit • 1.5 spaces per 3 or more bedroom unit • 1 visitor space per 4 dwellings 	When assessed against the parking rates specified in Part B7 of Council's DCP the proposed 5 th unit will increase parking demand on the site by 1.5 spaces resulting in a total of 9 spaces (when rounded) including 1 visitor space.	Development Engineers have assessed and reviewed the proposed development in relation to parking and have supported the shortfall.

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		<p>5% of 9 spaces = 0.45 spaces (when rounded) 1 space is required.</p> <p>No additional parking has been proposed with 6 car spaces to be maintained on site.</p> <p>The proposal will be increasing the parking demand by 2 car spaces.</p>	<p>Refer to Section 2.2 Development Engineers comments above under Section 2 Internal referral comments section of the report which demonstrates the parking shortfall being acceptable and appropriate provided the motorbike and bicycle parking are fully installed there are no further objections from a parking perspective.</p>
	<p>Motorcycle requirements: 5% of car parking requirement</p>	2 Motorcycle	Yes
4. Bicycles			
	<p>Residents:</p> <ul style="list-style-type: none"> 1 bike space per 2 units <p>Visitors:</p> <ul style="list-style-type: none"> 1 per 10 units 	5 bicycle spaces	Yes

3.3 Section C2: Medium Density Residential

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
2.	Site Planning		
2.1	Site Layout Options		
	<p>Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for:</p> <ul style="list-style-type: none"> Two block / courtyard example T-shape example U-shape example Conventional example 	<p>The built form and layout already exist. The proposed development will be improving internal amenity, solar access, private open space and communal area on site.</p>	Yes
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	<p>A minimum of 50% of the site area (306.1m²) is to be landscaped open space.</p>	<p>Site area = 612.2m²</p> <p>A total of 135.08m² (22.06%) is provided for landscaped area. This is well in excess of the ADG requirement.</p>	Complies with ADG and objectives of this control.
2.2.2	Deep soil area		
	<p>(i) A minimum of 25% of the site area (153.05m²) should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.</p>	<p>The proposal provides 135.08m² (22.06%) of deep soil landscaping at the subject site.</p>	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		The deep soil areas is sufficient in size and dimensions to cater for the proposed trees and landscaping planting along the front building facade and northern side of the boundary.	
	(ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures.	The landscaping is proposed on the ground floor level and is capable of growing vegetation and large trees.	Yes
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting.		Yes
	(iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.		Yes
	(v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.		Yes
2.3	Private and communal open space		
2.3.1	Private open space		
	Private open space is to be: (i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas.	The existing apartments do not have suitable private open space. The proposed deployment will be improving the private open space to apartments 2 & 4. Apartments 2, 4 & 5 will have direct access from the living area to POS and are open to a northerly aspect. For apartments 1 & 3 communal private open space is provided to the northern side of the building which is accessible for those apartments.	Apartments 2, 4 & 5 comply. On merit - Apartments 1 & 3 existing situation and complies with the objectives of the control.
	For residential flat buildings: (vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof	The existing units currently do not have sufficient private open spaces.	Apartments 2, 4 & 5 complies. On merit apartments 1 & 3

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>garden, accessible from within the dwelling.</p> <p>(vii) Private open space for apartments has a minimum area of 8m² and a minimum dimension of 2m.</p>	<p>The proposed development will be providing private open space to the rear of apartments 2 & 4 in the form of terraces which are in excess of the minimum requirement.</p> <p>The rear terrace area (POS) to apartment 5 is well in excess of the minimum requirement.</p> <p>For apartments 1 & 3 communal private open space is provided to the northern side of the building which is accessible for those apartments.</p>	meet the objectives of the control.
2.3.2	Communal open space		
	<p>Communal open space for residential flat buildings is to be:</p> <p>(a) Of a sufficient contiguous area, and not divided up for allocation to individual units.</p> <p>(b) Designed for passive surveillance.</p> <p>(c) Well oriented with a preferred northerly aspect to maximise solar access.</p> <p>(d) adequately landscaped for privacy screening and visual amenity.</p> <p>(e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.</p>	<p>A total of 14.14% (or 86.6m²) is provided on the site for communal open space.</p> <p>The communal open space is located to the northern side and eastern rear end of the building which maximise solar access.</p> <p>Currently the rear POS is not utilized to its full potential and does not function appropriately for its users. The proposed development will be improving the POS by providing additional amenity (i.e. landscaping, clothesline and furniture) to the northern side and rear of the building which will better serve the needs of the residents and enhance their quality of life as well as enhancing the appearance of the development as viewed from the site and streetscape.</p>	
3.	Building Envelope		
3.1	Floor space ratio		
	0.9:1 (max. GFA of 550.98m²)	0.77:1	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		(max. GFA of 472.45m ²)	
3.2	Building height		
	12m height limit	The proposed development has a maximum height of 11.7m to the top of the lift over run.	Yes
3.3	Building depth		
	For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	The maximum depth of the building is 6.85m.	Yes
3.4	Setbacks		
3.4.1	Front setback		
	<p>(i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries.</p> <p>(ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis.</p> <p>(iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings.</p> <p>(iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.</p>	<p>The existing three storey building has a front setback of approx. 3.07m from the front boundary.</p> <p>The front setback of the proposed additional third floor level is approx. 4.42m from the front boundary.</p> <p>The third floor addition is recessed within the main built form and with the inclusion of the front terrace balcony and substantial side setbacks to the northern and southern side boundaries which are greater than that anticipated for the control will provide sufficient articulation and visual relief as viewed from the street and neighbouring development.</p> <p>The front setback is also consistent with the average setback of adjoining development and substantial landscaping planting is proposed to the front and northern side of the building to soften the appearance of the built form.</p>	Complies

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
3.4.2	Side setback		
	Residential flat building (i) Comply with the minimum side setback requirements stated below: - 14m ≤ site frontage width < 16m: 2.5m (ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to: - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. (iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.	The site has a frontage width of 15.215m and therefore, minimum side setbacks of 2.5m are required for the northern and southern side boundaries. To the southern side the building is setback 4.18m from the boundary on all levels and to the northern side the building is setback 4.185m from the boundary on all levels.	Yes
3.4.3	Rear setback		
	For residential flat buildings, provide a minimum rear setback of 15% of allotment depth (6.03m) or 5m, whichever is the greater.	The existing building is setback approx. 5.82m from the rear boundary which currently does not comply with the control. The new balconies to the rear are setback 2.641m to 2.638m from the rear boundary on the ground floor level and on the first and second floor levels the new balconies are setback 2.622m to 2.638m from the rear boundary.	No. The proposed new balconies to the rear of the building encroach onto the rear setback control. Refer to Section 7.1 Discussion of Key Issues above.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		The new third floor level terrace balcony is setback between 5.838m to 5.841m from the rear boundary and the building is setback between 9.826m to 9.873m from the rear boundary.	
4. Building Design			
4.1	Building façade		
	<ul style="list-style-type: none"> (i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. (iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes. (vi) Conceal building services and pipes within the balcony slabs. 	<p>No change is proposed to the orientation of the existing building.</p> <p>The building elevations to the proposed upper storey are well articulated by way of window openings, terrace balconies and varying materiality.</p>	Yes
4.2	Roof design		
	<ul style="list-style-type: none"> (i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building. (ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access. (iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape. (iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms. (v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory 	<p>Surrounding development comprises a variety of roof forms.</p> <p>The proposed roof form is a suitable design solution and relates to the form and façade composition of the building. There are no terraces or trafficable areas proposed to the roof.</p>	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>windows and skylights must be sympathetic to the overall design of the building and the streetscape.</p> <p>(vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain.</p> <p>(vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:</p> <ul style="list-style-type: none"> - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street. - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. <p>(viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>		
4.4	External wall height and ceiling height		
	<p>(ii) Where the site is subject to a 9.5m building height limit under the LEP, a maximum external wall height of 8m applies.</p>	<p>Proposed = Maximum height of 11.7m to the top of the lift over run.</p> <p>The non-compliance with the external wall height will not result in any unreasonable adverse visual amenity impacts or unreasonable additional overshadowing to the adjoining properties.</p>	<p>No. Refer to Section 7.1 Discussion of Key Issues above.</p>
	<p>(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.</p>	<p>Proposed = 2.7m</p>	<p>Yes</p>
4.5	Pedestrian Entry		
			<p>Yes</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.</p> <p>(ii) Present new development to the street in the following manner:</p> <ul style="list-style-type: none"> - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible. - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary). - Provide weather protection for building entries. <p>Postal services and mailboxes</p> <p>(i) Mailboxes are provided in accordance with the delivery requirements of Australia Post.</p> <p>(ii) A mailbox must clearly mark the street number of the dwelling that it serves.</p> <p>(iii) Design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.</p>	<p>Clear delineation is provided between pedestrian and vehicular access.</p> <p>The relocation of the pedestrian entrance to the northern side of the building will improve safety and the pedestrian entry is clearly identifiable from the street.</p> <p>The mailbox area is located on the northern end of the front fence directly adjacent to the pedestrian entry gate.</p>	
4.6	Internal circulation		
	<p>(i) Enhance the amenity and safety of circulation spaces by:</p> <ul style="list-style-type: none"> - Providing natural lighting and ventilation where possible. - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors. - Allowing adequate space for the movement of furniture. - Minimising corridor lengths to give short, clear sightlines. - Avoiding tight corners. 	<p>The internal circulation space to the existing apartments have been improved as part of this application which will enhance the amenity and safety of the units.</p> <p>The new dwelling will have suitable amenity and safety, adequate circulation and storage spaces.</p>	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<ul style="list-style-type: none"> - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor. 		
	(iii) Where apartments are arranged off a double-loaded corridor, limit the number of units accessible from a single core or to 8 units.	The maximum number of apartments of a single lift core is two on first and second floor levels and on the third-floor level there is one penthouse apartment.	Yes
4.7	Apartment layout		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	The new apartment layout and design maximises daylight penetration and natural ventilation. The proposed development is improving solar access to the existing apartments by reorientating the living areas of Apartments 2 & 4 to have northerly and easterly aspects and the open plan kitchen to the northern side to Apartments 1 & 3 will allow better daylight to the south facing living areas.	Yes
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	Acceptable	Yes
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.	Acceptable	Yes
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.	Acceptable	Yes
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m ² and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	The existing apartments do not comply with the minimum area and dimension requirements. The proposed development is improving POS to Apartments 2 & 4 which currently have small balconies located to the southern side of the building. The proposed balconies are located to the rear of the building and comply with the	Existing apartments 1 & 3 do not comply – On merit. Apartments 2, 4 & 5 comply.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		<p>minimum area and dimension requirements.</p> <p><u>Apartment 2</u> Area = 20.6m²; and depth = 3.1m</p> <p><u>Apartment 4</u> Area = 20.6m²; and depth = 3.1m Apartment 5 complies with the minimum area and dimension requirements.</p> <p><u>Apartment 4</u> Area = 21.2m²; and depth = 4.035m</p>	
	(ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12m ² . All ground floor apartments are to have direct access to a terrace.	There are no ground floor apartments.	Not applicable.
4.9	Colours, materials and finishes		
	<p>(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans.</p> <p>(ii) The selection of colour and material palette must complement the character and style of the building.</p> <p>(iv) Use the following measures to complement façade articulation:</p> <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of light weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. <p>(v) Avoid the following materials or treatment:</p> <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sunshade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts <p>(vi) Use materials and details that are suitable for the local climatic conditions to properly withstand</p>	<p>A detailed external colours, materials and finishes schedule has been submitted with the application.</p> <p>The colours and finishes are deep dark grey (colourbond Monument) for the parapet capping, gutters, downpipes, window frames, sunshade awnings and metal balustrading, light grey for the roof and cladding, lighter grey for the existing face brick wall which is to be rendered on the ground level and lexicon white on the first and second floor levels.</p> <p>While the external materials and finishes are acceptable. The panel notes that the colour palette 'Lexicon White' may appear too stark under intense sunlight when working with rendered facades.</p>	<p>The external colours, materials and finishes schedule are acceptable.</p> <p>However, a condition is included by Council's heritage planner that requires details of external render materials and process to be submitted to Council's Director of Planning, which incorporates a longevity guarantee for the proposed works.</p>

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>natural weathering, ageing and deterioration.</p> <p>(vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.</p>	<p>The amended documentation as shown in Figure 18 below notes that RSA Enigma will be provided to the main walls on the first and second floor level and on the ground floor level the garage wall will RSA Affirmatio. The amended external finishes schedule is of neutral brown tones with dark grey framing and light grey walls on the upper most level with mint green elements adjacent to the windows. This complements the character and style of other development in the streetscape.</p> <p>Council's heritage planner also notes that amended external finishes schedule is acceptable in that renewed presentation adopts a substantially contemporary idiom which is compatible with other renovated residential flat buildings in the area.</p>	
<p>SCHEDULE OF EXTERNAL FINISHES AND COLOURS</p> <ul style="list-style-type: none"> 1. EXISTING FACE BRICKWORK WALLS TO BE FINISHED WITH RENDER SYSTEM AUSTRALIA MASONRY RENDER SYSTEM, COLOUR RSA ENIGMA 2. EXISTING FACE BRICKWORK WALLS TO BE FINISHED WITH RENDER SYSTEM AUSTRALIA MASONRY RENDER SYSTEM, COLOUR RSA AFFIRMATIO 3. WINDOW FRAMES, SUNSHADE AWNINGS AND METAL BALUSTRAING POWDER COATED FINISHED, COLOUR TO MATCH COLORBOND MONUMENT 4. RAINWET GUTTINGS, GUTTERS AND DOWNPIPES IN COLORBOND STEEL, COLOUR MONUMENT 5. ROOF SHEETING AND FLASHINGS IN COLORBOND STEEL, COLOUR SHALE GREY MATT 6. XEON FC CLADDING BY JAMES HARDIE OR EQUAL APPROVED WITH PAINTED FINISH, COLOUR DULUX YANKI SHALE 7. XEON FC CLADDING BY JAMES HARDIE OR EQUAL APPROVED WITH PAINTED FINISH, COLOUR DULUX AQUA FROST ASH 			

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	Figure 18: Amended external materials, colours and finishes schedule		
4.12	Earthworks Excavation and backfilling		
	<p>(i) Any excavation and backfilling within the building footprints 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 building within this extent of site modification.</p> <p>(ii) Any cut and fill outside the building footprints 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.</p> <p>(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.</p>	No significant excavation works are proposed on site.	Not applicable.
	<p>Retaining walls</p> <p>(iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</p> <p>(v) Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain.</p> <p>(vi) 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 with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing).</p>	The existing retaining wall to the rear is retained.	Not applicable.
5.	Amenity		
5.1	Solar access and overshadowing		
	Solar access for proposed development		
	<p>(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.</p>	The proposed development is improving solar access to the existing apartments by reorientating the living areas of Apartments 2 & 4 to have northerly and easterly aspects and the open plan kitchen to the northern side to Apartments 1 & 3 will allow better daylight to the south facing living areas.	Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		The proposed Penthouse Apartment 5 will receive more than 3 hours of direct sunlight between 9am and 3pm on 21 June.	
	(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.		Yes
	(iii) Limit the number of single-aspect apartments with a southerly aspect to a maximum of 10 percent of the total units within a residential flat building.		Yes
	(iv) Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.		Yes
	Solar access for surrounding development		
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June.	Acceptable.	Refer to Section 7.1 Discussion of Key Issues above which addresses this control.
	(ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June.		
	(iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.		
5.2	Natural ventilation and energy efficiency		
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	The proposed design and layout of the proposed apartment addition will provide good daylight and natural ventilation for existing and future occupants.	Yes
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.	Noted	Yes
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.	Noted	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	(iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.	All rooms to the existing and new apartments will receive natural ventilation.	Yes
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.	As above.	Yes
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.	All kitchens are adjacent to window openings.	Yes
	(vii) Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.		No variation.
5.3	Visual privacy		
	<ul style="list-style-type: none"> (i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance. (iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy. (v) Incorporate materials and design of privacy screens including: <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection 	Subject to conditions is considered acceptable.	Refer to Section 7.1 Discussion of Key Issues above which addresses this control.

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
5.4	Acoustic privacy		
	<p>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</p> <p>(ii) Separate “quiet areas” such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.</p> <p>(iii) Utilise appropriate measures to maximise acoustic privacy such as:</p> <ul style="list-style-type: none"> - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors 	<p>The proposed new balconies face the street and rear of the building. The communal area is proposed to the northern side of the building and is directly adjacent to the neighbouring properties private open space.</p>	Yes
5.5	View sharing		
	<p>(i) The location and design of buildings must reasonably maintain existing view corridors and vistas to significant elements from the streets, public open spaces and neighbouring dwellings.</p> <p>(ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas should be given a priority over those obtained from the bedrooms and non-habitable rooms.</p> <p>(iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain.</p> <p>(iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain.</p> <p>(v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain.</p> <p>(vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.</p>	<p>There are no view sharing impacts identified on the site.</p>	Not applicable.
5.6	Safety and security		
	<p>(i) Design buildings and spaces for safe and secure access to and within the development.</p>	<p>Direct, obvious and secure access to and within the development provided to the front of the</p>	Yes

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
		building off Doncaster Avenue and to the northern side of the entry and adjacent to the communal private open space.	
	(iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.	Direct and secure garage parking is accessed from the southern side of the building away from the main lobby area which is accessed from the northern side of the building.	Yes
	(iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed insufficient.	Acceptable.	Yes
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.	Acceptable.	Yes
	(vi) Resident car parking areas must be equipped with security grilles or doors.	Acceptable.	Yes
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	Acceptable.	Yes
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	Acceptable.	Yes
	(ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies / foyers, hallways, open space and car parks.	Acceptable.	Yes
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	Acceptable.	Yes
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	Acceptable.	Yes
6. Car parking and access			
6.1	Location		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	The existing car parking facility is accessed from the southern side of the building off Doncaster Avenue.	As existing.

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	(ii) The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.	The existing driveway and ground floor parking configuration will be maintained.	As existing.
	(iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.	No changes proposed.	As existing.
	(iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.	No changes proposed.	As existing.
	(v) For residential flat buildings, comply with the following: (a) Car parking must be provided underground in a basement or semi-basement for new development. (b) On grade car park may be considered for sites potentially affected by flooding. In this scenario, the car park must be located on the side or rear of the allotment away from the primary street frontage. (c) Where rear lane or secondary street access is not available, the car park entry must be recessed behind the front façade alignment. In addition, the entry and driveway must be located towards the side and not centrally positioned across the street frontage.	No changes proposed.	As existing.
6.2	Configuration		
	(i) With the exception of hardstand car spaces and garages, all car parks must be designed to allow vehicles to enter and exit in a forward direction.	Lock up garages.	Not applicable.
	(ii) For residential flat buildings, the maximum width of driveway is 6m. In addition, the width of driveway must be tapered towards the street boundary as much as possible.	No changes are proposed to the width of the existing driveway.	As existing.
	(iv) Provide basement or semi-basement car parking consistent with the following requirements: (a) Provide natural ventilation. (b) Integrate ventilation grills into the façade composition and landscape design. (c) The external enclosing walls of car park must not protrude above ground level (existing) by more than 1.2m. This control does not apply to sites affected by potential flooding.	Existing garages.	As existing.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	(d) Use landscaping to soften or screen any car park enclosing walls. (e) Provide safe and secure access for building users, including direct access to dwellings where possible. (f) Improve the appearance of car park entries and avoid a 'back-of-house' appearance by measures such as: <ul style="list-style-type: none"> - Installing security doors to avoid 'black holes' in the facades. - Returning the façade finishing materials into the car park entry recess to the extent visible from the street as a minimum. - Concealing service pipes and ducts within those areas of the car park that are visible from the public domain. 		
7. Fencing and Ancillary Development			
7.1	Fencing		
	(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering. (ii) Sandstone fencing must not be rendered and painted. (iii) The following materials must not be used in fences: <ul style="list-style-type: none"> - Steel post and chain wire - Barbed wire or other dangerous materials (iii) Expansive surfaces of blank rendered masonry to street frontages must be avoided.	A new metal open design picket fencing is proposed on top of the existing brick fence and a new open style sliding gate is proposed across the driveway. The existing low level brick fence is rendered and painted.	
7.2	Front Fencing		
	(i) The fence must align with the front property boundary or the predominant fence setback line along the street.	The fence aligns with the front property boundary.	Yes
	(ii) The maximum height of front fencing is limited to 1200mm, as measured from the footpath level, with the solid portion not exceeding 600mm, except for piers. The maximum height of front fencing may be increased to 1800mm, provided the upper two-thirds are partially open, except for piers.	The maximum height of the fence is approx. 1.5m with the upper portion of the fence being of open design.	Acceptable as it faces an arterial road.
	(iii) Construct the non-solid portion of the fence with light weight materials that		Yes

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DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	are at least 30% open and evenly distributed along the full length of the fence.		
	<p>(iv) Solid front fence of up to 1800mm in height may be permitted in the following scenarios:</p> <ul style="list-style-type: none"> - Front fence for sites facing arterial roads. - Fence on the secondary street frontage of corner allotments, which is behind the alignment of the primary street façade. <p>Such solid fences must be articulated through a combination of materials, finishes and details, and/or incorporate landscaping, so as to avoid continuous blank walls.</p>	<p>The front fence faces an arterial road.</p> <p>The maximum height of the fence is approx. 1.5m with the upper portion of the fence being of open design.</p>	Yes
	(v) The fence must incorporate stepping to follow any change in level along the street boundary. The height of the fence may exceed the aforementioned numerical requirement by a maximum of 150mm adjacent to any stepping.		Yes
	(vi) The preferred materials for front fences are natural stone, face bricks and timber.		Yes
	(vii) Gates must not open over public land.		Yes
	(viii) The fence adjacent to the driveway may be required to be splayed to ensure adequate sightlines for drivers and pedestrians.		Yes
7.3	Side and Rear Fencing		
	<p>(i) The maximum height of side, rear or common boundary fences is limited to 1800mm, as measured from the ground level (existing). For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing).</p> <p>(ii) In the scenario where there is significant level difference between the subject and adjoining allotments, the fencing height will be considered on merits.</p> <p>(iii) The side fence must be tapered down to match the height of the front fence once pasts the front façade alignment.</p> <p>(iv) Side or common boundary fences must be finished or treated on both sides.</p>	Remains as existing.	Not applicable.
7.6	Storage		
	(i) The design of development must provide for readily accessible and	The existing apartments will be improving storage	Complies

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>separately contained storage areas for each dwelling.</p> <p>(ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles.</p> <p>(iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <p>(a) Studio apartments – 6m³</p> <p>(b) 1-bedroom apartments – 6m³</p> <p>(c) 2-bedroom apartments – 8m³</p> <p>(d) 3 plus bedroom apartments – 10m³</p>	for each of the units and the new apartment will comply with the ADG requirements.	
7.7	Laundry facilities		
	(i) Provide a retractable or demountable clothesline in the courtyard of each dwelling unit.	Clothesline facilities is proposed to the rear (eastern end) of the building.	Yes
	(ii) Provide internal laundry for each dwelling unit.	Internal laundry area is provided for each of the apartments.	Yes
	(iii) Provide a separate service balcony for clothes drying for dwelling units where possible. Where this is not feasible, reserve a space for clothes drying within the sole balcony and use suitable balustrades to screen it to avoid visual clutter.	Balconies are provided to units 2, 4 & 5 where part of the area could be used for clothes drying facilities.	Yes
7.8	Air conditioning units:		
	<ul style="list-style-type: none"> Avoid installing within window frames. If installed in balconies, screen by suitable balustrades. Air conditioning units must not be installed within window frames. 	The SEE notes that air conditioning units have been designed to avoid adverse streetscape and amenity impacts.	Conditioned to comply.

Responsible officer: Chahrazad Rahe, Senior Assessment Planner

File Reference: DA/458/2022

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**Development Consent Conditions
(Medium Density Residential)**

Folder /DA No:	DA/458/2022
Property:	124 Doncaster Avenue, KENSINGTON NSW 2033
Proposal:	Alterations and additions to the existing residential flat building including an additional storey and new balconies.
Recommendation:	Approval

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
L-001 [02]	N2 Studio	18/03/2024	25 March 2024
L-002 [02]	N2 Studio	18/03/2024	25 March 2024
L-003 [02]	N2 Studio	18/03/2024	25 March 2024
L-004 [02]	N2 Studio	18/03/2024	25 March 2024
L-005 [03]	N2 Studio	30/05/2024	31 May 2024
L-010 [02]	N2 Studio	18/03/2024	25 March 2024
L-011 [02]	N2 Studio	18/03/2024	25 March 2024
L-012 [02]	N2 Studio	18/03/2024	25 March 2024
L-013 [02]	N2 Studio	18/03/2024	25 March 2024
L-014 [02]	N2 Studio	18/03/2024	25 March 2024
L-015 [02] External Finishes Schedule	N2 Studio	20/06/2024	21 June 2024

BASIX Certificate No.	Dated	Received by Council
1/124 Doncaster Avenue - A465240	4 July 2022	13 September 2022
2/124 Doncaster Avenue - A465277	4 July 2022	13 September 2022
3/124 Doncaster Avenue - A465276	4 July 2022	13 September 2022
4/124 Doncaster Avenue - A465278	4 July 2022	13 September 2022
5/124 Doncaster Avenue - 1319701S_02	24 June 2024	25 June 2024

Amendment of Plans & Documentation

- The approved plans and documents must be amended in accordance with the following requirements:
 - The rear balconies on the first and second floor level shall be reduced to a maximum depth of 2.5m and a maximum width of 5.2m to align with the sliding door openings. Privacy screens having the height of 1.6m from the finished floor level shall be provided to the northern and southern sides of the balconies.

- (b) Privacy screen/s must be constructed with either:
- Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable);
 - Fixed lattice/slats with individual openings not more than 30mm wide;
 - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
- (c) The following window openings to the southern side elevation require privacy measures to be implemented to ensure reasonable levels of privacy is maintained to the rear yard of the neighbouring property at no. 126 Doncaster Avenue:
- (i) The entire staircase window opening to the southern elevation shall be provided with fixed and translucent, obscured, frosted or sandblasted glazing.
 - (ii) The kitchen window openings W7 on the first and second floor levels (Apartments 2 and 4) shall be provided with translucent, obscured, frosted or sandblasted glazing and as awning hung windows to allow for ventilation into the kitchen.
 - (iii) The lower half of the window sash to the bathroom window openings W8 on the first and second floor levels (Apartments 2 and 4) shall be fixed and provided with translucent, obscured, frosted or sandblasted glazing.
 - (iv) The kitchen window on the third floor level shall be provided with translucent, obscured, frosted or sandblasted glazing and as awning hung windows to allow for ventilation into the kitchen.
 - (v) The lower half of the window sash to the living room window openings on the third floor level shall be fixed and provided with translucent, obscured, frosted or sandblasted glazing.
- (d) The following window and door openings to the northern side elevation require privacy measures to be implemented to ensure reasonable levels of privacy is maintained to the rear yard of the neighbouring property at no. 122 Doncaster Avenue:
- (i) The balustrading to the Juliet style balconies adjacent to the sliding door window openings W1, W2 & W3 on the first and second floor levels (Apartments 2 and 4) shall be at a height of 1.5m above finished floor level with the individual palisade openings not more than 30mm wide.
 - (ii) The living room window openings W4 & W5 on the first and second floor levels (Apartments 2 and 4) shall be fixed to a height of 1.6m from the finished floor level and be provided with translucent, obscured, frosted or sandblasted glazing, the upper portion of the window opening that extends above 1.6m may remain open to allow for ventilation.

Strata Plans

3. The existing strata plan shall be amended to incorporate the proposed alterations & additions into the strata scheme. The developer shall obtain a strata/subdivision certificate and comply with all requirements of NSW Land Registry Services (LRS) in this regard. Confirmation of compliance must be obtained from a registered surveyor to the satisfaction of the Principal Certifier prior to the issuing of a full occupation certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a relevant 'Construction Certificate' is issued for the development by a Registered (Building) Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the relevant construction certificate.

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

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.

External Colours, Materials & Finishes

5. Details of external render materials and process are to be submitted to Council's Director of Planning, incorporating a longevity guarantee for the works.

The colours, materials and finishes of the external surfaces to the building are to be in accordance with the proposed External Finishes Schedule prepared by N2 Studio and dated 20 June 2024 and received by Council on 21 June 2024.

Details of any changes to 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 Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Section 7.12 Development Contributions

6. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$3,051,562.00 the following applicable monetary levy must be paid to Council: \$30,515.60.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

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

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works.

Sydney Water

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

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

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

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

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

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

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

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

Stormwater Drainage

9. 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.

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

- a) To the kerb and gutter along the site frontage by gravity (preferably without the use of a charged system); OR
- b) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² 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 in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), 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.

- c) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
 - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.

Landscape Plans

11. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate is substantially consistent with the Amended Landscape Plans by Melissa Wilson Dwg LS01-03 Issue D dated 18/3/2024 with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

Street Tree Protection Measures

12. In order to ensure the retention of the two mature, *Schinus mole* (Peppercorn) trees, first tree, located north of existing driveway, centrally adjacent No124, second tree, adjacent No126 neighbouring property, both on council's verge, the following measures are to be undertaken:

- a) All documentation submitted for the Construction Certificate application must show the retention of both street trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all drawings.
- b) Prior to the commencement of any site works, both of these trees, being one to the north of existing driveway, adjacent property No.124, the second, adjacent neighbouring No.126, both on councils verge, both trees to be physically protected by geo-textile, underfelt or layers of Hessian, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. **(NO nailing to the trunk)**.
- c) Each of these two street trees must be physically protected by installing a total of four star pickets at a setback of 1.5 metres to their north and south (measured off the outside edge of their trunks at ground level, as well as against the back of the kerb to the west, and against the footpath to their east, to which safety para-webbing shall be permanently attached so as to completely enclose **each tree** for the duration of works.
- d) 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, DO NOT ENTER"**.
- e) In order to prevent soil/sediment being washed into the TPZ, suitable erosion control measures shall be provided, with all Site Management Plans needing to recognise the fact that material storage cannot be located within the TPZ.
- f) The applicant is not authorised to perform any works to either of these street trees and shall contact Council's Landscape Development Officer on 9093-6633 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- g) Within the TPZ there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- h) Any roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

A refundable deposit in the form of cash, credit card, cheque or bank guarantee for an amount of **\$1300.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a construction certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the street trees.

The refundable deposit will be eligible for refund following an Occupation Certificate, subject to completion and submission of Council's *'Security Deposit Refund*

Application Form and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6633).

Any contravention of Council's conditions relating to the tree at any time during the course of the works or prior to an Occupation Certificate may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 4.17 (6) of the Environmental Planning and Assessment Act 1979.

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.

Waste Management Plan

14. The submitted waste Management Plan has not been approved as part of this development consent. A new Waste Management Plan shall be approved prior to the issuing of a Construction Certificate

The Waste Management Plan shall detail the waste and recycling storage and removal strategy for all of the development and is required to be submitted to and approved by Council's Coordinator of Strategic Waste.

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 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

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 relevant construction certificate for the development.

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

Building Code of Australia

15. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 69 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).

Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.

BASIX Requirements

16. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 75 of the *Environmental Planning and Assessment Regulation 2021*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF WORKS

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

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

Building Certification and Associated Requirements

17. The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work):
- A *Construction Certificate* must be obtained from a *Registered (Building) Certifier*, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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.
 - A *Registered (Building) Certifier* must be appointed as the *Principal Certifier* for the development to carry out the necessary building inspections and to issue an occupation certificate; and
 - 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 must be notified accordingly (in writing); and
 - 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
 - At least two days notice must be given to the *Principal Certifier* and Council, in writing, prior to commencing any works.

Dilapidation Reports

18. A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which may be affected by the works, to the satisfaction of the Principal Certifier for the development.

The dilapidation report must be submitted to the Principal Certifier, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

Noise & Vibration Management Plan

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

A *Construction Noise & Vibration Management Plan* must be developed and implemented throughout demolition and construction work.

- a) The *Construction Noise & Vibration Management Plan* must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority *Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline* (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.
- b) 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 and mitigation strategies.
- c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Principal Certifier and Council.

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

- e) Noise and vibration levels must be monitored during the site work and be reviewed by the acoustic/vibration consultant periodically, to ensure that the relevant strategies and requirements are being satisfied and details are to be provided to the Principal Certifier and Council accordingly.

Construction Site Management Plan

20. 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 and hoardings
- location of site storage areas, sheds, plant & equipment
- location of building materials and stock-piles
- tree protective measures
- dust control measures
- details of sediment and erosion control measures
- site access location and construction
- methods of disposal of demolition materials
- location and size of waste containers/bulk bins
- provisions for temporary stormwater drainage
- construction noise and vibration management
- construction traffic management details
- provisions for temporary sanitary facilities
- measures to be implemented to ensure public health and safety.

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

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

Sediment Control Plan

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

Demolition Work & Hazardous Materials

22. A *Demolition Work Plan* must be developed and be implemented for all demolition work, in accordance with the following requirements:

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

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

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

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

Public Liability

23. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

Construction Traffic Management

24. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works.
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements.
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries, and materials.
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials.
- Impacts of the work and vehicular movements on the road network, traffic, and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's Road, footways or any public place.
- Measures to maintain public safety and convenience.

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

25. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, Roads & Maritime Services, State Transit Authority and Council must be complied with at all times.

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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of public health, safety and environmental amenity during construction.

Site Signage

26. A sign must be installed in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:
- name, address, contractor licence number and telephone number of the principal building 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".

Building & Demolition Work Requirements

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, driven-type piling or shoring work or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 3.00pm (maximum) As may be further limited in Noise & Vibration Management Plan Saturday - No work permitted Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Noise & Vibration

28. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with the *Construction Noise & Vibration Management Plan*, prepared for the development and as specified in the conditions of consent.

Construction Site Fencing

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

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

Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land and excavations must be properly guarded to prevent them from being dangerous to life or property.

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

Notes:

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

Site Management

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to the site to protect the public. Temporary site fences are to 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.

Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.

If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, a Local Approval application must be submitted to and approved by Council beforehand.

- h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
- i) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- j) A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Dust Control

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

Dust control measures and practices may include:

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*

- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Site Accessway

32. A temporary timber, concrete crossing or other approved stabilised access is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council throughout the works, unless access is via an existing suitable concrete crossover.

Any damage caused to the road, footpath, vehicular crossing or nature strip during construction work must be repaired or stabilised immediately to Council's satisfaction

Removal of Asbestos Materials

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

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

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* and relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works,
- Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.

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

Excavations & Support of Adjoining Land

34. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 74 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

Complaints Register

35. A Complaints Management System must be implemented during the course of construction (including demolition, excavation and construction), to record resident complaints relating to noise, vibration and other construction site issues.

Details of the complaints management process including contact personnel details shall be notified to nearby residents, the Principal Certifier and Council and all complaints shall be

investigation, actioned and responded to and documented in a Complaints Register accordingly.

Details and access to the Complaints Register are to be made available to the Principal Certifier and Council upon request.

Survey

36. 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:

- prior to construction (pouring of concrete) of footings for the building and boundary retaining structures,
- prior to construction (pouring of concrete) of new floor levels,
- prior to issuing an Occupation Certificate, and
- as otherwise may be required by the Principal Certifier.

The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.

Building Encroachments

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

Road/Asset Opening Permit

38. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- Relevant *Road / Asset Opening Permit* fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.

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

Ausgrid Power Feed Connection

39. Should the existing overhead power feed from the Ausgrid Power Pole need to be reconnected to the site during any stage of building works it is to comply with either of the following methods:

- a) From the power pole directly to the façade of dwelling/s, similar to the existing connection, to the satisfaction of Ausgrid
- b) Relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground (UGOH) connection (No Private Pole is to be provided). These works are to be to Ausgrid requirements.

Note: A Private Power Pole at the front of the site is not permitted. The applicant is to liaise with an Ausgrid Accredited Service Provider to carry out the works as mentioned above at their own expense to the satisfaction of Ausgrid and the Principal Certifier.

Tree Management

40. Approval is granted for removal of the following trees from within this development site:
- Celtis sinensis* (Chinese hackberry) located within the rear southeast corner of the property, plotted on the upper retaining wall, listed as undesirable weed.
 - Morus spp* (Mulberry) located within the northeast rear aspect of the property, near hills hoist, plotted on the upper retaining wall, listed as undesirable weed.

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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Post-construction Dilapidation Report

41. A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Principal Certifier, prior to the issue of an Occupation Certificate.

The dilapidation report shall detail whether:

- after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and
- where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent.

The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Principal Certifier and to Council (where Council is not the principal certifier). A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.

Occupation Certificate

42. 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 and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Fire Safety Certificate

43. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate, in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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

Structural Certification

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

BASIX Requirements & Certification

45. In accordance with the *Environmental Planning and Assessment (Development, Certification & Fire Safety) Regulation 2021*, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

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

Noise Control Requirements & Certification

46. 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*.

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 Policy for Industry 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.

Street and/or Sub-Address Numbering

47. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.

Council's Infrastructure, Vehicular Crossings & Road Openings

48. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

49. 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:

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.

Works on Council land must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.

The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

Sydney Water

50. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

A Section 73 Compliance Certificate must be completed before an occupation certificate will be issued.

Power Connection

51. The Principal Certifier shall ensure that all power supply to the development site has been provided from the mains pole on Doncaster Avenue directly to the façade of dwelling/s (similar to the existing connection), or as an underground (UGOH) connection, with all work completed to the requirements and satisfaction of Ausgrid and at no cost to Council. Any private poles must be removed prior to the issuing of an occupation certificate.

Stormwater Drainage

52. The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that any upgrades to the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

Waste Management

53. The owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of additional waste bins as required.

Motorbike and Bicycle Parking

54. The proposed motorbike and bicycle parking shall be fully installed & finished in a manner fit for its intended use to the satisfaction of the principal Certifier. The spaces shall be formalised with line-marking and labelling with such works completed prior to the issuing of a full occupation certificate.

Landscape Certification

55. Prior to the issuing of 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/s by Melissa Wilson, Dwg LS01-03 Issue D, dated 18/3/2024.

Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

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

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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of parking spaces

56. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

Fire Safety Statement

57. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* at least on an annual basis each year following the issue of the *Fire Safety Certificate*, and in accordance with the *Fire Safety Schedule* for the building.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a registered 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 within the building entrance or foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

Environmental Amenity

58. 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.
59. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.