

Randwick Local Planning Panel (Public) Meeting

Thursday 8 August 2024



RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting will be held online via Microsoft Teams on Thursday, 8 August 2024 at 1pm.

Acknowledgement of Country

I would like to acknowledge that we are meeting on the land of the Bidjigal and the Gadigal peoples who occupied the Sydney Coast, being the traditional owners. On behalf of Randwick City Council, I acknowledge and pay my respects to the Elders past and present, and to Aboriginal people in attendance today.

Declarations of Pecuniary and Non-Pecuniary Interests

Address of RLPP by Councillors and members of the public

Privacy warning;

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

General Reports

Nil

Development Application Reports

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D59/24	18-20A Perouse Road, Randwick (DA/743/2023)	91

Meryl Bishop
DIRECTOR CITY PLANNING

Development Application Report No. D58/24

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

Executive Summary

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

Recommendation

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

Attachment/s:

-  RLPP Dev Consent Conditions (dwellings dual occ) - DA/811/2023 - 3 Bona Vista Avenue, MAROUBRA NSW 2035 - DEV - Randwick City Council

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1. Executive summary

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

- 23 unique submissions by way of objection were received.

The original development proposal was seeking development consent for the demolition of existing buildings and construction of 4 storey dwelling house with new in-ground swimming pool, outdoor (roofed) cabana with garden storage/seating/ bathroom/sink, retaining walls, ancillary and landscaping works located at Nos. 3-7 Bona Vista Avenue, Maroubra.

The original proposal was lodged with Council on 11 October 2023. A Request for Further Information was issued on 15 February 2024, raising numerous concerns with the proposal and stating that the proposal was not supported its original form. Amended Plans were received by Council on 31 March 2024, resulting in a significantly modified proposal.

A comparison of the original and the amended proposal is shown in Figures 1 – 6. As illustrated, the proposal has been significantly reduced in bulk, height, and scale.

At the request of the applicant, Council met with the applicant on 5 June 2024 to discuss the revised plans and any remaining concerns. Further changes were made, including an increase to the rear setback to address concerns raised by adjoining neighbours. Council’s primary concern was the view loss impacts on the adjoining neighbouring property at 1 Bona Vista Avenue.

Final plans were uploaded onto the NSW Planning Portal on 19 June 2024. This assessment report is based on the latest set of amended plans (including further plans provided at the request of Council's Development Engineer to address non-compliance associated with the proposed driveway level).

The key issues associated with the proposal relate to the assessment of view loss impacts.

The proposal is recommended for approval, subject to consent conditions.

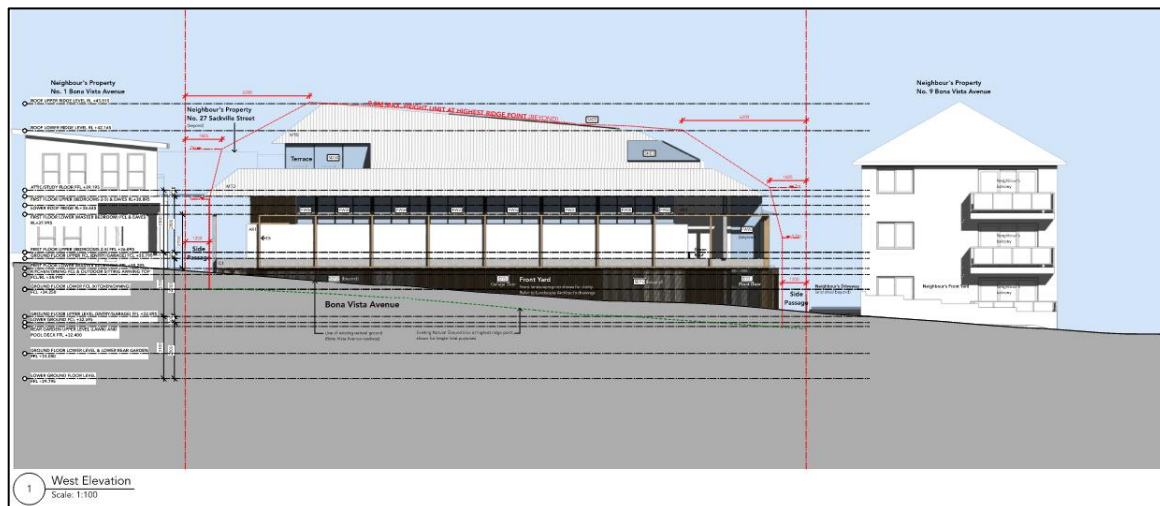


Figure 1: Original Proposal at Subject Site – West Elevation (appearance from the street) (Source: Dominic Levene)

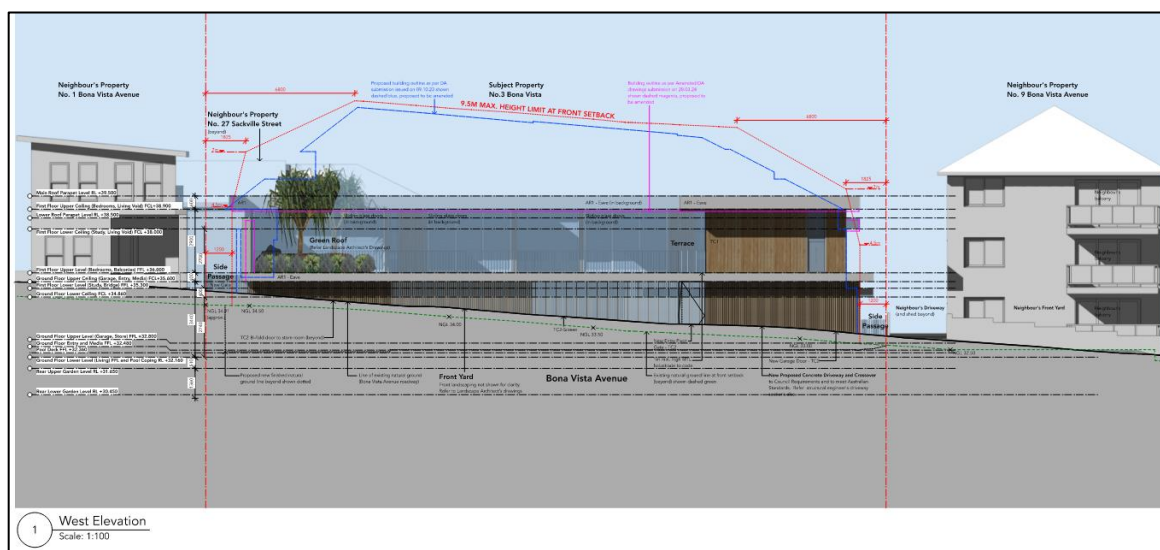


Figure 2: Amended Proposal at Subject Site after Council's RFI – West Elevation (appearance from the street) (Source: Dominic Levene)

*The original proposal is also shown in blue outline in **Figure 2**.

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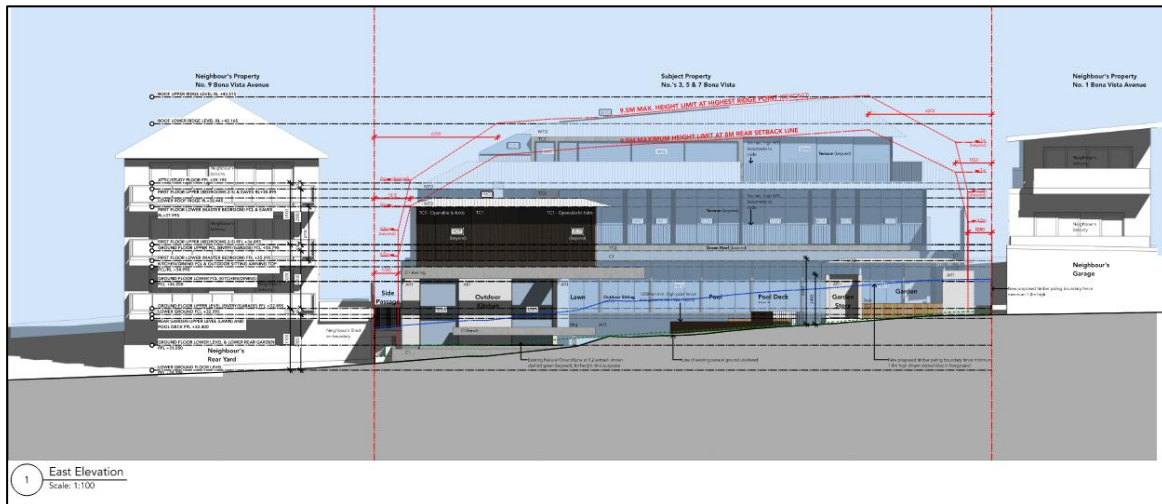


Figure 3: Original Proposal at Subject Site - East Elevation – (appearance from the rear) (Source: Dominic Levene)

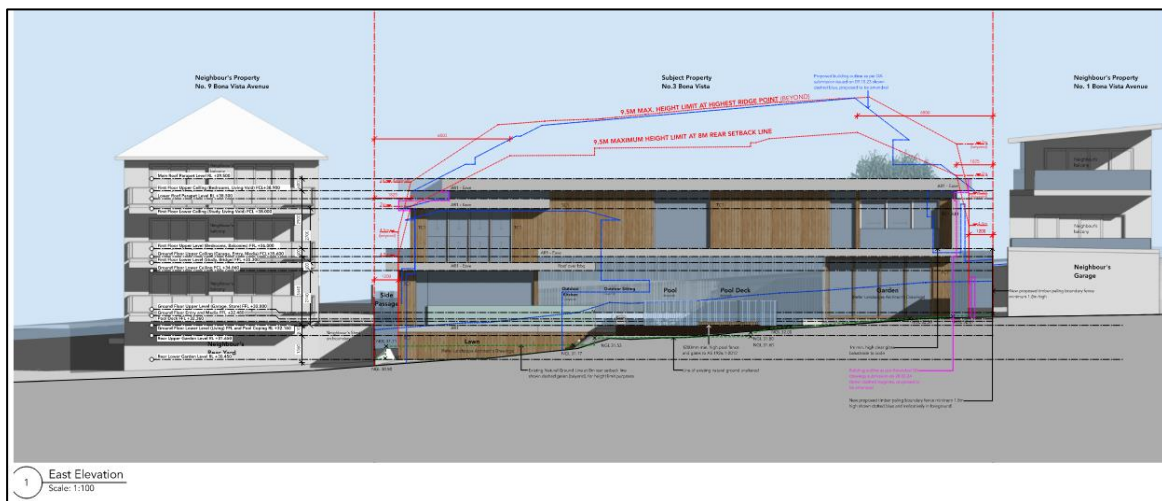


Figure 4: Amended Proposal at subject site after Councils RFI - East Elevation (appearance from the rear) (Source: Dominic Levene)

*The original proposal is also shown in blue outline in Figure 4.

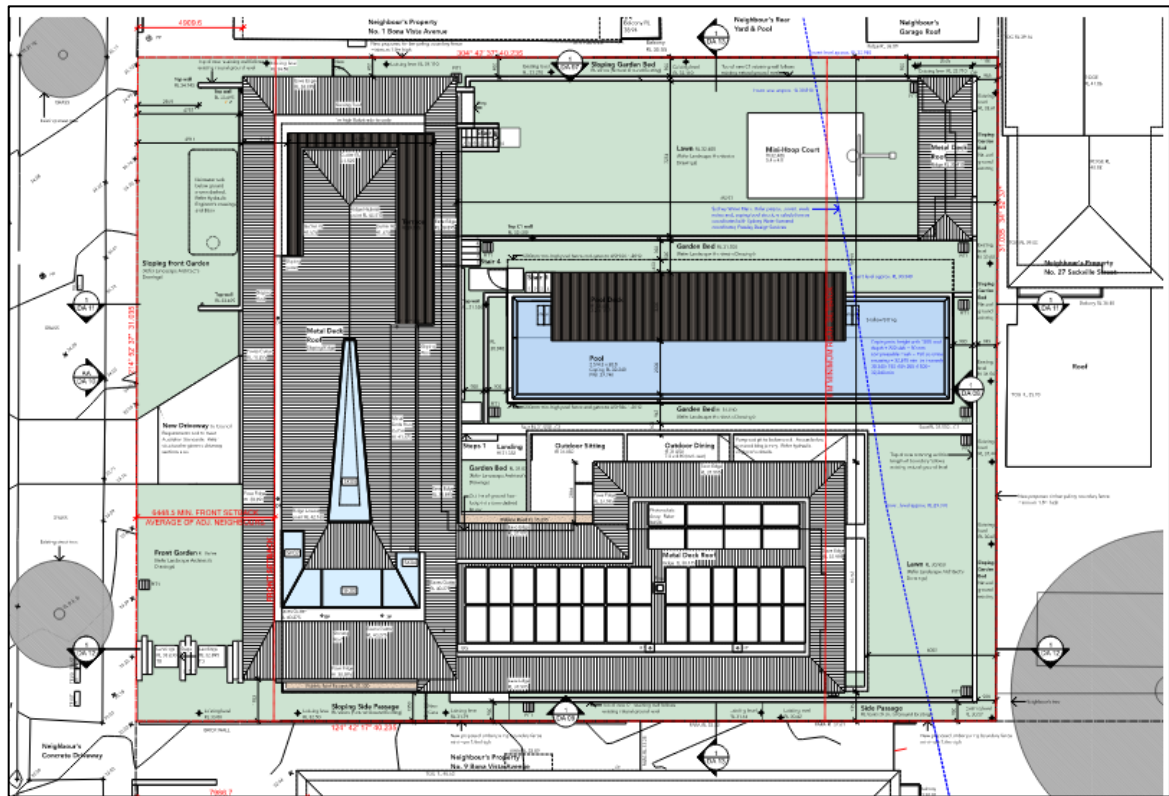


Figure 5: Original Proposal - Roof Plan at subject site (Source: Dominic Levene)

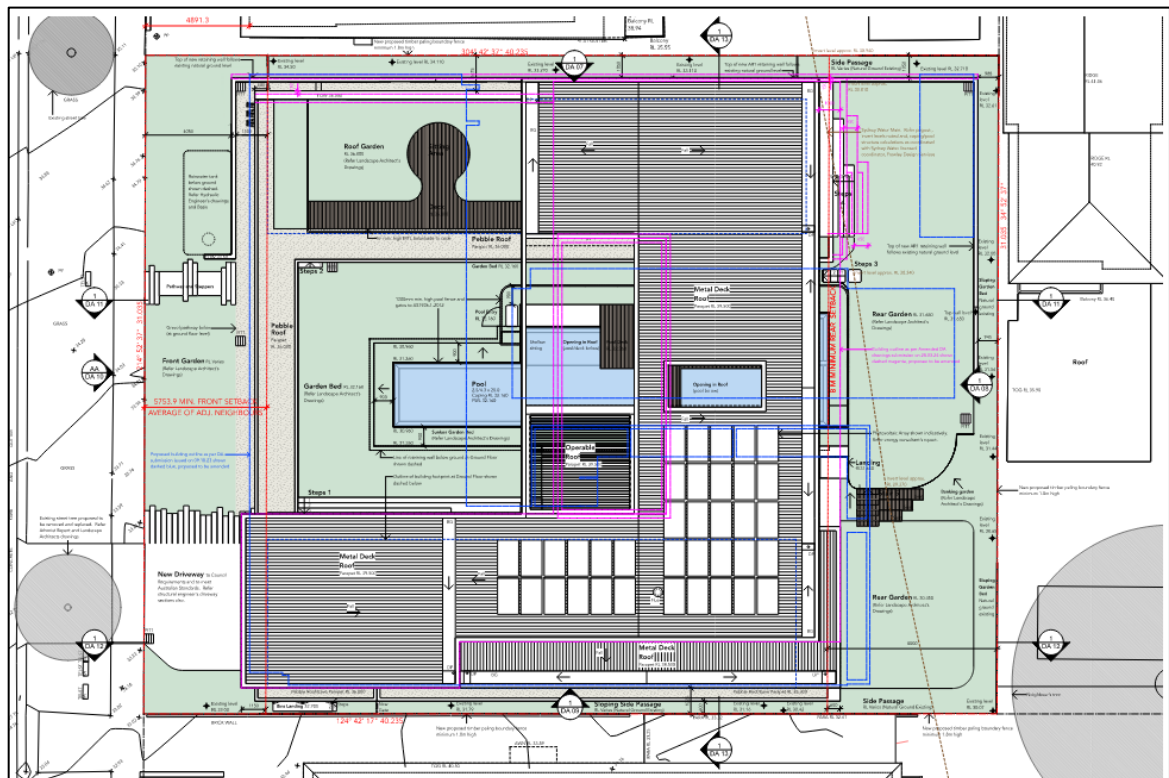


Figure 6: Amended Proposal - Roof Plan at Subject Site (Source: Dominic Levene)

2. Site Description and Locality

The subject site is known as 3-7 Bona Vista Avenue, Maroubra and is legally described as Lot 10 in DP 1291055. The site is located on the eastern side of Bona Vista Avenue. There is one property located to the North before the intersection with Sackville Street (1 Bona Vista Avenue).

The site is 1,248m² (by survey) and is rectangular and regular in shape. The site has a 31m frontage to Bona Vista Avenue to the Northwest and a depth of just over 40m to the southwest and northeast. The rear boundary to the southeast is 31m and adjoins 27 Sackville Street.

The existing site contains three individual 1-2 storey detached dwelling houses on a single consolidated land parcel (via separate approval). These dwellings are of simple bungalow style, of masonry construction, tiled roofs with various front and rear additions. The front setbacks are fairly consistent (except for a front garage at No. 3), front yards are generally landscaped, and rear yards have both landscaping and paving, with interspersed trees/bushes. There is no rear lane access.

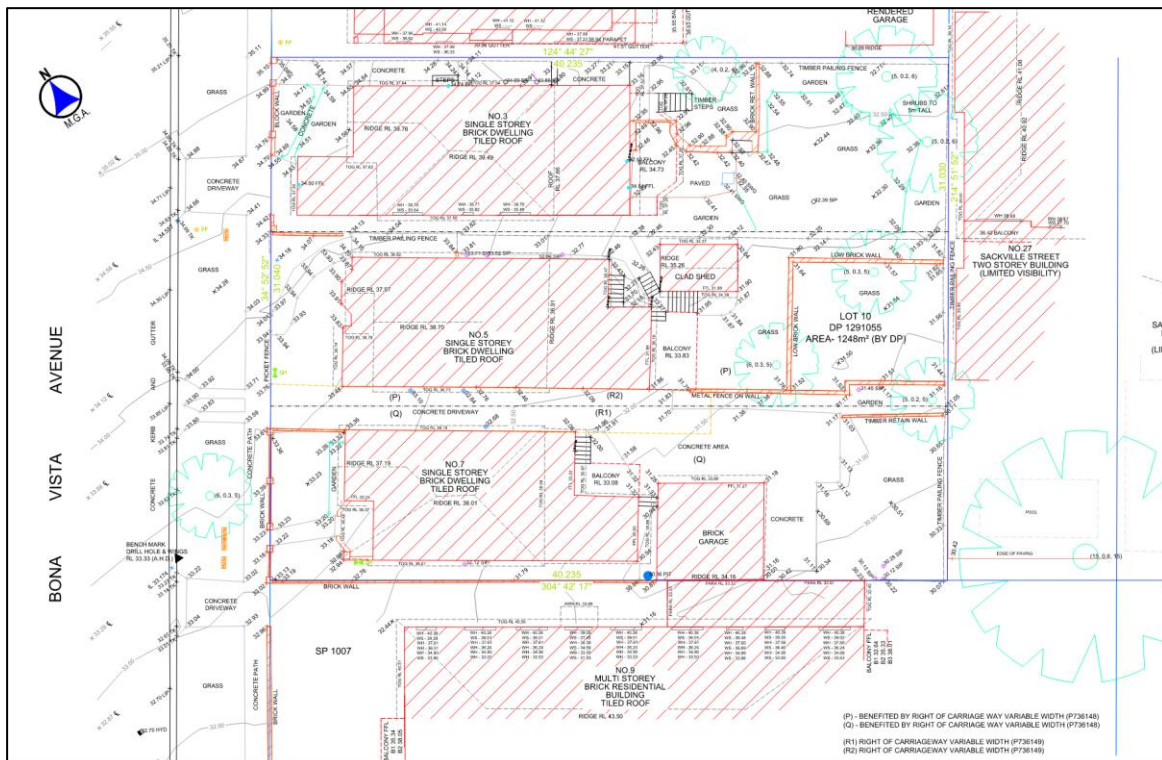


Figure 7: Survey Plan for 3-7 Bona Vista Avenue, Maroubra (Source: Survade)



Figure 8: Aerial imagery of 3 - 7 Bona Vista Avenue (Subject Site outlined in Red) Source: NearMap 2024

The site slopes from the street front (northwest) to the rear boundary (southeast) with a change of level of around 2.5m – 3m, representing a slope of approximately 1:17. The site also has a cross fall from the northeast to the southwest with a fall of 5m, representing a 1:10 fall.

The character of the area is mixed with a wide variety of dwelling and unit styles, age, siting, form, roof forms, and materiality. Part of the mixed nature of the area is due to a change in the zoning from low density residential to medium density residential. This zoning change occurs at No. 9 Bona Vista Avenue, immediately to the south of the subject site. There is a marked contrast on both sides of the street, from dwellings to residential flat buildings of 3-4 storeys in height, generally from the latter half of the 1900's and having no particular architectural merit.

The Pacific Ocean is located approximately 450m to the east. The land generally falls to the southeast towards Maroubra Beach, which is located approximately 600m from the site. Due to the land slope and the views available to ocean (generally closer to the cliffs north of Maroubra), dwellings are typically stepped in profile to take advantage of views towards the east-southeast, and 2-4 storey dwellings and unit buildings are common in the area.

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Figure 9: View across the existing dwellings which will be demolished (3-7 Bona Vista Avenue) (Source: Site Visit)



Figure 10: Alternative view of existing dwellings to be demolished at 3 - 7 Bona Vista Avenue (Source: SEE)



Figure 11: Northern adjoining property - 1 Bona Vista Avenue (Source: SEE)



Figure 12: View from Sackville Street of the site and adjoining properties 1 & 9 Bona Vista Avenue, Maroubra (Source: SEE)

3. Relevant history

A search of Council's records revealed the following:

- No recent DA's for No. 3 Bona Vista Avenue;
- No recent DA's for No. 5 Bona Vista Avenue; (most recent is DA/623/2000)
- No recent DA's for No. 7 Bona Vista Avenue.
- Consolidation of previous allotments undertaken via the (SEPP Exempt and Complying Development), as exempt development.
- For the adjoining property No. 1 Bona Vista Avenue to the North:
 - CDC approved in May 2022 for "Alteration and addition to an existing residence including an upper floor addition and in-ground swimming pool" (CDC 22/056)
 - DA/351/2022 in September 2022 for New detached garage, new boundary fences and new rear upper floor balcony.

4. Proposal

Demolition

The proposal seeks development consent for demolition of existing dwellings and site improvements, such as minor earthworks.

Tree removal – see the arborists report for more detail.

- Retain one street tree and remove one street tree (latter being a Banksia tree to the south, in the location of the proposed revised driveway).
- Removal of 10 trees on site (Trees 2-5 and 7-12 in the Arborist's report by Temporal Tree Management);
- Trees to be removed on site include 7 of low assessed value and 3 of moderate value;
- The trees proposed for removal include 1 Saw-Leaf Banksia (the street tree), 2 Paperbarks, 2 Viburnums, 2 small-leafed Lilli Pillis, 1 Camellia, 1 Blueberry Ash, 1 Coast Tree and 1 Orange Jessamine, all ranging from 2-8m in height.

Excavation

- Partial localised excavation for levelling the backyard, while retaining land and stepping down from the north to the south to limit overall earthworks, with localised earthworks for the dwelling and rainwater storage;
- Footings (likely strip footings) will be needed to a structural engineer's design (noting a Geotechnical report was lodged with the DA);

Building and Landscaping works

- See Landscape Plan by Dangar Barin Smith for proposed landscaping works that includes 162 trees which will reach a mature height of at least 5m;
- Services/utilities to service the proposed dwelling, including augmentation as needed to meet requirements of authorities;

Dwelling

Basement

- None, only stormwater tanks.

Ground Floor

- No front fence, substantial landscaping in accordance with the landscape plans;
- Two "wings" (northern and southern) fronting the street;
- Southern wing contains garaging for two cars and living areas;
- Northern wing includes a media room, cellar, laundry, and ancillary spaces;
- Both wings have internal access to the level above;
- Links from internal spaces to the outdoor central and rear private open space;
- Centralised rear pool, pool deck, landscaping, lawn areas, BBQ/outdoor dining area;
- Steps and retaining walls to provide level areas of private open space, while respecting the overall land slope;

First Floor

- U-shape, "open" to the street;
- 5 bedrooms;
- Bathrooms/ensuites and ancillary spaces;
- Void to the living area to the south and a further void in the centralised in the rear "wing";
- Internalised "U-shape" balcony fronting street and internal open space and northern landscaped deck off main bedroom (with screening to the north), thereby presenting the northern wing as one-storey to the street;
- Stairs to the level below;

Attic level/ roof

- No attic;
- Metal roof;
- Skylight to the rear over void.

Figures 13 - 19 illustrate the proposal:

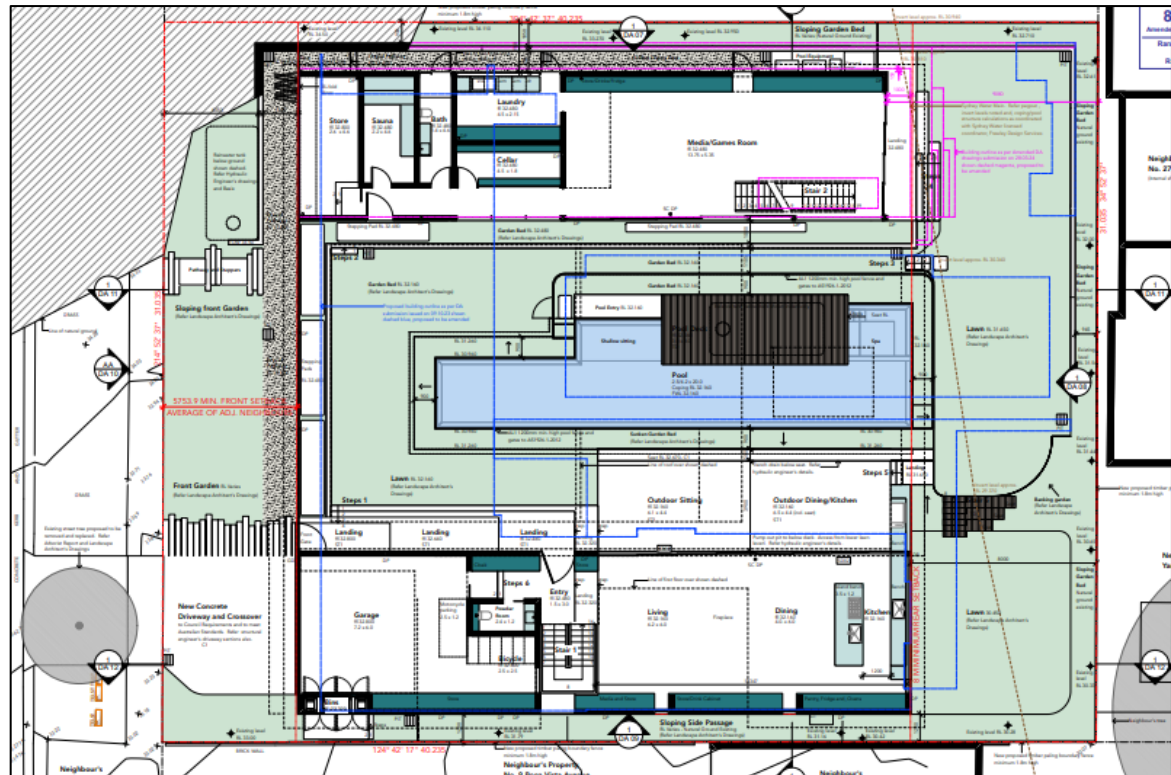


Figure 13: Ground Floor Plan of subject Development – 3-7 Bona Vista Avenue (Source: Dominic Levene)

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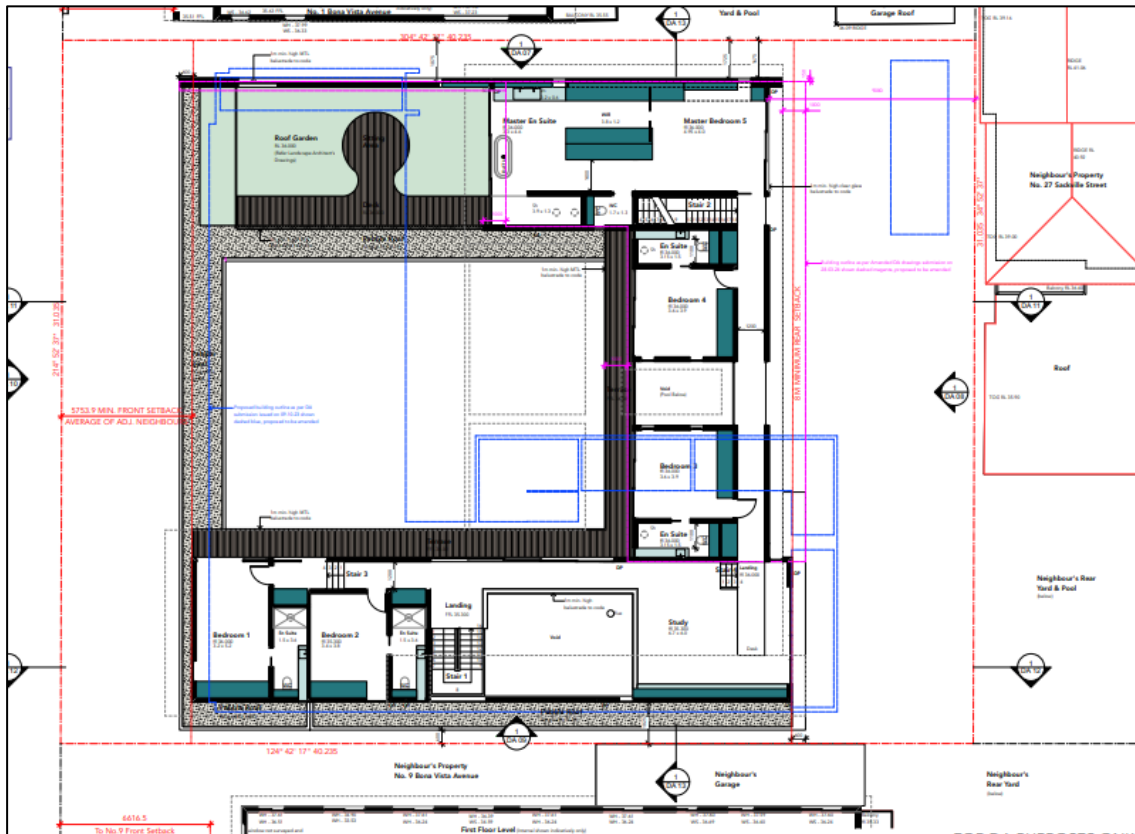


Figure 14: First Floor Plan of subject Development – 3-7 Bona Vista Avenue (Source: Dominic Levene)

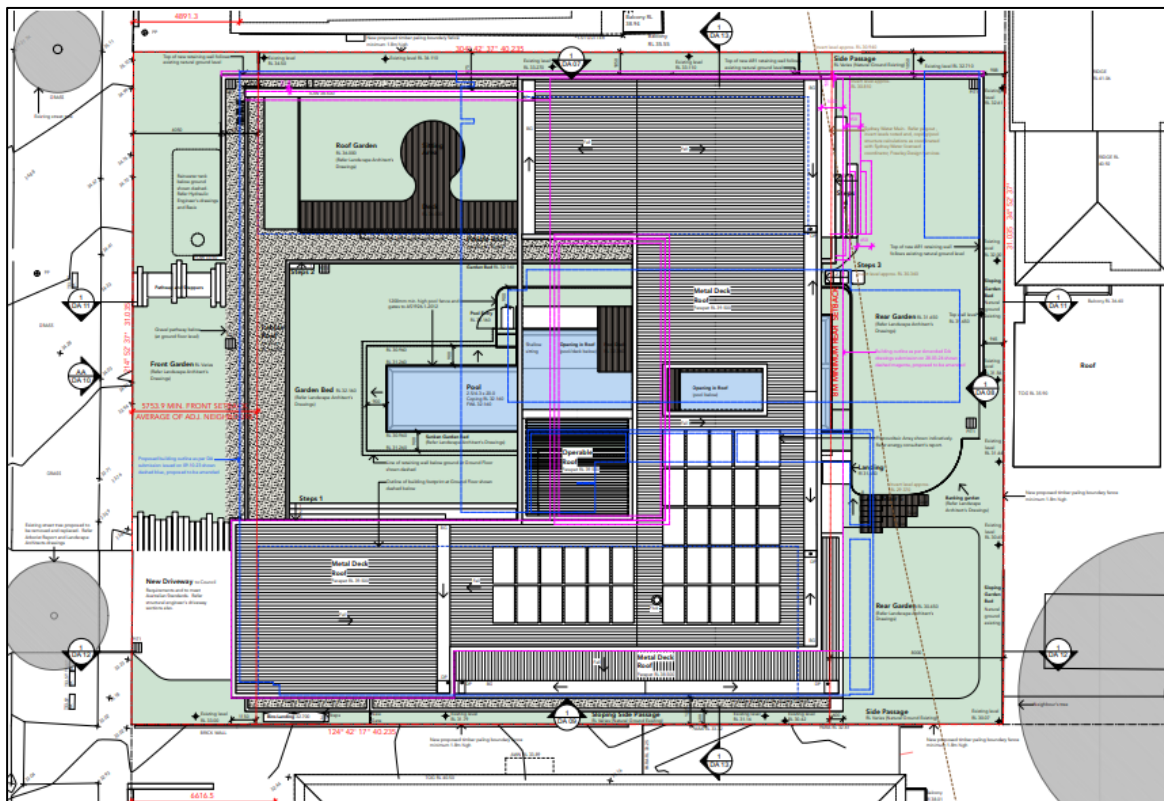


Figure 15: Site/ Roof Plan of subject Development – 3 - 7 Bona Vista Avenue (Source: Dominic Levene)

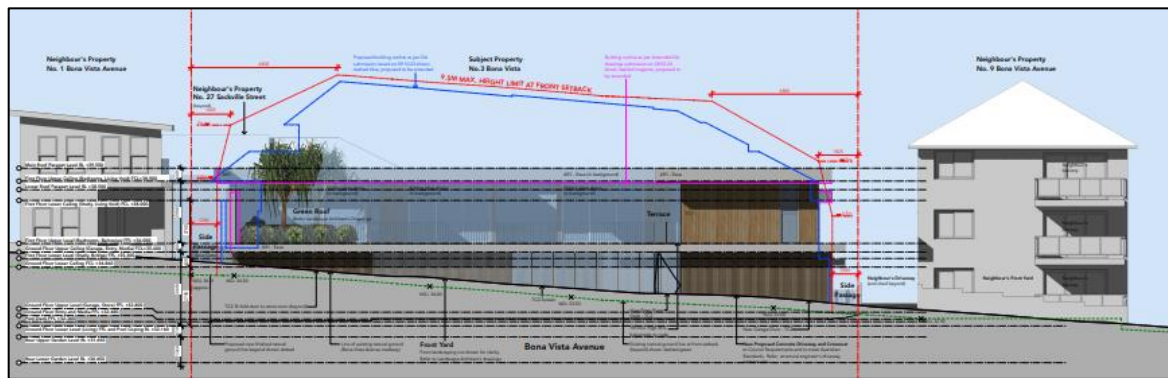


Figure 16: Western Elevation of subject Development (Street frontage) – 3-7 Bona Vista Avenue (Source: Dominic Levene)

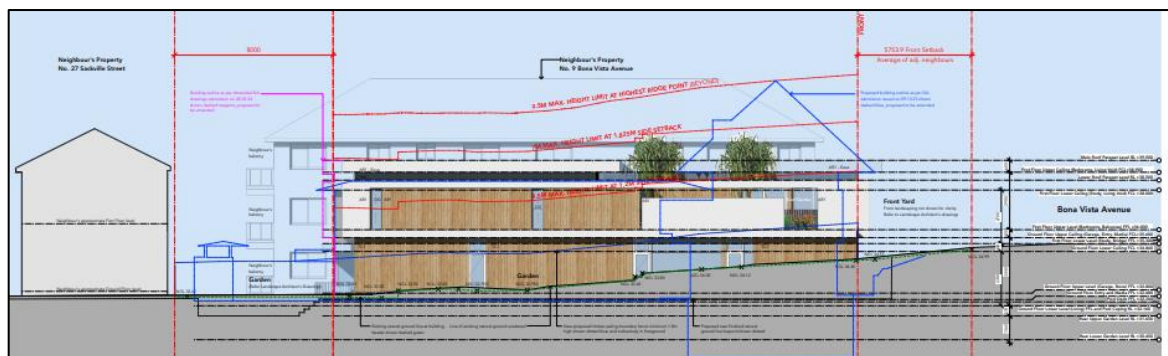


Figure 17: Northern Elevation of subject Development – 3-7 Bona Vista Avenue (Source: Dominic Levene)

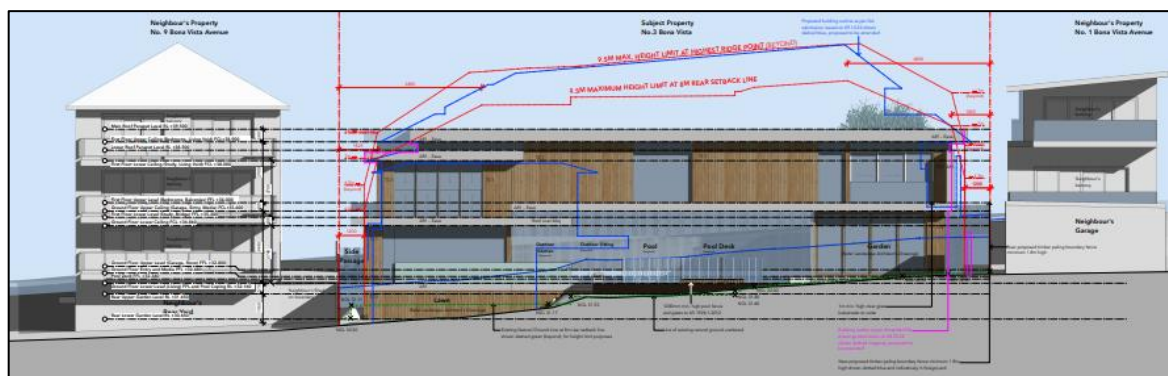


Figure 18: Eastern Elevation of subject Development (Rear of development) – 3-7 Bona Vista Avenue (Source: Dominic Levene)

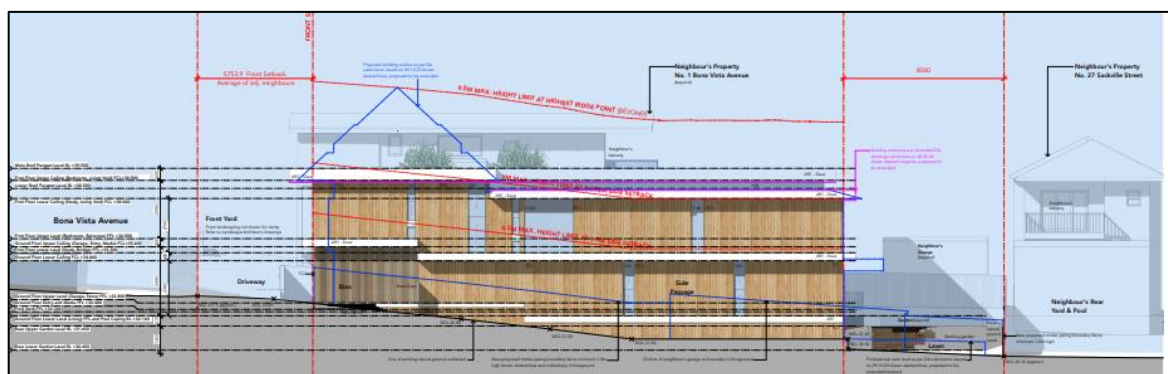


Figure 19: Southern Elevation of subject Development – 3-7 Bona Vista Avenue (Source: Dominic Levene)

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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 during the notification process:

Notification period (19 October 2023 – 02 November 2023)

- 25 Sackville Street
- 27 Sackville Street
- 32 Sackville Street
- 33 Sackville Street
- 40 Sackville Street
- 66 Skyline Avenue (2 of the same submissions received – counted as 1)
- Strata Committee – 9 Bona Vista Avenue
- 1 Bona Vista Avenue – (supplementary submissions also received)
- 2 Bona Vista Avenue
- 6 Bona Vista Avenue
- 8 Bona Vista Avenue – Owner
- 8 Bona Vista Avenue – Easton Planning Consultants Pty Ltd
- 10 Bona Vista Avenue – Co-owner
- 10 Bona Vista Avenue – Co-owner
- 1/9 Bona Vista Avenue
- 3/9 Bona Vista Avenue
- 4/9 Bona Vista Avenue – Tyrrells Planning Law
- 4/9 Bona Vista Avenue – Owner
- 6/9 Bona Vista Avenue -
- 9/9 Bona Vista Avenue
- 4/11 Bona Vista Avenue

All submissions from the first notification period have been reviewed by council and the key points detailed in Table 1. The key points are grouped together and fully addressed in Table 2.

Table 1: Summary of submissions from first notification period

Issue
<u>25 Sackville Street</u> <ul style="list-style-type: none"> • Inconsistent with the neighbourhood • Bulky and oversized • Dominating roofscape • Blocking views of the ocean • Height of dwelling • Privacy • Overshadowing
<u>27 Sackville Street</u> <ul style="list-style-type: none"> • Demolition/condition report requirement • Asbestos survey and advanced notice • Drainage from subject site toward 27 Sackville. • Cabana located nearby boundary fence and the size of it. • Mini hoop court – excessive noise • Outdoor fire pit and smoke pollution • Rear building setback • Potential damage to sewer line • Replacement of trees along the common boundary.
<u>32 Sackville Street</u> <ul style="list-style-type: none"> • Inadequate allocation of off-street parking

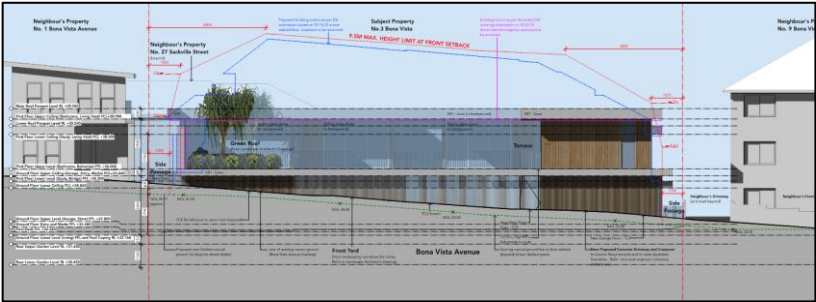
Issue
<u>33 Sackville Street</u> <ul style="list-style-type: none"> Smoke from indoor and outdoor fire places Noise from the mini hoop court
<u>40 Sackville Street</u> <ul style="list-style-type: none"> Unightly and inconsistent Height of building impacting view Increase parking on site.
<u>1 Bona Vista Avenue</u> <ul style="list-style-type: none"> Protection of views to the ocean Protection of sunlight to house and yard Privacy and amenity <ul style="list-style-type: none"> Height and bulk Noise/acoustics Visual privacy Excessive excavation Restriction of use as an Airbnb Certainty regarding the implementation of the landscape plan
<u>2 Bona Vista Avenue</u> <ul style="list-style-type: none"> Building height is excessive Bulk is too great at the front Excavation could have vibration impacts on neighbouring dwellings.
<u>6 Bona Vista Avenue</u> <ul style="list-style-type: none"> Overshadowing of bedrooms Impact to street parking More information requested.
<u>8 Bona Vista Avenue</u> <ul style="list-style-type: none"> Out of character Unclear plans Privacy and quiet amenity – 20 metre glass walkway Rooftop entertainment area Unrelieved view from 8 Bona Vista Avenue Height of building Size of building frontage Setbacks Reduce bulk and scale More information on plantings
<u>8 Bona Vista Avenue (Easton Planning Consultants)</u> <ul style="list-style-type: none"> Lack of information on amalgamation of lots. Large excavations – compliance with Clause 6.2 of the LEP. Applicant did not show that the proposal would achieve 25% canopy cover. Further information as to whether the proposal breaches the 9.5m height limit Excessive bulk and scale. Three storey design doesn't comply. The proposal would dominate the streetscape and doesn't comply with the building design controls.
<u>Strata Committee – 9 Bona Vista Avenue</u> <ul style="list-style-type: none"> Noise during and after construction. Danger to children and elderly during construction Loss of light to lower apartments Size of the development.

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Issue
<u>1/9 Bona Vista Avenue</u> <ul style="list-style-type: none"> • Reduction of sunlight to ground floor apartment. • Encroachment closer to boundaries than necessary • Reduce privacy • Reduce housing stock
<u>3/9 Bona Vista Avenue</u> <ul style="list-style-type: none"> • Doesn't comply with zoning objectives • Lack of car spaces • Removal of three homes and replacement with 1. • Remove solar access to 3/9 Bona Vista Avenue • Change of outlook views
<u>4/9 Bona Vista Avenue</u> <ul style="list-style-type: none"> • Building height and presentation as 3/4 storey dwelling • Overshadowing of north facing windows and private open space • 28m building frontage is excessive and out of character with local area • Non-compliant with zone objectives <p><u>Tyrrells Planning Law – on behalf of 4/9 Bona Vista Avenue.</u></p> <ul style="list-style-type: none"> • Building height • Overshadowing • Building width • Non-compliant with zone objectives
<u>6/9 Bona Vista Avenue & 66 Skyline Avenue</u> <ul style="list-style-type: none"> • Obtrusive and out of character • Height and size will cast shadows on 9 Bona Vista Avenue, blocking sunlight. • Privacy impacts on 9 Bona Vista Avenue. • Smoke impacts from fire pit and flue/chimney • Trees causing damage to pipes • Runoff stormwater impacts • Provision of additional parking • Construction impacts • Request for an inspection building report for 9 Bona Vista Avenue. • Is there any proposed commercial use of the building?
<u>9/9 Bona Vista Avenue</u> <ul style="list-style-type: none"> • Proximity to the side boundary • Loss of light, views, and increased overshadowing • Only two parking spaces. • Noise from basketball court • Noise from pool • Incompatible with the neighbourhood. • Construction impacts

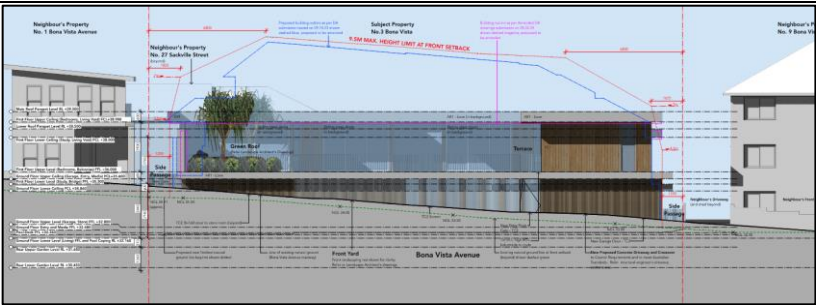
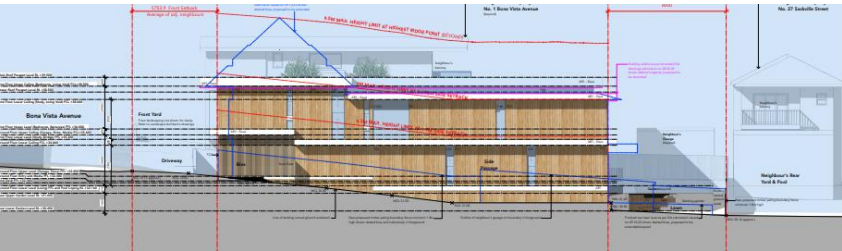
Issue
<p><u>10 Bona Vista Avenue - Ben</u></p> <ul style="list-style-type: none">• Scale of the development• Change the character of the neighbourhood• Unarticulated façade more in keeping with commercial property
<p><u>10 Bona Vista Avenue – Agnieszka</u></p> <ul style="list-style-type: none">• Out of character• Scale• Front setback should be increased for visual relief• Privacy and noise from roof deck• Unclear material use• Would like basketball court removed <p>Additional points to support objection:</p> <ul style="list-style-type: none">• How did the consolidation occur?• How much excavation will there be?• Visual impact on number 10 Bona Vista Avenue.• Request a reduction in bulk, height to be below 9.5m, two stories at the street.
<p><u>4/11 Bona Vista Avenue</u></p> <ul style="list-style-type: none">• Inconsistent with surrounding area• Size of development• Doesn't increase density

Table 2: Key issues raised across all submissions.

Issue	Councils Comments
Excessive Building height	<p>Council agrees that the originally proposed building height was excessive, and Council did not support this proposal.</p> <p>The previously proposed upper attic level and associated roof form of the development appeared to exceed the 9.5m height and NGL / Roof, however, RLs were not annotated on the submitted elevations and sections to enable an accurate assessment against the survey plan.</p> <p>The revised building height is a maximum of 8.4m (as shown in Figure 20). The building height is 6.9m at the northern end and 8.4m at the southern. Figures 1 and 2 in the executive summary section show a comparison of original and amended proposals and Figure 20 (below) shows the amended proposal.</p> <div></div> <p>Figure 20: Amended proposal – demonstrating height of proposal in relation to adjoining properties and compared to previous design (Shown in blue).</p> <p>Council considers the amended proposal resulting in a maximum building height of 8.4m to be appropriate, noting that the LEP 2012 height limit is 9.5m.</p>

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<p>Out of Character with the surrounding area and doesn't comply with the zone objectives</p>	<p>Council requested an amended proposal to be accompanied by a planning statement which demonstrated how the proposal satisfies the R2 Low Density Zone objectives.</p> <p>Council considered that the original proposal did not comply with some of the objectives of the R2 Zone, in particular:</p> <ul style="list-style-type: none"> <i>To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.</i> <i>To protect the amenity of residents.</i> <p>The amended proposal was accompanied by a planning statement justifying the proposals consistency with the zone objectives.</p> <p>The proposal has been significantly revised in terms of streetscape presentation, reducing the mass along the front setback, and increasing the landscaping provision. The proposal is not inconsistent with the surrounding area or future desired character, noting that the site adjoins the R3 Medium Density Residential Zone.</p> <p>The amenity of residents is reasonably protected in the amended scheme. The proposal complies with the provisions of the Randwick Development Control Plan, Part C1, Low Density Residential. The full assessment of the DCP is contained in Appendix 2.</p>
<p>Bulk and scale</p>	<p>Council considered that the original proposal did not comply with the following objectives of the Floor Space Ratio:</p> <ul style="list-style-type: none"> <i>to ensure that the size and scale of development is compatible with the desired future character of the locality,</i> <i>to ensure that buildings are well articulated and respond to environmental and energy needs,</i> <i>to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, overshadowing and views.</i> <p>The amended proposal has been significantly reduced in overall bulk and scale. The development is a maximum of two stories and it fully complies with the Floor Space Ratio and Maximum Building Height Development Standards in the LEP.</p> <p>The size and scale is now considered to be compatible with the desired future character of the area.</p> <p>The proposal is well articulated and has excellent amenity in terms of environmental and energy needs. A condition has been included to increase the articulation on the northern elevation of the first floor.</p> <p>Detailed assessments of overshadowing and view impacts have been both conducted by Council and the applicant.</p> <p>The scheme is not considered to be excessive visual bulk in terms of surrounding buildings as shown by Figure 21, below.</p>

	<div></div> <div>Figure 21: Bona Vista Avenue Elevation of proposal</div>
Privacy	<p>The orientation of living and habitable rooms is toward the rear garden or the street, not towards the neighbouring properties.</p> <p>The windows on the Southern Façade of the amended subject development are obscured glazing, which address any privacy concerns for 9 Bona Vista Avenue.</p> <p>Figure 22 shows the southern elevation, illustrating that on the ground floor, there are only two narrow side windows. At first floor, the largest opening is to a stair (transient area) and other windows are smaller and also to bedrooms, an ensuite or a void.</p> <div></div> <div>Figure 22: Southern elevation, showing obscured glazing and appropriate openings facing 9 Bona Vista Avenue</div> <p>To the North, the privacy with 1 Bona Vista Avenue has been appropriately addressed. The revised proposal has changed the northern most interface at the first floor (towards No. 1 Bona Vista Avenue) to be longer in length, but at first floor the revised proposal only has 1 bedroom window, 1 ensuite window and an opening to landscaping towards the front.</p> <p>The eastern/rear privacy considerations are to the side elevation of 27 Sackville Street (which has limited openings). The rear setback complies with the 8m in the DCP and is not considered to be located within a consistent urban block alignment noting the contrasting zoning and block depths along the eastern side of Bona Vista Avenue. Proposed eastern elevation windows are either to a main bedroom, study or a rear circulation space to bedrooms.</p> <p>There is significant planting proposed, improving the landscaped outlook and privacy for the adjoining site.</p> <p>A condition has been included that all windows must be obscured to a minimum height of 1.6m above the finished floor level.</p> <p>Further assessment of privacy is available in Appendix 2.</p>

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<p>Lack of Information on Amalgamation of lots, use of buildings</p>	<p>Council requested the documentation for the amalgamation and consolidation of lots. This was provided to Council on 08 April 2024, stating that:</p> <p><i>The plan of consolidation was registered with the Registrar-General on 1/11/2022, by surveyor Vaughan Adam Wady. An extract of the survey certificate of the plan of consolidation, dated 1/11/2022, is shown below. The surveyor has advised no prior approval is needed for registering a plan of consolidation.</i></p> <div data-bbox="475 474 1045 1234" data-label="Form"> </div> <p><i>Figure 23: Survey Certificate for lot consolidation</i></p> <p><u>Use of buildings at subject site</u> The approval includes conditions on the use of the development, including: <i>"The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes."</i></p>
<p>On-site car parking</p>	<p>The proposal includes a double garage as well as two parking spaces on the driveway to this garage. There is a 5.74m front setback to the edge of the garage structure.</p> <p>The minimum requirement for a hardstand car space is 5.4m. These two additional spaces can be used in a tandem formation, as required.</p> <p>Furthermore, the proposal results in the reduction of one driveway, freeing up additional parking spaces on Bona Vista Avenue.</p> <p>The conversion of three dwellings to one single dwelling is expected to have positive impacts on parking availability.</p> <p>Council's Development Engineer has reviewed the parking and driveway gradients and is now satisfied with the proposal. Suitable conditions have been included in the consent.</p>

Noise from basketball Court and pool, smoke from fireplaces	<p>Further information was requested for both the basketball court and fireplaces in the RFI (dated 15 February 2024).</p> <p>In response, the basketball court and outdoor fireplace have been removed from the amended proposal.</p> <p>This approval contains a condition which does not allow solid fuels to be burnt (such as wood). It is considered that the proposal does not comply with the 15m radius required for the flue or the 1m projection above the roof level. Furthermore, the Fireplace was not assessed in the SEE. The Fireplace would have potential smoke and air quality impacts on the neighbouring residential flat building (9 Bona Vista Avenue).</p> <p>Should the applicant wish to install a solid fuel burning heater, they will need to lodge a modification application or a local approval. All solid fuel burning fireplaces must comply with the NSW EPA Guidelines and be assessed by Councils Environmental Health Officer.</p>
Overshadowing	<p>Council requested that elevational shadow diagrams and sun-eye diagrams be provided for the apartment to the south of the site at hourly intervals.</p> <p>The applicant provided hourly shadow diagrams for the impacts on 9 Bona Vista Avenue, in addition to a Sun-eye timelapse animation.</p> <p>The applicant also provided shadow diagrams at 8am, 12pm and 4pm, in accordance with the DCP requirements. These show the existing and proposed shadows.</p> <p>The architect has confirmed that the proposal meets the DCP provision that <i>"a portion of the north facing living area windows of proposed development must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June (winter solstice) (In so far as it does not contradict any BASIX requirement)"</i></p> <p>The extent of overshadowing has been significantly reduced in the amended proposal, noting that the proposal is compliant with the side and rear setbacks and is well within the 9.5m height limit.</p> <p>Council considers the extent of overshadowing to be acceptable.</p>
Blocking views	<p>Council acknowledges that there was significant concern regarding view loss from the original proposal. Therefore, Council requested a detailed visual analysis from the perspective of adjoining properties to the north, west and south of the site. Images from surrounding properties were provided to the applicant to create montages that have informed a view loss assessment associated with the proposed scheme.</p> <p>A detailed consideration of the view impacts has been conducted in the Key Issues Section of this Report.</p>
Setback Compliance	<p>Council requested a streetscape analysis of the front setback, which considered the average of the two adjoining properties. This was provided and the front setback has been shown to comply with the DCP requirements.</p> <p>The revised proposal complies with the side setback controls except for minor encroachment of an eave overhang.</p> <p>Concern was raised with the rear setback of the original proposal. The rear setback is a minimum of 8m and will exceed the minimum requirement to enable improved view sharing from the upper level of 1 Bona Vista Avenue.</p>

The rear garden of the amended proposal is now largely free of structures within this 8m rear setback, when compared to the original proposal (see below).

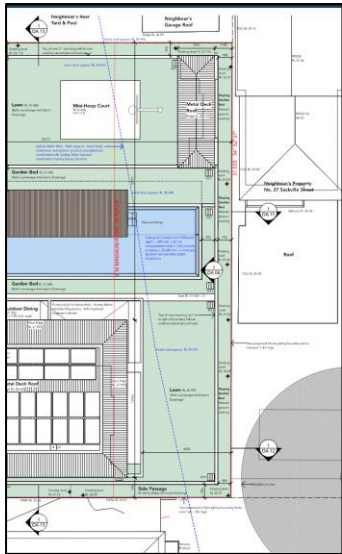


Figure 24: Original Proposal

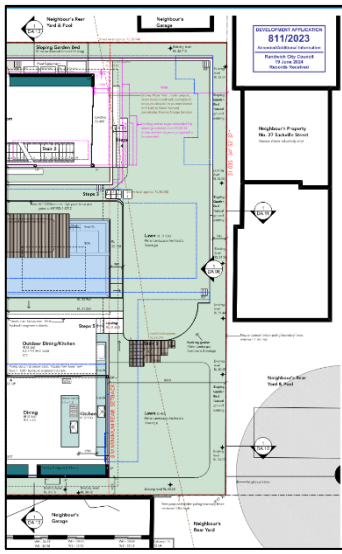


Figure 25: Amended proposal

The DCP controls require that an increased rear setback is required, over and above 8m, or to demonstrate it is not required, having regard to the following matters:

- Existing predominant rear setback line in the subject urban block
- The need to achieve reasonable view sharing with the neighbouring dwellings and the public domain
- The need to adequately protect the privacy and solar access to the neighbouring dwellings

Overall, the proposed rear setback is appropriate noting that:



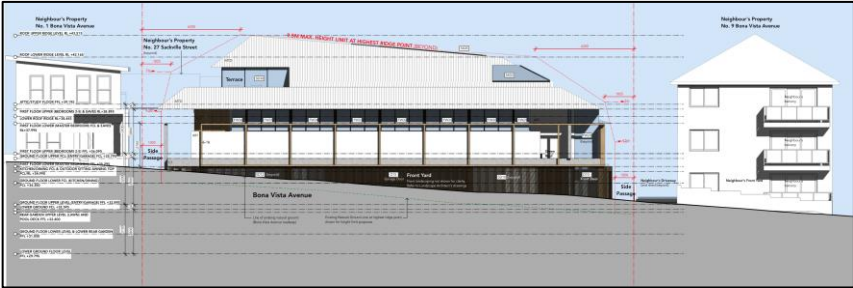
- The southern adjoining neighbour at 9 Bona Vista Avenue is a residential flat building in the R3 zone, which has a different shaped allotment that protrudes past the building line of the proposal.
- The proposal results in the demolition of 3 dwellings on the subject site.
- The northern adjoining property, 1 Bona Vista Avenue does not have a rear setback control because it is a corner allotment. It also has a garage located on the rear boundary.

These factors mean that there is not a predominant rear setback. Furthermore, the minimum rear setback provided is 8m, but is generally at 9m or greater.

The proposal meets the requirements to achieve reasonable view sharing and to adequately protect privacy and solar access to neighbouring properties. Refer to detailed discussion below.

Articulation and presentation of building, including 3-storey presentation and roof space

Council did not support the originally proposed three-storey development. Council also did not support the originally proposed street frontage or southern elevation, which exceeded the 12m maximum DCP wall plane control.

	<p>Council required amended plans to integrate staggered wall planes and façade slots to reduce the perception of visual bulk and to improve the streetscape compatibility with the surrounding low-density dwellings.</p> <p>Council requested that photomontages be provided to illustrate the proposed massing of the development without vegetation in the front setback.</p> <div></div> <p><i>Figure 26: Proposed development with landscaping removed</i></p> <div></div> <p><i>Figure 27: Proposed development with mature landscaping</i></p> <div></div> <p><i>Figure 28: Original proposals - Presentation to Street</i></p> <p>Articulation is provided both horizontally and vertically. There are steps in elevation, differing fenestration, changes in materials, colours and textures. There are also recesses within a landscaped curtilage setting to all boundary interfaces. The rear of the proposal includes cantilever, with a pool and landscaping beneath.</p> <p>Council has included a condition to increase the articulation on the northern elevation.</p> <p>Accordingly, the articulation and presentation of the building is considered appropriate.</p>
Quantity excavation of	<p>Council was also concerned with the quantity of excavation originally proposed.</p> <p>The amended proposal results in:</p> <ul style="list-style-type: none">Partial localised excavation for levelling the backyard, while retaining land and stepping down from the north to the south to

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	<p><i>limit overall earthworks, with localised earthworks for the dwelling and rainwater storage;</i></p> <ul style="list-style-type: none"> • <i>Footings (likely strip footings) will be needed to a structural engineer's design</i> <p>Excavation within the site has been significantly reduced in the amended proposal. The natural ground levels are better reflected and integrated into the design (within 200mm of proposed floor levels).</p> <p>The amended proposal has removed the formerly proposed basement level.</p> <p>A geotechnical report was provided with the original DA, concluding that the proposed works can be supported for the subject site. A dilapidation report has been included as a condition of consent.</p> <p>No water table was encountered during 6 borehole tests, and rock to support the structure given the proposed shallow depth.</p> <p>Any soil imported to the site would be VENM. Any soil and spoil leaving the site would be classified in terms of EPA guidelines.</p> <p>Overall, the amended plans result is an appropriate degree of excavation.</p>
Construction Impacts and reports/surveys required, stormwater impacts.	<p>Construction Site Management Plan conditions have been included in the conditions to manage the construction impacts that must be complied with before construction commences. A range of standard construction management conditions during the building work have also been included in the approval.</p> <p>A condition requiring demolition work and removal of asbestos materials to be carried out in accordance with relevant requirements and code of practice has been included.</p> <p>A condition requiring survey reports to demonstrate compliance with approved setbacks, levels, layout and height of building has been included.</p> <p>Conditions requiring appropriate stormwater drainage have been included, including:</p> <p><i>The stormwater must be discharged (by gravity) directly to the kerb and gutter <u>in front</u> of the subject site in Bona Vista Avenue;</i></p> <p>Overall, the required construction, surveys and suitability of stormwater systems is considered to be appropriately controlled by conditions and supported by Council's Development Engineer.</p>
Unclear Plans / more information required	<p>Council agrees that more information was required, including additional plans and further clarification.</p> <p>Amended plans were received on 08 April 2024, which were resubmitted and the final set with minor revisions were received on 19 June 2024.</p> <p>The amended plans included renders showing the proposed development from the street, with and without landscaping.</p> <p>In addition to this, the following plans and documents were provided to aid the assessment:</p> <ul style="list-style-type: none"> • Hourly interval – northern elevation shadow diagrams

	<ul style="list-style-type: none"> • Sun-eye timelapse elevation • Subdivision (consolidation) documentation • Numerous photomontages of view impacts of amended proposal on neighbouring properties. • Materials and finishes board. <p>The amended plans and documentation provided Council with the required information for re-notification to concerned residents.</p>
Landscaping, trees and implementation	<p>A revised landscape plan was received on 08 April 2024, which has been reviewed by Council's Landscape officer. A condition of consent has been included in the approval, which states that prior to any Occupation Certificate, <i>"certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Dangar Barin Smith, dwg's LP01-03 D4323, issue 01, rev E dated 02/04/24"</i></p> <p>The deep soil permeable surfaces and the canopy cover (at maturity) has been shown to comply with the Randwick Development Control Plan.</p> <p>The removal of trees has been reviewed and approved by Council's landscape officer. The proposal will remove 10 trees, replacing them with 162 trees which will reach a height of at least 5m at maturity.</p>

5.1. Renotification

Upon receipt of the amended plans, Council considered it necessary to renotify the plans in accordance with the community engagement strategy. Consequently, renotification was undertaken from 7 to 21 May 2024.

Two separate submissions were received during the second notification period.

1 Bona Vista Avenue:


Issue	Comment												
Excessive building volume is inconsistent with the existing and future desired character of the area.	<p>The proposal is on a 1248m² site and as discussed throughout this report is fully compliant with the LEP and generally complies with the relevant DCP planning controls relating to the site.</p> <p>The proposal is compliant with the Floor Space Ratio and Building Height Development Standards. These standards help to determine the scale of a proposal. Compliance with these standards is an indication that the proposal is not excessive. Additionally, compliance with the Development Control Plan adequately demonstrates to Council that the proposal is not excessive, and the volume is considered acceptable.</p> <table><tr><th>Clause</th><th>Development Standard</th><th>Proposal</th><th>Compliance (Yes/No)</th></tr><tr><td>Cl 4.4: Floor space ratio (max)</td><td>0.6:1</td><td>0.452:1</td><td>Yes</td></tr><tr><td>Cl 4.3: Building height (max)</td><td>9.5m</td><td>6.9m - 8.4m (north-south)</td><td>Yes</td></tr></table>	Clause	Development Standard	Proposal	Compliance (Yes/No)	Cl 4.4: Floor space ratio (max)	0.6:1	0.452:1	Yes	Cl 4.3: Building height (max)	9.5m	6.9m - 8.4m (north-south)	Yes
Clause	Development Standard	Proposal	Compliance (Yes/No)										
Cl 4.4: Floor space ratio (max)	0.6:1	0.452:1	Yes										
Cl 4.3: Building height (max)	9.5m	6.9m - 8.4m (north-south)	Yes										

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Issue	Comment
Does not contribute to the objectives of the R2 Zone.	<p>The site is zoned R2 Low Density Residential and adjoins the R3 Medium Density zone to the south.</p> <p>The proposal is considered to be generally consistent with a majority of the R2 Zone Objectives, as follows:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment.</i> <p>The proposal is for a single dwelling, which is considered to meet the housing needs of a low density residential environment and will provide for additional diversity of housing stock within the locality.</p> <ul style="list-style-type: none"> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>This objective is not relevant.</p> <ul style="list-style-type: none"> <i>To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.</i> <p>The proposal has been significantly revised in terms of streetscape presentation, reducing the mass and increasing the landscaping. The proposal is not inconsistent with the surrounding area or future desired character, noting that the site adjoins the R3 Medium Density Residential Zone.</p> <p>There have been numerous new build and significant renovations in the surrounding area, resulting in more contemporary and modern development forms. The immediate residential area is considered to be undergoing transition in accordance with Council's control framework.</p> <p>It is reasonably expected that older dwellings will be either knocked down or significantly redeveloped, such as the three dwellings in this proposal. Many of the older dwellings do not currently maximise their development potential in terms of height, FSR and building setbacks.</p> <ul style="list-style-type: none"> <i>To protect the amenity of residents.</i> <p>The amenity of residents is reasonably protected. In depth assessment of the Randwick Development Control Plan is contained in Appendix 2, demonstrating compliance. Furthermore, an assessment of view loss impacts is contained in the key issues section of this report.</p> <ul style="list-style-type: none"> <i>To encourage housing affordability.</i> <p>The proposal is not considered different to other high-end development applications within the Local Government Area. It is acknowledged that the proposal does not encourage housing affordability and will result in the demolition of three existing dwellings. However, the site has been consolidated into a single lot and the proposed development will reflect the density anticipated to be accommodated on a newly formed single allotment in the R2 zone.</p> <ul style="list-style-type: none"> <i>To enable small-scale business uses in existing commercial buildings.</i> <p>Not relevant to this proposal.</p>

Issue	Comment
Doesn't comply with the rear setback controls qualitative factors, such as the existing predominant rear setback and reasonable view sharing.	<p>The proposal has a minimum rear setback exceeding 8m, which complies with the numerical control. The setback is 9.08m on the ground and first floor levels for most of the development.</p> <p>On the ground floor, the rear setback is 8m from the kitchen, which is greater than 22m to the south from the property boundary with 1 Bona Vista Avenue.</p> <p>On the first floor, the rear setback is 8m on the southern façade, where the study is located, to maximise the views from this area. This change to the building line is greater than 22m from the property boundary with 1 Bona Vista Avenue.</p> <p>The proposal is setback further than the neighbouring property, 9 Bona Vista Avenue.</p> <p>The proposal is not set as far back as 1 Bona Vista Avenue. However, it noted that adjoining properties (1 and 9 Bona Vista Avenue) have different length sites and are in different land use zones it is difficult to establish a predominant rear setback in the context of the subject site.</p> <p>The proposal results in the demolition of 3 properties, further diluting a predominant rear setback.</p> <p>1 Bona Vista is a corner allotment (the rear setback control does not apply to corner allotments). 1 Bona Vista Avenue was built under a Complying Development Certificate and has a rear garage which adjoins the rear boundary.</p> <p>Taking the above factors into account, overall, the proposed rear setback is appropriate because, there is no clear predominant rear setback line:</p> <ul style="list-style-type: none"> • The southern adjoining neighbour, 9 Bona Vista Avenue is a residential flat building in the R3 zone, which has a different shaped allotment which protrudes past the building line of the proposal. • The proposal results in the demolition of 3 dwellings on the subject site. • The northern adjoining property, 1 Bona Vista Avenue does not have a rear setback control because it is a corner allotment. It also has a garage located on the rear boundary. <p>Furthermore, the proposal meets the requirements to achieve reasonable view sharing and to adequately protect privacy and solar access to neighbouring properties. This is demonstrated in Appendix 2, which contains an assessment against the DCP.</p> <p>An in-depth assessment of the view sharing impacts is contained in the key issues section of this report.</p>
Cause severe view loss, unreasonable considering alternative design options available.	<p>The view loss is described in detail in the key issues section. The proposal is considered reasonable and is not caused from inappropriate design or non-compliance with building envelope controls.</p> <p>Adequate design measures and consideration of view sharing have been provided.</p>

48 Sackville Street:

Issue	Comment
Excessive building volume	<p>The proposal is compliant with the Floor Space Ratio and Building Height Development Standards. These two standards guide what level of development is appropriate.</p> <p>The site area is 1248m² resulting in a larger permissible site coverage than the adjoining properties.</p> <p>The development is generally consistent with the R2 Zone Objectives.</p>
Rear setback is non-compliant	<p>The proposed rear setback is appropriate because:</p> <ul style="list-style-type: none"> • The proposal has a rear setback between 8m – 9m. The minimum required setback is 8m. • The site is not considered to have a clear predominant rear setback within the urban block. • The proposal meets the qualitative requirements of achieving reasonable view sharing and to adequately protect privacy and solar access to neighbouring properties. This is demonstrated in Appendix 2, which contains an assessment against the DCP.
View loss to 48 Sackville Street	<p>Council's rear setback control for this site is 8m, the proposal is to a minimum of 8m, but generally at 9m.</p> <p>The control states that increased rear setbacks are required, having regard to the following matters:</p> <ul style="list-style-type: none"> • The need to achieve reasonable view sharing with the neighbouring dwellings and the public domain. <p>The rear setback is compliant.</p> <p>The impacts on view sharing are considered reasonable. The proposal is setback approximately 3m further than the neighbouring residential flat building. The view corridor from 48 Sackville Street is across the rear garden of 1 – 9 Bona Vista Avenue.</p> <p>The northern elevation of the proposal is shown below, which demonstrates there will not be unreasonable view sharing impacts on 48 Sackville Street.</p>  <p><i>Figure 29: Northern Elevation of proposal</i></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 *Environmental Planning and Assessment Regulation 2021* and SEPP (Sustainable Buildings) 2022. The submitted BASIX Certificate includes a BASIX materials index which calculates the embodied emissions and therefore the consent authority can be satisfied the embodied emissions attributable to the development have been quantified.

6.2. SEPP (Housing) 2021

The proposal is for a single dwelling, therefore, the SEPP (Housing) 2021 is not applicable to this proposal.

6.3. 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. Council's Landscape Development Officer reviewed the proposal and confirmed support for the proposed removal and landscaping treatments, subject to the imposition of conditions (refer to Referrals section below). As such, the proposal satisfies the relevant objectives and provisions under Chapter 2.

6.4. SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is not located within the coastal zone, therefore, Chapter 2 does not apply to this development.

Chapter 4 - Remediation of Land

The provisions of SEPP (Resilience and Hazards) require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site.

The subject site has only previously been used for residential accommodation and as such is unlikely to contain any contamination. The nature and location of the proposed development involving alterations and additions to a dwelling are such that any applicable provisions and requirements of the above SEPP have been satisfactorily addressed.

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 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 generally consistent with the specific objectives of the zone in that the proposed activity and built form will:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposal is for a new single dwelling and will provide for new housing stock.

- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*

The proposal has been significantly revised in terms of streetscape presentation, reducing the mass and increasing the landscaping. The proposal is not inconsistent with the surrounding area or future desired character, noting that the site adjoins the R3 Medium Density Residential Zone.

- *To protect the amenity of residents.*

The amenity of residents is considered to be reasonably protected. In depth assessment is contained in Appendix 2 and the key issues section of this report.

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)	0.6:1	0.452:1	Yes
CI 4.3: Building height (max)	9.5m	6.9m - 8.4m (north-south)	Yes

6.5.1. *Clause 6.7 Foreshore scenic protection area*

The proposal is located within the Foreshore Scenic Protection Area.

The objectives of this clause are:

- to recognise, protect and enhance the natural, visual and environmental qualities of the scenic areas of the coastline,*
- to protect and improve visually prominent areas adjoining the coastal foreshore,*
- to protect significant public views to and from the coast,*
- to ensure development in these areas is appropriate for the location and does not detract from the scenic qualities of the coast.*

The clause then states:

(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:

- is located and designed to minimise its visual impact on public areas of the coastline, including views to and from the coast, foreshore reserves, open space and public areas, and*
- contributes to the scenic quality of the coastal foreshore.*

Assessment:

The proposal is not visible from the coastline area or from the ocean. The proposal is considered to protect significant public views to and from the coastline. This report contains detailed assessment of view impacts arising from the proposal, demonstrating that the proposal reasonably protects views.

The development is appropriate for the location and does not detract from the scenic qualities of the coast.

The development meets the requirements of Clause 6.7 subsections (3) (a) & (b).

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 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 not inconsistent with the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in	The issues raised in the submissions have been addressed in this report.

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Section 4.15 'Matters for Consideration'	Comments
accordance with the EP&A Act or EP&A Regulation	
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

View loss

Assesment staff have been to neighbouring site (1 Bona Vista Ave) to understand the view impacts associated with the original proposal and the surrounding area to understand the revised schemes impact on surrounding views.

High defintion photos have also been provided in the submission from 1 Bona Vista Avenue, which demonstrate the existing views. These views are from the Master Bedroom on the upper level, the upper level balcony (off the master bedroom), the back yard, and the public footpath on Sackville Street. In each case the photo is taken from a standing position. Photos were taken on 17 May 2024. A selection of the objectors May 17 photos are shown in Figure's 30 – 34.

The applicant provided photomontages, using the existing views for subject properties as well as the proposed impacts from the subject development.



Figure 30: Standing View from rear garden of 1 Bona Vista Avenue (Source: Submission)



Figure 31: Standing View from upper-level balcony of 1 Bona Vista Avenue (Source: Submission)



Figure 32: Standing View from upper-level Master bedroom of 1 Bona Vista Avenue (Source: Submission)

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Figure 33: View from public footpath on Sackville Street (Source: Submission)



Figure 34: View from neighbouring property (understood to be 46 Sackville) - Source: Submission

Images taken by Council Staff and Photomontages prepared by the applicant



Figure 35: Existing rear yard view from 1 Bona Vista Avenue (Source: Applicant)

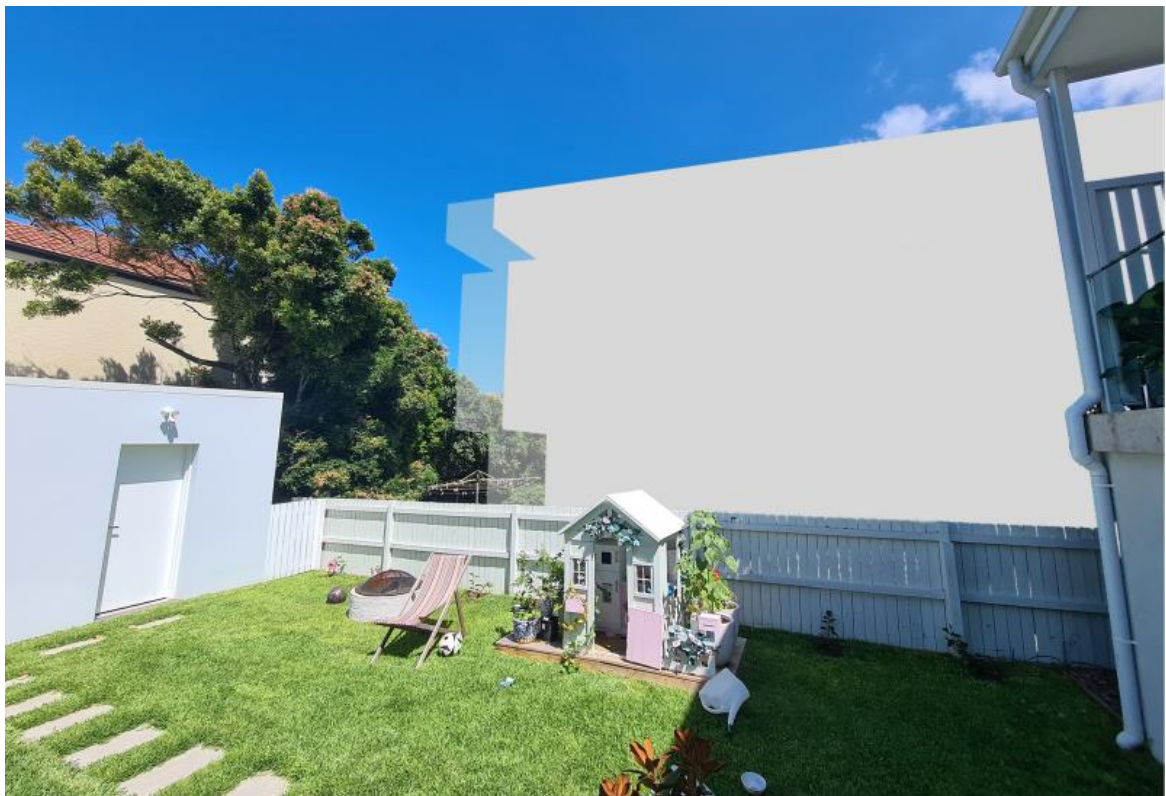


Figure 36: Rear Garden view including montage of proposed development– facing South (Source: Applicant's photomontage)

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Figure 37: Existing raised ground level view from balcony at 1 Bona Vista Avenue (Source: Applicant)



Figure 38: Ground floor balcony montage of proposed development - facing Southeast (Source: Applicant's photomontage)



Figure 39: View from upper-level master bedroom balcony facing east towards the ocean (Source: Applicant)



Figure 40: Second floor balcony - facing east toward ocean including montage of proposed development (Source: Applicants photomontage)

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Figure 41: View from upper-level master bedroom balcony looking southeast (Source: Applicant)



Figure 42: Second floor balcony - facing southeast including montage of proposed development (Source: Applicant's photomontage)

From the above photos and montages, it is evident that:

- There is a significant impact on the outlook from the elevated rear yard in a southeastern direction over the side boundary of the subject site (Figures 35 & 36). This is an outlook

rather than a view, lacking a significant water-land interface, as can be seen from the upper levels.

- From the rear balcony at ground level above the rear yard, there is a relatively significant impact on the outlook across the side boundary of the subject site (southeast). However, this is generally a district outlook towards trees and buildings, with the hills of South Maroubra in the distance. Importantly and significantly, more valued water views, and water-sky interface views to the east are unaffected. This outlook and the impacts from the proposal are seen in Figures 37 & 38.
- From the rear balcony at the first floor level there is negligible on the views in an easterly direction (Figures 39 & 40). All valued aspects of the view are maintained, including water and water-sky interface, sky, and the headland of south Maroubra/Malabar.
- From the rear balcony at the first floor level, there is a significant loss of a valued aspect of the view towards Maroubra Beach in a south/southeasterly direction, over the side boundary of the subject site (Figures 41 & 42). This loss of view includes the interface between the water and Maroubra Beach. However, aspects of the overall view are retained, including partial water and water-sky interface as well as the headland of south Maroubra/Malabar. Generally allowing a panorama of views and some view continuity to water and horizon.
- A montage was not provided for the view loss from the bedroom on the upper floor (Figure 32), however this is not considered necessary, because an assessment of the impacts can be perceived from the balcony montage (which is connected to this bedroom).

Council's Assessment of the View Loss Impacts

In terms of characterizing the degree of impact, the principles of *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* ("Tenactiy") are considered below.

First step – assessment of the views affected:

- The view from the rear garden is an outlook view of Maroubra beach, the land, the sky and a small section of water. The ocean is seen best from a standing position in the northwestern corner of the garden, which is elevated. The view of the ocean from the garden is susceptible to being obscured by compliant development, such as vegetation (as shown in the Figure below). Additionally, a 1.8m high boundary fence will reduce the views.



Figure 1: View from Sackville Street towards Maroubra Beach over the boundary of 1 Bona Vista Avenue (Source: Google Maps February 2021)

- The views impacted from the ground floor balcony (1 level above the garden) are not highly regarded (Figures 37 – 38).
- The views from the upper-level balcony and bedroom are significant containing ocean land and sky interfaces.

Second step – which part of the property the views are obtained from:

- Views arise across the common side boundary.
- Views shown in the photos are from a standing position. The views are obtained from:

- Standing and sitting position from upper-level master bedroom.
- Standing and sitting position from upper-level rear balcony.
- About 50% of backyard with current 1.5m high fence, reduced to 30% with 1.8m high boundary fence, noting that there will be a 1.8m high boundary fence.

Third step – assess the extent of the impact:

The impact is shown in the montages above (Figures 35 - 42). The most significant impact is on the views from the upper-level balcony and bedroom, resulting in a significant reduction in the view of the ocean-land interface. The proposal also blocks the outlook towards Maroubra Beach from the rear garden.

Fourth step – reasonableness of the proposal causing the impacts:

The proposal complies with or presents an acceptable minor variation to all DCP controls and is compliant with the Floor Space Ratio and Building Height Development Standards.

Therefore, the question is whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

Could the applicant provide a more skilful design?

The two main factors that affect the views of 1 Bona Vista Avenue are the height and the setbacks of the dwelling, particularly the rear setback.

The applicant has increased the rear setback to over 9m at the northern end of the dwelling, which complies with the minimum rear setback of 8m.

The height of the dwelling cannot reasonably be reduced noting the minimum DCP floor to ceiling are provided and the proposal is already compliant with the height limit. It is noted that the proposal's northern interface with 1 Bona Vista Avenue is 2.3m or 24% below the LEP maximum height control of 9.5m.

The extent of redesign required to maintain the ocean-land interface view is unreasonable in consideration of the degree of compliance afforded by the proposed design and building envelope.

Part 5.6 of the DCP comprises the relevant control for "View sharing". The concept of view sharing relates to the equitable distribution of views between development and neighbouring dwellings and the public domain. The view sharing control aims to achieve a balance between facilitating quality development and preserving an equitable amount of views for the surrounding properties as far as is practicable and reasonable.

The proposal can be considered skilful and reasonable, noting that:

- i) Where view impacts exist, they are over a side boundary, consequently, retention of such views can be difficult to maintain, as cited in Tenacity.
- ii) The proposal is fully compliant with the northern side and the rear setback controls.
- iii) It is reasonably expected that a two-storey development would have occurred on the subject site. The proposal at the northern interface with 1 Bona Vista Avenue is 2.3m or 24% below the LEP maximum height control. This reduced height directly improves the retention of views over the site at the first floor balcony. Allowing retention of a panoramic and arc of outlook as well as retention of water views that would otherwise be lost in an alternative yet complying proposal.
- iv) All the easterly views to the valued aspects of water/ocean and water-sky interface are maintained by the neighbouring site.
- v) Where impacts occur at lower levels, this tends to be more of an outlook than a view and includes foreground aspects of other buildings and landscaping, with potential to grow and obstruct the existing outlook.

Overall, the proposal meets the view sharing objectives in the DCP, particularly in ensuring that development is sensitively and skilfully designed to maintain a reasonable proportion of views from

the development, neighbouring dwellings, and the public domain. Further images of the view impacts to surrounding developments in the locality are also illustrated below.

8 Bona Vista Avenue



Figure 44: Looking East from the rear garden of 8 Bona Vista Avenue (Source: Applicant's SEE)

As shown in Figure 44, there are negligible view sharing impacts for 8 Bona Vista Avenue.

25 Sackville Street

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Figure 45: view from a central bedroom at 25 Sackville Street, facing east toward the subject site (Source: Applicant's SEE)



Figure 46: View from the rear patio of 25 Sackville Street to the east, over the subject site (Source: Applicant's SEE)

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Figure 47: View from central living room at 25 Sackville Street toward the east over the subject site (Source: Applicant's SEE)

As shown in Figures 45 - 47, there are negligible view sharing impacts for 25 Sackville Street. Importantly, the proposed height of the subject development is significantly below the LEP height

limit of 9.5m, which directly improves the retention of views for 25 Sackville Avenue. This is clear when comparing the height of the proposal to 1 Bona Vista Avenue (adjoining northern neighbouring property), if the proposal had been at a similar height to this or at the maximum permissible, then the valued aspects of the view to the Pacific Ocean and water-sky interface would have been lost to neighbouring development to west. This proposal meets the objective of view sharing.

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Figure 48: View from first floor bedroom window at 40 Sackville Avenue to the south over the subject site (Source: Applicant's SEE)

As shown in Figure 48, there are no view sharing impacts imposed on 40 Sackville Avenue resulting from the proposal.

Summary of view impacts

Overall, the view impacts are limited within the context of the immediate locality. The sole impact occurs to 1 Bona Vista Avenue to the immediate North of the site. The impacts on views are reasonably reduced by compliant setbacks and a height below the maximum permitted for the site. As discussed earlier, the proposal still retains valued aspects of the views at the upper level of 1 Bona Vista Avenue and the has satisfied the requirements of the Tennacity planning principle.

9. Conclusion

That the demolition of existing buildings and construction of 2-storey dwelling house with new in-ground swimming pool, central courtyard, retaining walls, and landscaping works be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R2 zone in that:
 - It provides for the housing needs of the community within a low density residential environment, being a single, detached dwelling house, which is permitted with consent in the R2 zone.
 - The proposal recognises the desirable elements of the streetscape and surrounding built form, having amended the proposal to maintain and enhance the streetscape and surrounding built form.
 - The area is going through a transition of newer modern development and provides an acceptable development outcome in the boundary interface with the R3 Zone (Medium Density Residential).
 - The redesigned proposal adequately protects the amenity of the surrounding residents and has maintained appropriate levels of view sharing to surrounding properties.
- The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- The development enhances the visual quality of the public domain/streetscape.

Appendix 1: Referrals

1. Internal referral comments:

1.1. Landscape Officer

Tree Management Comments

On Council's Bona Vista Street verge, towards the southern site boundary, between the vehicle crossing for no.7 & no.9 is a mature, 7m tall Banksia serrata (Saw Toothed Banksia, T1) which despite the past pruning of all lower growing branches, still appears in good health and condition, is a native coastal species that is prevalent in the area and is also protected by the DCP.

Whilst the original submission showed the vehicle crossing and garage being located roughly centrally across the width of the development, these amended plans now propose it to be relocated further to the south, in direct conflict with the tree.

Despite there being ample space to provide the access and garaging to its north which would then allow retention of the tree, this current arrangement of providing these structures over the lower side of the site has the effect of minimising the extent of excavations required, as well as reducing the bulk and scale of the new building when presented to the street, both of which are objectives and desirable outcomes from a Planning perspective, and on this basis, conditions allow its removal (wholly at the applicant's cost), with a row of replacement trees of the same species to then be installed across the width of the whole site upon completion so as to offset any loss of amenity, which will increase the quantity of street trees in the immediate area.

Further to its north, towards the northern boundary of no.3/this development site is a smaller Callistemon citrinus (Bottlebrush, T6) which while sited well clear of all external works, is an insignificant specimen, and while not being directly affected by any new external works, this report actually requires its removal purely to allow for a consistent row of street trees as described above, and as this new species will attain greater dimensions and presence than T6, will assist with integration of this development into the streetscape into the future, with conditions provided on that basis.

Despite not being assessed in the Arborist Report, there is a mature Frangipani in the front setback of no.5, which is a common/insignificant specimen, and as it is in direct conflict with the new footprint and associated landscape improvements, consent is given for its removal.

All other vegetation is then limited purely to the rear setback, as follows:

No.5

- *In the southwest corner, a 5m tall Viburnum tinus (T2) within a low retained garden bed, which is a small/insignificant specimen that is not protected by the DCP so can be removed to allow for re-grading/levelling and associated landscape works in this same area as shown;*
- *Further to the west, just west of a low brick retaining wall and at a slightly higher ground level is an 8m tall Melaleuca quinquenervia (Broad Leafed Paperbark, T3), with past heavy lopping resulting in poor form and dieback, with its central location within this site to prevent any sort of reasonable re-design. Despite being an endemic species, it is known to be undesirable due to its invasive and aggressive root system, so is no longer even planted by Council on public property, and given its direct conflict with the southern dwelling/wing and new pool, can be removed as sought;*
- *The same circumstances and poor condition rating described above also applies to another similarly sized Broad Leafed Paperbark (T4) on the opposite/eastern side, adjacent the low brick wall, so can also be removed for the same reasons;*
- *Just to its east, in the northeast site corner, an insignificant Viburnum (T5) that does not meet the minimum dimensions for protection in our DCP, and as this means it could already be removed even irrespective of this proposal, the relevant approval has been provided;*

No.3

- *There is then a closely planted row that extends further to the east, across this rear boundary, which as a group assist with screening/privacy and minimising overlooking into the private open space from the adjoining unit block at 27 Sackville Street;*
- *They comprise a small/insignificant Murraya (T12), a larger, 7m tall Syzygium leuhmannii (Small Leafed Lilly Pilly, T10), an 8m tall Eleaocarpus reticulatus (Blueberry Ash, T9), a similarly sized Leptospermum laevigatum (Coastal Tea Tree, T11), another Small Leafed Lilly Pilly (T8), then a smaller Camelia (T7), many of which are suppressed due to over-crowding/competition, which has reduced both their form, lifespan and suitability for future retention, and as any benefit they provide is limited purely to the immediate area only, no objections are raised to their removal as sought, with the replacement planting also regarded as reasonable compensation for any short term loss of amenity.*

Despite the footprint of all major works associated with the new dwelling and pool being sited well away to the west of the group discussed above, their retention as existing site features has not been pursued for the reasons already given above, combined with the significant new planting/landscape works that are nominated here, with it also noted that the Ground Floor Stormwater Drainage Plan shows that excavations will be required in these same areas to allow for installation of new 100mm pipes and 450mm x 450mm pits.

So while it is recognised that all vegetation will be removed from this site to accommodate the development, which is not an outcome envisaged by the DCP, the Arborist Report and comments provided above demonstrate that none are significant examples of their species and do not make any major contribution or benefit to the local environment or fauna, with the planting nominated on the submitted Landscape Plans deemed to be an improvement when compared to the current situation.

All neighbouring vegetation was assessed as being sited at such a distance from these works that no impacts would result, so conditions are not needed.

Landscape Comments

The submitted scheme shows a high level of detail that will result in a high-quality treatment for occupants by substantially increasing the amount of plant material, native species and canopy trees and palms (providing a replacement ratio of approximately 12:1), and as this will also improve both access to and the quality of private open space that is available, conditions formally require its full implementation as part of any approval.

The SEE also details that this proposal will achieve compliance with Council's numerical controls relating to landscaped area (minimum 45% required, 46% provided), and whilst located within the Foreshore Protection Zone, this new dwelling will not be visible from the coastline, with many surrounding structures noted to be at a greater height than this proposed development, so should not impact the amenity of the area.

1.2. Development Engineer

This report is based on the following plans and documentation:

- *AMENDED Architectural Plans by Dominic Levene Design Group, rev B dated 28/03/24 & Amendments (RL Markers) dated 19/10/23;*
- *AMENDED Statement of Environmental Effects by Perica & Assoc; dated 31/03/24;*
- *AMENDED Landscape Plans by Dangar Barin Smith, dwg's LP01-03 D4323, issue 01, rev E dated 02/04/24;*
- *AMENDED Arboricultural Impact Assessment by Temporal Tree Management, rev 1 dated 29/03/24;*
- *Detail & Level Survey by Survade.*

Parking Comments

*Under Part B7 of Council's DCP 2013 the proposed 6-bedroom residence is required to provide a minimum of 2 off-street car spaces. The submitted plans **do** demonstrate compliance with this requirement.*

The proposed garage and driveway **complies** with the minimum requirements of Australian Standard 2890.1:2004 in regards to size, grades, and overhead clearances provided the driveway opening at the front boundary is no wider than 3.00m's and is located in line with the southern edge of the garage door opening.

Further assessment by Engineer, requiring updated plans.

Council's Development Engineer reviewed the above plans, identifying that the gradient of the internal driveway exceeded the allowable 12.5% under AS 2890.1

For Development Engineering to continue assessment of this application the following information is required

- *Amended plans/elevation raising the garage floor level to a minimum floor level of RL 32.75 AHD*
- *Driveway longsections at scale 1:25 or 1:50 along the northern and southern extremities of the driveway demonstrating satisfactory driveway grades in accordance with AS 2890.1 can be achieved into the proposed garage*
- *Ground clearance templates based on the B-85 design vehicle in AS 2890.1 shall be overlaid onto the driveway longsections to demonstrate satisfactory ground clearances can be achieved.*

If satisfactory clearances cannot be achieved the garage may have to be raised further.

The applicant provided amended plans, which addressed the above concerns.

Drainage Comments

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.

Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling. The overflow from the rainwater tank and other surface stormwater must be directed (via a sediment/silt arrestor pit) to Council's kerb and gutter directly in front of the site in Bona Vista Avenue

Undergrounding of power lines to site

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

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

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


All conditions recommended by the Development Engineer and Landscape Officer have been fully adopted.

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning	Site = 1,248m ²	
2.4	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45% *Site area is measured on the overall site area (not proposed allotment areas)	32%	Complies.
2.5	Deep soil permeable surfaces		
	Up to 300 sqm = 30% 301 to 450 sqm = 35% 451 to 600 sqm = 40% 601 sqm or above = 45% i) Deep soil minimum width 900mm ii) Retain existing significant trees iii) Minimum 25% front setback area permeable surfaces	46% of the site area will be landscaped area/deep soil.	Complies.
2.6	Landscaping and tree canopy cover		
	Minimum 25% canopy coverage Up to 300 sqm = 2 large trees 301 to 450 sqm = 3 large trees 451 to 600 sqm = 4 large trees 601 sqm or above = 4 large trees i) Minimum 25% front setback area permeable surfaces ii) 60% native species	Within 10 years there will be greater than 25% tree canopy cover of the site. 162 trees with a mature height of at least 5m are proposed. 34 trees reaching a mature height of 10m or more. The landscape architect has estimated this to be over 320m ² (25.6%) The front setback contains greater than 25% permeable surfaces and landscaping.	Complies.
2.7	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	An area greater than 8m x 8m is provided	Complies.
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.6:1	Proposed = 0.452:1	Complies.
3.2	Building height		
	Building height LEP 2012 = 9.5m	Proposed = maximum height of 8.4m	Complies
	i) Habitable space above 1st floor level must be integrated into roofline ii) Minimum ceiling height = 2.7m	The building presents as 1 – 2 stories.	Complies.

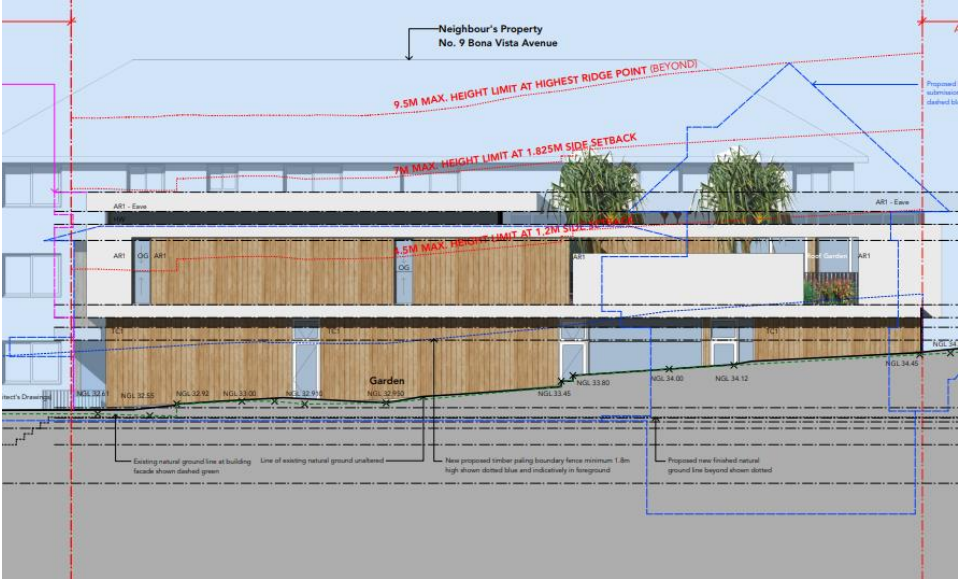
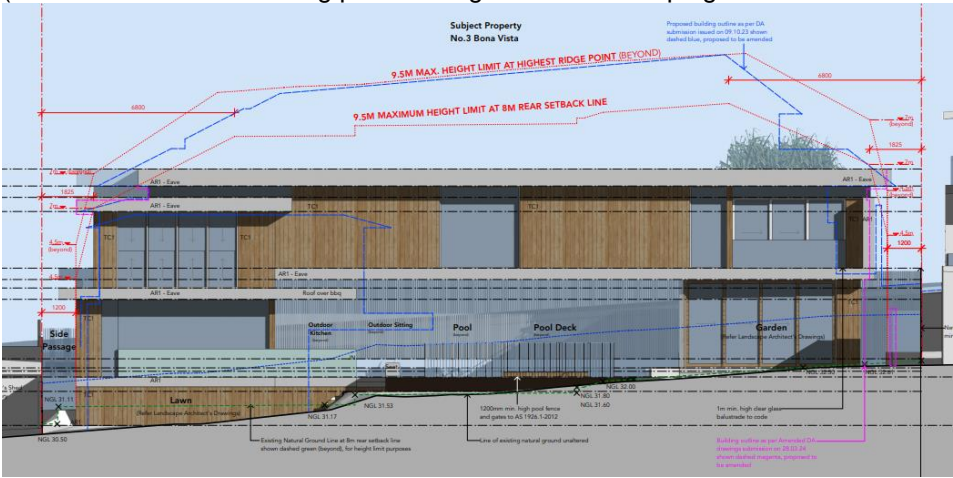
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DCP Clause	Controls	Proposal	Compliance																								
	iii) Minimum floor height = 3.1m (except above 1st floor level) iv) Maximum 2 storey height at street frontage v) Alternative design which varies 2 storey street presentation may be accepted with regards to: <ul style="list-style-type: none"> Topography Site orientation Lot configuration Flooding Lot dimensions Impacts on visual amenity, solar access, privacy and views of adjoining properties. 	Ceiling heights for habitable rooms are greater than 2.7m. First floor height is greater than 3.1m.																									
3.3	Setbacks																										
3.3.1	Front setbacks i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> 900mm for allotments with primary frontage width of less than 7m 1500mm for all other sites Should align with setbacks of adjoining dwellings iii) Do not locate swimming pools, above-ground rainwater tanks and outbuildings in front.	The front setback has been determined by considering the front setback of the adjoining sites. The front setback is a minimum of 5.753m. The building will appear as a 1 – 2 storey building separated by landscaping from the street.	Complies.																								
3.3.2	Side setbacks <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>Figure 49: Western (Bona Vista Avenue) Elevation - demonstrating side setbacks</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	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$	A minimum 1.2m setback is required for walls up to 4.5m, then the formula in the bottom row is used. The figure opposite (western elevation) demonstrates that the proposal generally complies with the side setback except for minor protrusions of eaves.	Acceptable on merit.
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	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$																								
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:	The relevant rear setback control is 8m. The proposal provides greater than this, by providing 9.08m rear	Complies.																								

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - Existing predominant rear setback line - Reasonable view sharing (public and private) - Protect the privacy and solar access <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of:-</p> <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts <p><i>*Definition: predominant rear setback is the average of adjacent dwellings on either side and is determined separately for each storey.</i></p> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings.</p>	<p>setback.</p> <p>Overall, the proposed rear setback is appropriate because:</p> <p>The southern adjoining neighbour, 9 Bona Vista Avenue is a residential flat building in the R3 zone, which has a different shaped allotment which protrudes past the building line of the proposal.</p> <p>The proposal results in the demolition of 3 dwellings on the subject site.</p> <p>The northern adjoining property, 1 Bona Vista Avenue does not have a rear setback control because it is a corner allotment. It also has a garage located on the rear boundary.</p> <p>These factors mean that there is not a predominant rear setback. Furthermore, the minimum rear setback provided is 8m, but is generally at 9m or greater.</p> <p>The proposal meets the requirements to achieve reasonable view sharing and to adequately protect privacy and solar access to neighbouring properties.</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 • balconies appropriately sized • Minimum bedroom sizes: 10sqm master bedroom (3m dimension), 9sqm bedroom (3m dimension). 		Complies.

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DCP Clause	Controls	Proposal	Compliance
	<p>Assessment:</p> <p>Form and mass are appropriate. The proposal is an innovative and contemporary design.</p> <p>There is appropriate articulation, including:</p> <ul style="list-style-type: none">- Stepping in elevation (the first floor is stepped in from the ground floor)- Differing fenestration- Changes in materials, colours, textures and recesses- Integrated landscape. <p>The Western (street) elevation is appropriately articulated due to the U shape of the proposal.</p> <p>The Northern (side) Elevation has been conditioned to be further articulated. The articulation is considered appropriate, noting the sloping site, roof garden, differing use of materials and differing roof lines. The additional articulation is adjacent to the rendered wall which borders the roof garden.</p>		
			
	<p>Figure 50: Northern Elevation at 3 - 7 Bona Vista Avenue</p>		
	<p>The rear (eastern) Elevation is appropriate because of the cantilever and voids in the centre (which includes a swimming pool and significant landscaping).</p>		
			
	<p>Figure 51: Eastern (Rear) Elevation at 3 - 7 Bona Vista Avenue</p>		

DCP Clause	Controls	Proposal	Compliance
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The Southern (Side) Elevation is appropriate because it involves changes in levels, the first floor is set in from the ground floor and it has an interface with a residential flat building in the R3 Zone, which has a long side elevation.

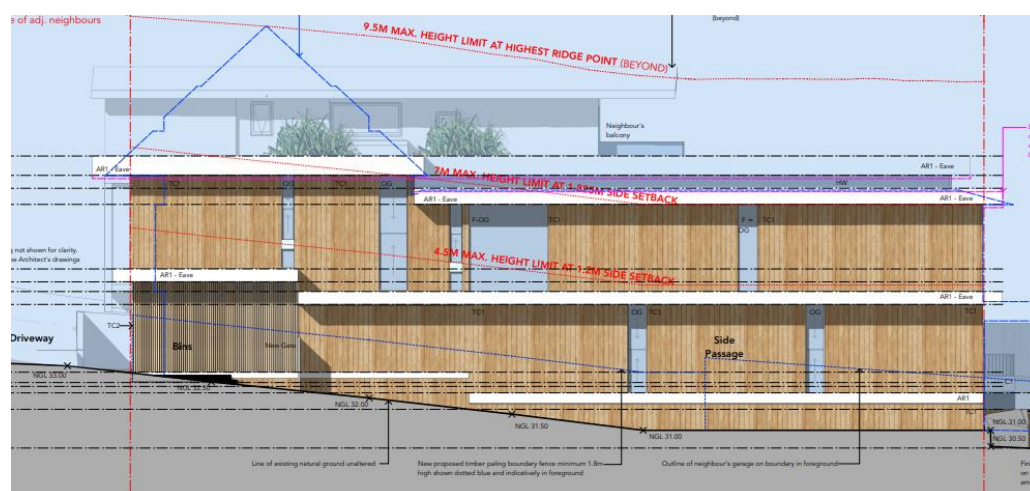


Figure 52: Southern (side) Elevation at 3 - 7 Bona Vista Avenue.

The balconies are appropriately sized for the site. Bedroom sizes comply.

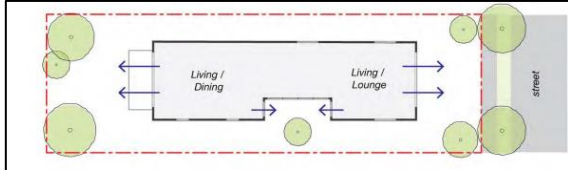
4.4	Roof terraces and balconies		
	<p>i) Locate on stepped buildings only (not on uppermost or main roof)</p> <p>ii) Where provided, roof terraces must:</p> <ul style="list-style-type: none"> Prevent overlooking Size minimised Secondary POS – no kitchens, BBQs or the like Maintain view sharing, minimise structures and roof top elements Be uncovered and comply with maximum height <p>iii) Locate above garages on sloping sites (where garage is on low side)</p> <p><i>*Note: Existing roof terraces in locality that do not comply with the above controls should not be utilised as precedent in seeking variations to the controls outlined in this section. This is to ensure that the objectives of low density residential development are met.</i></p>	<p>A roof garden is accessible from the first floor (sited on top of the ground floor).</p> <p>This is not located on the upper most roof.</p> <p>The garden is at the same RL as the first floor (36.00)</p> <p>The roof garden contains appropriate & significant landscaping.</p> <p>The garden contains a wall on the northern side, shielding it from overlooking. The garden does not overlook adjoining properties.</p> <p>The open balustrade is considered appropriate, on the northern elevation.</p> <p>A condition has been included to open up the northern elevation adjacent to the master</p>	Complies.

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DCP Clause	Controls	Proposal	Compliance
		<p>bedroom ensuite.</p> <p>The area is a secondary POS and maintains view sharing.</p> <p>The area is uncovered and complies with the maximum height.</p>	
4.5	Roof design and features		
	<p><i>Dormers</i></p> <p>i) Dormer windows do not dominate</p> <p>ii) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</p> <p>iii) Multiple dormers consistent</p> <p>iv) Suitable for existing</p> <p><i>Clerestory windows and skylights</i></p> <p>v) Sympathetic to design of dwelling</p> <p><i>Mechanical equipment</i></p> <p>vi) Contained within roof form and not visible from street and surrounding properties.</p>	<p>The roof is flat, designed to reduce potential view impacts to neighbours.</p>	Complies
4.6	Colours, Materials and Finishes		
	<p>i) Schedule of materials and finishes.</p> <p>ii) Finishing is durable and non-reflective and uses lighter colours.</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</p>	<p>The materials are considered appropriate.</p> <p>A suitable condition is also included.</p>	Conditioned to comply
4.7	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) Subterranean spaces must not be habitable</p> <p>iv) Step retaining walls.</p> <p>v) If site conditions require setbacks < 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm.</p> <p>vi) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping)</p> <p>vii) cut and fill for POS is terraced <i>where site has significant slope:</i></p> <p>viii) adopt a split-level design</p> <p>ix) Minimise height and extent of any exposed under-croft areas.</p>	<p>Earthworks have been appropriately minimised, by stepping the design.</p> <p>The existing ground levels have been maintained within 900mm of the existing site.</p> <p>No excavation exceeds 1m in depth, other than the rain water tanks, an area to the northwest and the pool.</p> <p>The location of the pool meets the controls to reduce</p>	Acceptable on merit.

DCP Clause	Controls	Proposal	Compliance
		height above ground, whilst taking into account the sewer line, services, utilities and existing ground levels.	
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	The proposal provides good solar access for the intended use.	Complies.
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) Solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may be acceptable subject to a merits assessment with regard to: <ul style="list-style-type: none"> Degree of meeting the FSR, height, setbacks and site coverage controls. Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. Topography of the subject and adjoining allotments. Location and level of the windows in question. Shadows cast by existing buildings on the neighbouring allotments. 	Overshadowing has been reasonably minimised by side and rear setbacks and a height well within the LEP standard. Revised solar access diagrams were provided, including sun-eye views at regular intervals in mid-winter. The architect confirmed that the proposal meets the DCP provision that "a portion of the north facing living area windows of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. Adjoining private open space and solar panels will not be affected.	Complies.
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> Skylights (ventilated) Clerestory windows Fanlights above doorways Highlight windows in internal partition walls 	Excellent natural lighting and ventilation is provided.	Complies.

DCP Clause	Controls	Proposal	Compliance
	<p>ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries</p> <p>iii) Living rooms contain windows and doors opening to outdoor areas</p> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>		
5.3	Visual Privacy		
	Windows		
	<p>i) Proposed habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures:</p> <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up to 1600mm minimum. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). <p>ii) Orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)</p>  <p><i>Figure 53: Visual privacy design (Source: RDCP)</i></p>	<p>The orientation of living and habitable rooms has sought to be toward the subject site and the street, not the neighbours.</p> <p>This is consistent with the RDCP privacy principles (Figure opposite).</p>	Complies.

Further Assessment:

The adjoining unit development to the south (9 Bona Vista Avenue) creates privacy challenges due to the number of windows facing the subject site– as shown in the figures below.



Figure 54: Adjoining Residential Flat Building - 9 Bona Vista Avenue



Figure 55: Windows on Northern Facade of Adjoining Residential Flat Building - 9 Bona Vista Avenue

The proposal is well below the maximum height limit of 9.5m. This provides a combination of reasonable privacy and overshadowing impacts on the southern neighbouring property.

As shown in the figure below, the southern facing windows have been reasonably reduced. These consist of obscured/opaque glazing and a condition has been included to ensure that the windows are obscured to a minimum of 1.6m above the finished floor level.

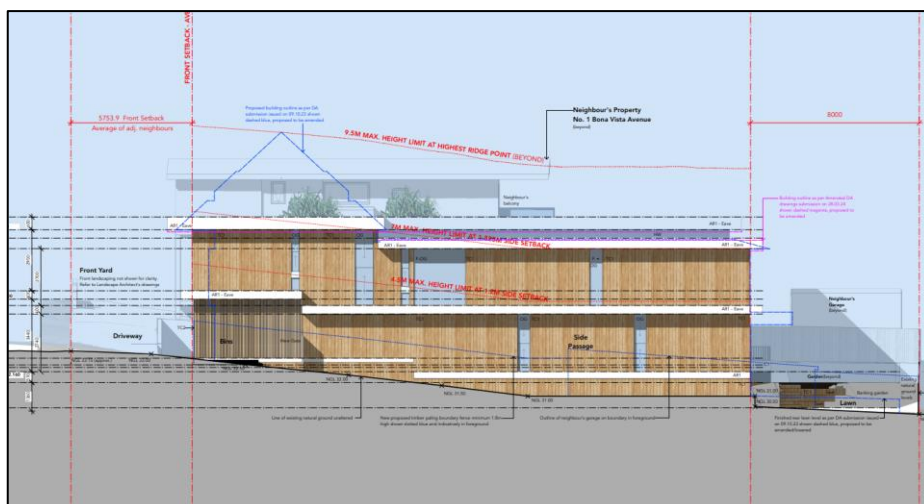


Figure 56: Southern Elevation of proposal.

At ground level, the windows have been limited to two narrow openings. On the first floor the largest opening is to a stair void and other smaller windows are to bedrooms, an ensuite or a void.

The northern elevation is shown in the Figure below.

The first-floor interface has been changed since the original proposal. There is only 1 bedroom window, 1 ensuite window and an opening to landscaping on the northern elevation treated with a privacy screen wall.



Figure 57: Northern Elevation of proposal.

The eastern/rear privacy considerations are to the side elevation of 27 Sackville Street (which has limited openings). The rear setback complies with the 8m in the DCP. Proposed eastern elevation windows are either to a main bedroom, study or a rear circulation space to bedrooms.

The ground floor rear opening will not overlook adjoining properties. On the first floor, there are only two habitable rooms with openings facing the east, which face the adjoining property, 27 Sackville St.

The Master bedroom (5) faces the blank western elevation of 27 Sackville Street, which is also obscured by vegetation. Shown in the Figure below. This room/ view does not pose visual privacy impacts on 27 Sackville Street.

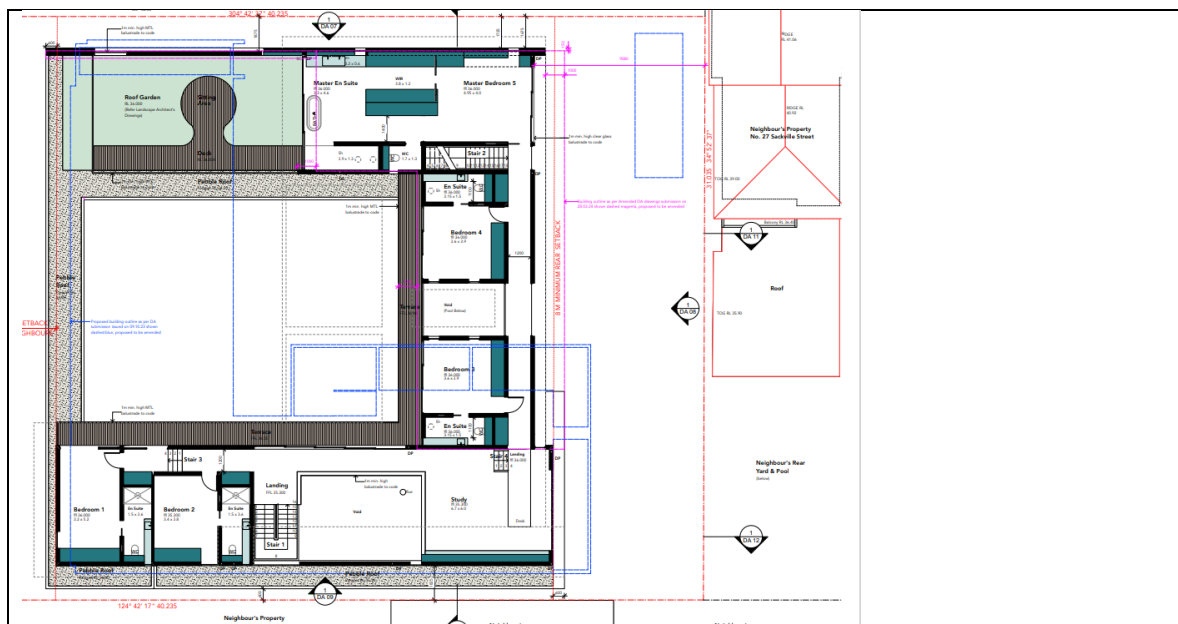


Figure 58: First floor plan - 3-7 Bona Vista Avenue

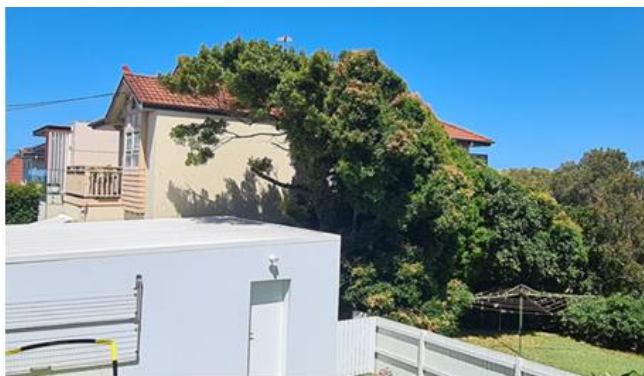


Figure 59: Western elevation of 27 Sackville Street

The study located on the southern side of the first floor and has large opening facing toward the east and 27 Sackville Street. Because the study is elevated and the land drops down to 27 Sackville, there will be views into the private open space of 27 Sackville Street.

It is noted that there are significant views to the south east from this study and the large windows are designed to capture these.

To maintain these views and to prevent overlooking of private open space, a condition has been

DCP Clause	Controls	Proposal	Compliance
	<p>included for horizontal louvre screens, which are 30mm deep and have 30mm spacing. These will be to a height of 1.6m and must be angled to prevent overlooking of the POS of 27 Sackville Street.</p> <div data-bbox="212 351 933 598" data-label="Image"> </div> <p><i>Figure 60: 27 Sackville Street Pool and POS, view from 7 Bona Vista Avenue toward 27 Sackville Street</i></p> <p>There is significant planting proposed, improving the landscaped outlook and privacy for the adjoining site.</p> <p>Overall, this condition will manage overlooking of POS for 27 Sackville Street.</p>		
	Balcony		
	<ul style="list-style-type: none"> 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. 	Rear and side balconies are located and orientated so as not to cause adverse privacy impacts to neighbours.	Complies.
5.4	Acoustic Privacy		
	i) Noise sources not located adjacent to adjoining dwellings bedroom windows	Proposal is for a single dwelling and should not give rise to adverse acoustic impacts to neighbours.	Complies.
5.5	Safety and Security		
	<ul style="list-style-type: none"> i) Dwelling main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 sqm) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not obstruct casual surveillance (maintain safe access) 	<p>Proposal is consistent with CPTED, with improved overlooking of public domain, clear identification of entry.</p> <p>No front fencing is proposed.</p>	Complies.
5.6	View Sharing		
	<ul style="list-style-type: none"> 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 	See the key issues section.	Acceptable on merit.

DCP Clause	Controls	Proposal	Compliance
	<p>minimise obstruction of views</p> <p>v) Adopt a balanced approach to privacy protection and view sharing</p> <p>vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA.</p>		
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	All dwellings		
	<p>i) Maximum 1 vehicular access</p> <p>ii) Locate off rear lanes, or secondary street frontages where available.</p> <p>iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling.</p> <p>iv) Single width garage/carport if frontage <12m; Double width if:</p> <ul style="list-style-type: none"> - Frontage >12m; and - Consistent with pattern in the street; and - Landscaping provided in the front yard. <p>v) Tandem parking may be considered</p> <p>vi) Avoid long driveways (impermeable surfaces)</p>	<p>One vehicular accessway proposed, short driveway to a garage located behind the front façade.</p> <p>Appropriately located.</p> <p>Proposed double garage.</p>	Complies.
6.3	Setbacks of Parking Facilities		
	<p>i) Garages and carports comply with Sub-Section 3.3 Setbacks.</p> <p>ii) 1m rear lane setback</p> <p>iii) Nil side setback where:</p> <ul style="list-style-type: none"> - Nil side setback on adjoining property; - Streetscape compatibility; - Safe for drivers and pedestrians; - Amalgamated driveway crossing. 	Garage complies with section 3.3.	Complies
6.4	Driveway Configuration		
	<p>Maximum driveway width:</p> <ul style="list-style-type: none"> - Single driveway – 3m - Double driveway – 5m <p>Must taper driveway width at street boundary and at property boundary</p>	<p>Reduced driveway width at the kerb.</p> <p>Driveway width is approximately 4.66m.</p>	Complies.
6.5	Garage Configuration		
	<p>i) Recessed behind front of dwelling</p> <p>ii) Maximum garage width (door and piers or columns):</p> <ul style="list-style-type: none"> - Single garage – 3m - Double garage – 6m <p>iii) Min. 5.4m length of garage</p> <p>iv) Max. 2.6m wall height and 3m building height (for pitched roof) for detached garages</p> <p>v) Recess garage door 200mm to 300mm behind walls (articulation)</p> <p>vi) 600mm max. parapet wall or bulkhead</p> <p>vii) Minimum clearance 2.2m (AS2890.1)</p>	<p>The garage is recessed behind the front of the dwelling.</p> <p>The garage is 6m wide and 7.2m long.</p> <p>The garage has been reviewed and supported by Council's Development Engineer.</p>	Complies.
7	Fencing and Ancillary Development		
7.1	General – Fencing		

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DCP Clause	Controls	Proposal	Compliance
	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	The proposed fencing meets these requirements.	Complies.
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 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.	No front fencing	N/A.
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.	Replacement side and rear timber-paling fencing.	Complies.
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: - Finished external walls (not requiring maintenance;	No outbuildings proposed. There is a shaded area adjoining the pool in the middle of the site, well removed from neighbours.	Complies.

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> No openings facing neighbours lots; and Maintain adequate solar access to the neighbours dwelling <p>v) For secondary street frontages a nil setback is only permitted if it adjoins a building constructed on the boundary. For detached garages at rear, first floor addition to existing may be considered subject to:</p> <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 adjoining dwellings. <p>vi) Must not be used as a separate business premises.</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>i) Pool and coping level related to site topography (max 1m over lower side of site).</p> <p>ii) Where pool coping height is above natural ground level, pool to be located to avoid pool boundary fencing exceeding 2.2m from existing ground level from adjoining properties.</p> <p>iii) Where above natural ground and has potential to create privacy impacts, appropriate screening or planting along full length of pool to be provided. Planting to comply with legislation for non-climbable zones.</p> <p>iv) Incorporate screening or planting for privacy as above, unless need to retain view corridors.</p> <p>v) Position decking to minimise privacy impacts.</p> <p>vi) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.</p>	<p>Proposed pool is well setback from neighbours and “shielded” by the dwelling.</p> <p>Less than 1m above ground level.</p> <p>Pool boundary fencing will be at appropriate height.</p> <p>The positioning of the pool and all equipment is suitable.</p>	Complies
7.6	Air conditioning equipment		
	<p>i) Minimise visibility from street.</p> <p>ii) Avoid locating on the street or laneway elevation of buildings.</p> <p>iii) Screen roof mounted A/C from view by parapet walls, or within the roof form.</p> <p>iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.</p>	Air conditioning equipment is proposed adjoining the pool equipment to the north, not visible from the street or neighbouring properties.	Complies.
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not	Located on northern	Complies.

DCP Clause	Controls	Proposal	Compliance
	be prominently visible from the street	side below fence line.	
7.9	Utility Connections		
	If power pole is within 15m of site (on same side of street), applicant must meet full cost for Ausgrid to relocate.	Augmented as required. Reviewed by development engineer.	Conditioned to comply.

Responsible officer: Joseph Edmonds, Environmental Planning Officer

File Reference: DA/811/2023

Development Consent Conditions (Dwellings and Dual Occupancies)



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

GENERAL CONDITIONS

Condition

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Site/Roof Plan – DA02, Revision C	Dominic Levene	17 June 2024	19 June 2024
Ground Floor Plan – DA03, Revision C	Dominic Levene	17 June 2024	19 June 2024
First Floor Plan – DA04, Revision C	Dominic Levene	17 June 2024	19 June 2024
North Elevation – DA07, Revision C	Dominic Levene	17 June 2024	19 June 2024
East Elevation – DA08, Revision C	Dominic Levene	17 June 2024	19 June 2024
South Elevation – DA09, Revision C	Dominic Levene	17 June 2024	19 June 2024
West Elevation – DA10, Revision C	Dominic Levene	17 June 2024	19 June 2024
Section AA – DA11, Revision D	Dominic Levene	17 June 2024	19 June 2024
Section BB, Revision D	Dominic Levene	17 June 2024	19 June 2024
Section CC – DA13, Revision D	Dominic Levene	17 June 2024	19 June 2024
Ground Floor Landscape Plan – LP02-D4323, Revision E	Landscape Design Sydney	02 April 2024	08 April 2024
First Floor Landscape Plan – LP03-D4323, Revision E	Landscape Design Sydney	02 April 2024	08 April 2024
Crossover / driveway marking plan - C1.01, Revision 01	SDA Structures	24 June 2024	25 June 2024
Crossover /	SDA Structures	24 June 2024	25 June 2024

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Condition			
Driveway Sections – C1.02, Revision 01			

BASIX Certificate No.	Dated	Received by Council
1424472S_02	28 March 2024	08 April 2024

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

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

2. **Amendment of Plans & Documentation**
The approved plans and documents must be amended in accordance with the following requirements:
- a. The proposed side and rear fencing must be built in accordance with Part C1, Section 7.3 of the Randwick Development Control Plan. The fence must be stepped to follow the topography of the land, with each step not exceeding 2.2m above existing ground levels.

b. All windows identified to have obscured/opaque glazing must be fixed and be provided with obscured glazing below the specified height of 1.6m above the finished floor level.

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

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

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

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

i. Columns to support the proposed roof over this section are acceptable.

e. The Ground Floor Plan (DA03, Revision C) must be updated to notate that no solid fuel burning shall occur.

Details of compliance with the above conditions are to be submitted to and approved by the Manager Development Assessment prior to the issue of a construction certificate.
Condition Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Condition	
Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.	
4.	<p>External Colours, Materials & Finishes</p> <p>The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.</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>
5.	<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 \$6,438,619.00 the following applicable monetary levy must be paid to Council: \$64,386.20.</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> <p>To calculate the indexed levy, the following formula must be used:</p> $IDC = ODC \times CP2/CP1$ <p>Where:</p> <p>IDC = the indexed development cost</p> <p>ODC = the original development cost determined by the Council</p> <p>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</p> <p>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>
6.	<p>Long Service Levy Payments</p> <p>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.</p> <p>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.</p> <p>Condition Reason: To ensure the long service levy is paid.</p>
7.	<p>Security Deposits</p> <p>The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway,</p>

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Condition	
	<p>verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:</p> <ul style="list-style-type: none"> • \$5000 - Damage / Civil Works Security Deposit <p>The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.</p> <p>The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.</p> <p>To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.</p> <p>Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
8.	<p>Sydney Water</p> <p>All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> • Building plan approvals • Connection and disconnection approvals • Diagrams • Trade waste approvals • Pressure information • Water meter installations • Pressure boosting and pump approvals • Change to an existing service or asset, e.g. relocating or moving an asset. <p>Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
9.	<p>Building Code of Australia</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>

Condition	
10.	<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>
11.	<p>Excavation Earthworks and Support of Adjoining Land</p> <p>Details of proposed excavations and support of the adjoining land and buildings are to be prepared and be included in the construction certificate, to the satisfaction of the appointed Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
12.	<p>Excavation, Earthworks and Support of Adjoining Land</p> <p>A report must be obtained from a professional engineer prior to undertaking demolition, excavation or building work in the following circumstances, which details the methods of support for any buildings located on the adjoining land, to the satisfaction of the Principal Certifier:</p> <ul style="list-style-type: none"> when undertaking excavation or building work within the zone of influence of the footings of a dwelling or other building that is located on the adjoining land; when undertaking demolition work to a wall of a dwelling or other substantial structure that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling); when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land; and as otherwise may be required by the Certifier for the development. <p>The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
13.	<p>Design Alignment Levels</p> <p>The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be: Match the back of the existing Council footpath levels along the full site frontage.</p> <p>The design alignment levels at the property boundary as issued by Council and their relationship to the Council footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.</p> <p>Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal</p>

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	<p>amendment to the development consent via a Section 4.55 application.</p> <p>Condition Reason: To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.</p>
14.	<p>Design Alignment Levels</p> <p>The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1,862.00 calculated at \$60.00 per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements, to Council standard, and to ensure payment of fees to Council.</p>
15.	<p>Internal Driveway Design</p> <p>The driveway opening at the front boundary is to be a maximum 3.00m's wide and the southern edge of the driveway opening is to line up with the southern edge of the garage door opening. This is required so as to maintain complying internal driveway gradients to the garage.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
16.	<p>Internal Driveway Design</p> <p>The internal driveway gradients are to match Council's existing Council footpath levels along the driveway opening. The top and bottom transitions of the internal driveway are to be 2.00m's long and not exceed a gradient of 1:8. The midsection of the driveway (approximately 2.45m) is not to exceed a gradient of 1:4 at any point.</p> <p>Details of compliance are to be included in the construction certificate and be to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
17.	<p>Stormwater Drainage</p> <p><u>Stormwater drainage plans have not been approved as part of this development consent.</u> Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:</p> <ol style="list-style-type: none"> A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition. A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories: <ol style="list-style-type: none"> Roof areas Paved areas Grassed areas Garden areas Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

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	<p>e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.</p> <p>f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.</p>
	Condition Reason: To control and manage stormwater run-off.
18.	<p>Stormwater Drainage</p> <p>The site stormwater drainage system is to be provided in accordance with the following requirements;</p> <p>a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the <i>Principal Certifier</i> and details are to be included in the construction certificate.</p> <p>b) The stormwater must be discharged (by gravity) directly to the kerb and gutter in front of the subject site in Bona Vista Avenue;</p> <p>c) Should stormwater be discharged to Council's street drainage system the maximum discharge from the site must not exceed 25L/S for all storm events up to the 1 in 20 year storm event. All stormwater run-off from the site exceeding this amount is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100-year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.</p> <p>d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition. Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.</p> <p>e) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2-hour storm assuming both pumps are not working. The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.</p> <p>f) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;</p> <p>i. There are suitable clear-outs/inspection points at pipe bends and junctions.</p> <p>ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.</p> <p>g) Generally all internal pipelines must be capable of discharging a 5% AEP (1 in 20 year) storm flow. However, the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20-year storm) to the proposed drainage (detention/wet well) system.</p> <p>h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.</p>

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	<p>Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:</p> <ul style="list-style-type: none"> • The base of the pit being located a minimum 300mm under the invert level of the outlet pipe. • The pit being constructed from cast in-situ concrete, precast concrete or double brick. • A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes. • A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent). • The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system. • A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring-loaded j-bolts or similar). <p>i) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/wet well area.</p> <p>j) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.</p>
	Condition Reason: To control and manage stormwater run-off.
19.	<p>Site Seepage Requirements</p> <p>The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:</p> <ol style="list-style-type: none"> Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter drainage system <u>Adequate provision is to be made for the ground water to drain around the basement level (to ensure the basement will not dam or slow the movement of the ground water through the development site).</u> The walls of the basement level of the building are to be suitably waterproofed to restrict the entry of any seepage water and subsoil drainage into the basement level of the building and the stormwater drainage system for the development. <p>Details of the proposed stormwater drainage system including methods of any waterproofing of the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Principal Certifier and details are to be included in the construction certificate.</p>
	Condition Reason: To ensure the adequate management of site seepage and sub-soil drainage.
20.	<p>Public Utilities</p> <p>A <i>Public Utility Impact Assessment</i> must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required</p>
	Condition Reason: To ensure relevant utility and service providers' requirements

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	are provided to the certifier and adhered to.
21.	<p>Landscape Plans</p> <p>Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate is substantially consistent with the Landscape Plans by Dangar Barin Smith, dwg's LP01-03 D4323, issue 01, rev E dated 02/04/24, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.</p> <p>Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.</p>
22.	<p>Street Tree Management</p> <p>The applicant must submit a payment of \$3,948.70 (GST inclusive) to cover the following costs:</p> <ol style="list-style-type: none"> For Council to remove, stump-grind and dispose of the <i>Banksia serrata</i> (Saw Toothed Banksia, T1 in the AMENDED Arboricultural Impact Assessment by Temporal Tree Management, rev 1 dated 29/03/24, 'the Arborist Report') in front of no.7, towards the southern site boundary, to allow for the new vehicle crossing and garaging to be provided over the lower side of the site, in this same location as shown, as well as the smaller <i>Callistemon citrinus</i> (Bottlebrush, T6) in front of no.3, towards the northern site boundary, as despite not being directly affected by any new external works, this will then allow for an evenly spaced row of new street trees to be provided across the width of this whole frontage which will then attain greater dimensions and presence in the streetscape into the future; For Council to supply, plant and maintain 3 x 25 litre <i>Banksia serrata</i> (Saw Toothed Banksia's) on the Bona Vista Street verge, spaced evenly between the northern side of the new vehicle crossing and the northern site boundary at the completion of all works; A loss of amenity fee in recognition that the only reason that the established native species T1 is being removed from public property is to accommodate the development of private property, with this part of the fee to then be directed towards additional public plantings elsewhere in the surrounding area. <p>This fee must be paid into Tree Amenity Income via Council's Customer Service Centre, prior to a Construction Certificate being issued for the development.</p> <p>The applicant must then contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) AND GIVING UP TO SIX WEEKS NOTICE to arrange for removal prior to commencement, then replacement upon completion.</p> <p>After advising of the receipt number, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6687.</p> <p>Condition Reason: Protection and/or maintenance of existing environment public infrastructure, community assets and significant trees.</p>
23.	<p>Swimming/Spa Pools</p> <p>Swimming Pools and Spa Pools are to be designed and installed in accordance with the requirements of the <i>Building Code of Australia</i> and be provided with a child-resistant barrier in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p>

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	<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>
24.	<p>Swimming/Spa Pools</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 1926.3 (2010) Swimming Pool Safety – Water Recirculation and Filtration Systems. • Paving and ground surfaces adjacent to swimming pools are to be graded and so as to ensure that any pool overflow water is drained away from buildings and adjoining premises, so as not to result in a nuisance or damage to premises. <p>Condition Reason: To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area.</p>

BEFORE BUILDING WORK COMMENCES

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25.	<p>Building Certification & Associated Requirements</p> <p>The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:</p> <p>a) a <i>Construction Certificate</i> must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>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.</p> <p>b) a Registered (Building) Certifier must be appointed as the <i>Principal Certifier</i> for the development to carry out the necessary building inspections and to issue an occupation certificate; and</p> <p>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</p>

	Condition
	<p>accordance with the requirements of the <i>Home Building Act 1989</i>, and the Principal Certifier and Council must be notified accordingly (in writing); and</p> <p>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</p> <p>e) at least two days notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.</p> <p>Condition reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.</p>
26.	<p>Home Building Act 1989</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and sections 69 & 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>, in relation to residential building work, the requirements of the <i>Home Building Act 1989</i> must be complied with.</p> <p>Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifier and Council.</p> <p>Condition reason: Prescribed condition under section 69 & 71 of the Environmental Planning and Assessment Regulation 2021.</p>
27.	<p>Dilapidation Reports</p> <p>A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which may be affected by the works, to the satisfaction of the <i>Principal Certifier</i> for the development.</p> <p>The dilapidation report must be submitted to the Principal Certifier, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
28.	<p>Construction Site Management Plan</p> <p>A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:</p> <ul style="list-style-type: none"> • location and construction of protective site fencing and hoardings • location of site storage areas, sheds, plant & equipment • location of building materials and stock-piles • tree protective measures • dust control measures • details of sediment and erosion control measures • site access location and construction • methods of disposal of demolition materials • location and size of waste containers/bulk bins

- provisions for temporary stormwater drainage
- construction noise and vibration management
- construction traffic management details
- provisions for temporary sanitary facilities
- measures to be implemented to ensure public health and safety.

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.

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

29. **Construction Site Management Plan**

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

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

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

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

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

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

DURING BUILDING WORK

Condition

31. **Site Signage**

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

- 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

Condition
existing building, if the work does not affect the external walls of the building, or
b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

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

32.

Restriction on Working Hours

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

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

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

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

33.

Construction Site Management

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

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

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

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

Notes:

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

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	<p>Condition Reason: To require measures that will protect the public, and the surrounding environment, during site works and construction.</p>
34.	<p>Public Safety & Site Management</p> <p>Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:</p> <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) Noise and vibration from the work shall be minimised and appropriate strategies are to be implemented, in accordance with the Noise and Vibration Management Plan prepared in accordance with the relevant EPA Guidelines. g) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident. h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land. i) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council. j) A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details. <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
35.	<p>Demolition Work & Removal of Asbestos Materials</p> <p>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</p>

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	<p>compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:</p> <ul style="list-style-type: none"> • A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro), • Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations • A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress", • Council is to be given at least two days written notice of demolition works involving materials containing asbestos, • Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request, • A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works, <p>Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.</p> <p>A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.</p>
Condition Reason:	
36.	<p>Excavations and Support of Adjoining Land</p> <p>The adjoining land and buildings located upon the adjoining land must be adequately supported at all times and in accordance with section 74 of the Environmental Planning and Assessment Regulation 2021 and approved structural engineering details.</p> <p>Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.</p> <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
37.	<p>Building Encroachments</p> <p>There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.</p> <p>Condition Reason: To ensure no encroachment onto public land and to protect Council land.</p>
38.	<p>Survey Report</p> <p>A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:</p> <ul style="list-style-type: none"> • prior to construction (pouring of concrete) of footings for the building and boundary retaining structures, • prior to construction (pouring of concrete) of new floor levels, • prior to issuing an Occupation Certificate, and • as otherwise may be required by the Principal Certifier. <p>The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.</p>

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	Condition Reason: To ensure compliance with approved plans.
39.	<p>Road/Asset Opening Permit</p> <p>Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:</p> <p>A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.</p> <p>The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.</p> <p>Relevant Road / Asset Opening Permit fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.</p> <p>For further information, please contact Council's Road / Asset Opening Officer on 1300 722 542.</p> <p>Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
40.	<p>Tree Management</p> <p>Approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the approved Landscape Plans:</p> <ul style="list-style-type: none"> a) Despite not being assessed in the Arborist Report, a mature Frangipani in the front setback of no.5, as it is a common/insignificant specimen that is also in direct conflict with the new footprint; <u>Within the rear setback of No.5:</u> b) In the southwest corner, a small/insignificant <i>Viburnum tinus</i> (T2) within a low retained garden bed, as it is not protected by the DCP and will then allow for re-grading/levelling and associated landscape works in this same area as shown; c) Further to its west, just to the west of a low brick retaining wall and at a slightly higher ground level, a larger <i>Melaleuca quinquinervia</i> (Broad Leafed Paperbark, T3), as a combination of past heavy lopping has resulted in poor form and dieback; its central location will prevent any possibility of a re-design; is known to have an invasive and aggressive root system, as well as being in direct conflict with the southern dwelling/wing and new pool in this same area as shown; d) The same circumstances and poor condition rating described above also applies to another similarly sized <i>Broad Leafed Paperbark</i> (T4) on the opposite/eastern side, adjacent the low brick wall, so can also be removed for the same reasons; e) Just to its east, in the northeast site corner, an insignificant <i>Viburnum</i> (T5) that does not meet the minimum dimensions for protection in our DCP, and as it could already be removed even irrespective of this proposal, approval is also given as part of these works;

Condition	
	<p><u>Within the rear setback of No.3:</u></p> <p>f) The closely planted row that extends further to the east, across the rear boundary, being a small/insignificant <i>Murraya</i> (T12), a larger <i>Syzygium leuhmannii</i> (Small Leafed Lilly Pilly, T10), a similarly sized <i>Eleocharis reticulatus</i> (Blueberry Ash, T9), <i>Leptospermum laevigatum</i> (Coastal Tea Tree, T11) and another <i>Small Leafed Lilly Pilly</i> (T8), then a smaller <i>Camelia</i> (T7), as despite as a group performing a screening function of the adjoining unit complex at 27 Sackville Street, many are suppressed due to overcrowding/competition, which has reduced both their form, lifespan and suitability for future retention, with any benefit they provide being limited purely to the immediate area only, and as excavations for new stormwater lines/pipes and pits are shown in this same area, can be removed as sought.</p>
	<p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
41.	<p>Occupation Certificate Requirements</p> <p>An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>Condition reason: Statutory requirement. To ensure the site is authorised for occupation.</p>
42.	<p>BASIX Requirements</p> <p>In accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.</p> <p>Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.</p> <p>Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.</p>
43.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>The owner/developer must meet the full cost for a Council approved contractor to:</p> <p>a) Construct a new 3.00m wide concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site to Council's specifications and requirements.</p> <p><i>Note: The 3.00m wide Council driveway is line up with the southern edge of the proposed garage door opening.</i></p> <p>b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specifications and requirements.</p>

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Condition	
	<p>c) Reconstruct Council's concrete footpath and kerb and gutter along the site frontage where required by Council's Assets Engineers/ Technical Officers. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specifications and requirements.</p> <p>Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
44.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.</p> <p>Condition Reason: To ensure rectification of any damage to public infrastructure.</p>
45.	<p>Council's Infrastructure, Vehicular Crossings and Street Verge</p> <p>All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:</p> <p>a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 8 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.</p> <p>b) Works on Council land must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.</p> <p>c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.</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>
46.	<p>Street and/or Sub-Address Numbering</p> <p>Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.</p> <p>If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.</p> <p><i>Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted</i></p>

Condition	
	<p>as endorsed, approved by, or to the satisfaction of Council.</p> <p>Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.</p>
47.	<p>Swimming Pool Safety</p> <p>Swimming Pools [and Spa Pools] are to be provided with a child-resistant barrier (i.e. fence, in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p> <p>Condition reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
48.	<p>Swimming Pool Safety</p> <p>A 'warning notice' must be installed in a prominent position in the immediate vicinity of a Swimming Pool [or Spa Pool], in accordance with the provisions of the <i>Swimming Pools Regulation 2018</i>, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.</p> <p>Condition reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
49.	<p>Swimming Pool Safety</p> <p>The owner of the premises must 'register' their Swimming Pool and Spa Pool on the NSW Swimming Pool Register, in accordance with the <i>Swimming Pools Act 1992</i>. The Swimming Pool Register is administered by the NSW Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.</p> <p>Registration must be made prior to the issue of an Occupation Certificate for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifier and Council accordingly.</p> <p>Condition reason: To ensure registration of the swimming pool/spa in accordance with relevant legislation.</p>
50.	<p>Stormwater Drainage</p> <p>The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development consent.</p> <p>The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.</p>
51.	<p>Stormwater Drainage</p> <p>Should a pump-out system be provided, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):</p> <ul style="list-style-type: none"> • The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes; • Details of infiltration/absorption systems; and

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Condition	
	<ul style="list-style-type: none"> Details of pumping systems installed (including wet well volumes).
	Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.
52.	Removal of Rights of Carriageways from Title Prior to the issuing of an <u>Occupation Certificate</u> the applicant/owner is to have the Rights of Carriageway, as shown on the submitted Survey Plan by Survade (P736149) extinguished from the Title of the Lot. The applicant/owner should liaise with their Survey / Land Registry Services regarding this requirement. The Principal Certifier is to ensure compliance with this condition and confirmation of compliance is to be forwarded to Council.
	Condition Reason: to ensure the rights of carriageway are removed from the title as they are no longer necessary.
53.	Landscape Certification Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Dangar Barin Smith, dwg's LP01-03 D4323, issue 01, rev E dated 02/04/24.
	Condition Reason: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.
54.	Landscape Certification The nature-strip upon Council's footway shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.
	Condition Reason: To ensure that community assets are presented in accordance with reasonable community expectations.

OCCUPATION AND ONGOING USE

Condition	
55.	Use of Premises The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes. Condition reason: To ensure the development is used for its intended purpose.
56.	External Lighting External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance. Condition reason: To protect the amenity of the surrounding area and residents.
57.	Waste Management Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council. Condition Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste.
58.	Plant & Equipment Noise from the operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i> . Condition reason: To protect the amenity of the surrounding area and residents.

Condition	
59.	<p>Use of parking spaces</p> <p>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.</p> <p>Condition Reason: To ensure that adequate parking facilities to service the development are provided on site, and to prevent leasing out of car spaces to non-residents.</p>
60.	<p>Fireplace/ Solid Fuel Burning</p> <p>No solid fuel burning for the fire place has been approved as part of this development consent.</p> <p>Condition Reason: To ensure any proposal for solid fuel burning meets the requirements of the NSW EPA and is appropriately assessed by Council's Environmental Health Officer.</p>

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

61. **Demolition Work**
A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council's Strategic Waste Team.
- The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.
- Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 1300 722 542.
- Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.
- Condition Reason: To ensure Council reviews the Waste Management Plan
62. **Demolition Work**
A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:
- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
 - b) The Demolition Work Plan must include the following details (as applicable):
 - The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
 - Details of hazardous materials in the building (including materials containing asbestos)
 - Method/s of demolition (including removal of any hazardous materials including materials containing asbestos)
 - Measures and processes to be implemented to ensure the health & safety of workers and community
 - Measures to be implemented to minimise any airborne dust and asbestos

- Methods and location of disposal of any hazardous materials (including asbestos)
- Other measures to be implemented to ensure public health and safety
- Date the demolition works will commence/finish.

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

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

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

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

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

DURING DEMOLITION WORK

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

Condition

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. D59/24

Subject: 18-20A Perouse Road, Randwick (DA/743/2023)


Executive Summary

Proposal:	Demolition of existing buildings and construction of a 4-storey shop top housing development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision.
Ward:	East Ward
Applicant:	Sasco Development Pty Ltd
Owner:	J & A Sassine (Nominees) Pty Limited & G & R Sassine (Nominees) Pty Limited
Cost of works:	\$4,905,788.00
Reason for referral:	More than 10 unique submissions by way of objection were received in relation to the subject proposal and the development is subject to SEPP 65 'Design Quality of Residential Flat Development'.

Recommendation

That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/743/2023 for demolition of existing buildings and construction of a 4-storey shop top housing development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision, at Nos. 18-20A Perouse Road, RANDWICK NSW 2031, subject to the development consent conditions attached to the assessment report.

Attachment/s:

-  RLPP Dev Consent Conditions (mixed-use) - DA/743/2023 - 18-20A Perouse Road, RANDWICK NSW 2031 - DEV - Randwick City Council

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Subject Site

Submissions received

North

Locality Plan

N.b. a total of twenty-two (22) submissions were received across two separate notification periods, including x1 from 18/120 Beach Street Coogee, 1x from a planning consultant on behalf of several properties, and 4x anonymous/without an address provided.

1. Executive Summary

The application is referred to the Randwick Local Planning Panel (RLPP) as 10 or more unique submissions by way of objection were received and the proposed development is subject to consideration under State Environmental Planning Policy 65 ‘Design Quality of Residential Flat Development’ (or SEPP 65) as the development consists of 3 or more storeys and 4 or more dwellings.

The proposal seeks development consent for demolition of existing buildings and construction of a 4-storey shop top housing development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision.

On 2 April 2024, the applicant amended the proposed development to relocate upper level balconies to the secondary street frontage, along with landscaping improvements and internal reconfigurations within basement levels. On 19 June 2024, the applicant provided a further set of amended architectural plans, of which forms the final set of plans for consideration under this proposed development application.

The key issues associated with the proposal relate to the western interface with the different adjoining zones, communal open space, building envelope and amenity impacts, as well as issues regarding the x2 retail premises. Each of these issues have been assessed in detail in the Key

Issues section of the report below. Furthermore, Council's Environmental Health Officer is not satisfied regarding the potential land contamination issues on the site (see Appendix 1 for detailed comments).

In response to the abovementioned concerns, the proposal is recommended for approval subject to conditions at the construction and occupation certificate stage to address the potential site contamination issues through the preparation a Detailed Site Contamination Investigation Report and potential Remediation Action Plan (RAP). The proposal is recommended for approval, subject to further non-standard conditions that require increasing the size and accessibility of the communal open space, reduce the size of the balcony to Unit 1, and that regulate the future use of the x2 retail premises.

2. Site Description and Locality

The site is identified as Lot 28, DP 1829, No. 18-20A Perouse Road, Randwick NSW 2031. The site is located on the corner of the western side of Perouse Road and the northern side of Soudan Street.

- The site is a trapezoidal-shaped allotment with an 18.29m eastern primary frontage to Perouse Road, a 36.715m northern secondary frontage to Soudan Street, and a total site area of 623m². The site falls across approximately 2m in a westerly direction from the Perouse Road primary frontage to the western (rear) boundary.

- Existing on site is a two-storey mixed-use development consisting of x2 food and drink premises fronting Perouse Road (being Kinjo Japanese Restaurant and the Sweet Spot Patisserie, respectively) and commercial spaces above to the first floor containing a physiotherapist and therapist service. There are no residential premises located on the site. Parking is provided at the western side of the site with a detached single garage and hardstand parking spaces for multiple vehicles, accessible via a vehicular crossing from Soudan Street. The site currently contains no planting or landscaping elements.

The surrounding area is characterised by a mixed-use development area of both residential and commercial uses. Adjoining the site to the south at 22-24 Perouse Road is a two storey mixed-use development with x2 retail premises at ground floor fronting Perouse Road and x4 residential units to the rear and first floor above.

Whilst the site is not listed as a Heritage Item, it is situated within The Spot Heritage Conservation Area (Item C16 within Part 2, Schedule 5 of Randwick Local Environmental Plan 2012 (RLEP 2012)). The site is Zoned E1 'Local Centre', of which forms part of The Spot commercial area however adjoins an area of R3 'Medium Density Residential' to the west of detached and semi-detached dwelling houses. The Spot is a popular dining precinct within the LGA that is afforded with regular bus services to Coogee, Randwick, Maroubra, and the Sydney CBD.

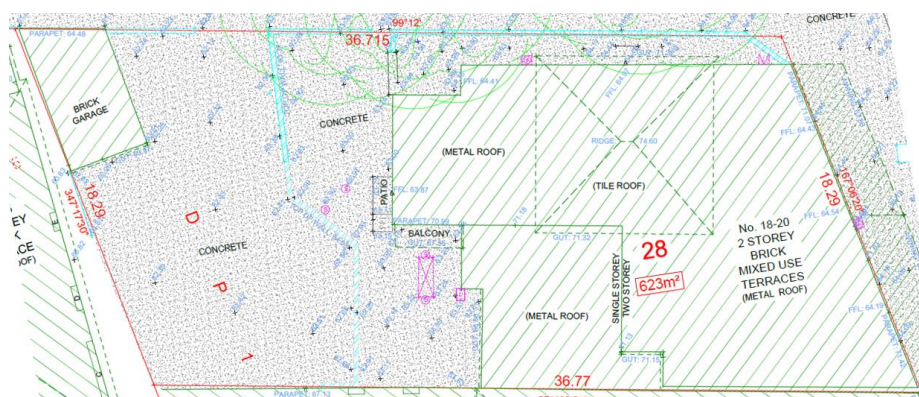


Figure 1: Current survey plan - 18-20A Perouse Road, Randwick (Source: Daw & Walton Consulting Surveyors)

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Figure 2: Streetview from Perouse Road – 18-20A Perouse Road, Randwick (Source: Randwick City Council)



Figure 3: Streetview from the top of Soudan Street – 18-20A Perouse Road, Randwick (Source: Randwick City Council)



Figure 4: Streetview from the bottom of Soudan Street with the existing garage on site and western adjoining No. 15 Soudan Street – 18-20A Perouse Road, Randwick (Source: Randwick City Council)



Figure 5: West oblique view of the subject neighbourhood (April 2024) - 18-20A Prowse Road, Randwick
(Source: Nearmap)

3. Relevant History

The land has been used for commercial purposes for an extended period of time. These uses are mainly retail, office and food and drink premises. As such, there are no recent relevant applications pertinent to the abovementioned subject allotment.

Preliminary site investigations have determined that the site is potentially contaminated from previous uses. See Environmental Health comments regarding the contamination of the site in Appendix 1 of the report.

PL/20/2023

Pre-Lodgement Application No. PL/20/2023 for demolition of existing structures and construction of a mixed use development comprising 4 storeys, 2 basement parking levels, ground floor level retail and 7 x 3 bedroom units, was withdrawn on 05/02/2024.

On 29 August 2023, Council met with the applicant's team to discuss the proposed development scheme. It is noted that the applicant was not provided with Council's written advice comments following the meeting. The main matters discussed at the meeting are as follows:

- Overdevelopment of site in relation to bulk, scale and height.
- Lack of deep soil planting area,
- Reducing the bulk of the development to rear (west) of the building,
- Non-compliant apartment mix,
- Parking,
- Privacy & acoustic privacy,
- Roof terrace is excessive,
- Solar access,
- Appropriate storage to units,
- Interpretation of Clause 6.14 Certain residential accommodation in Zones E1 and E2.

On 29 September 2023, the applicant met with Council's Design Excellence Advisory Panel (DEAP). It is noted that the applicant was provided with the DEAP's written advice comments following the lodgement of the subject development application.

Original DA Submission

The subject DA was lodged on 27 September 2023.

The original proposal sought consent for demolition of existing buildings and construction of a 4-storey mixed-use development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and strata subdivision.

Below is a reproduction of some relevant plans provided for consideration under this application:

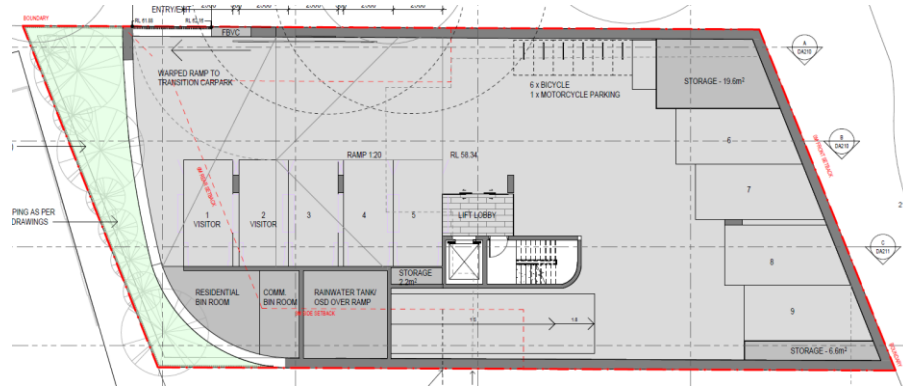


Figure 6: Originally proposed basement 1 floor plan under the subject DA - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

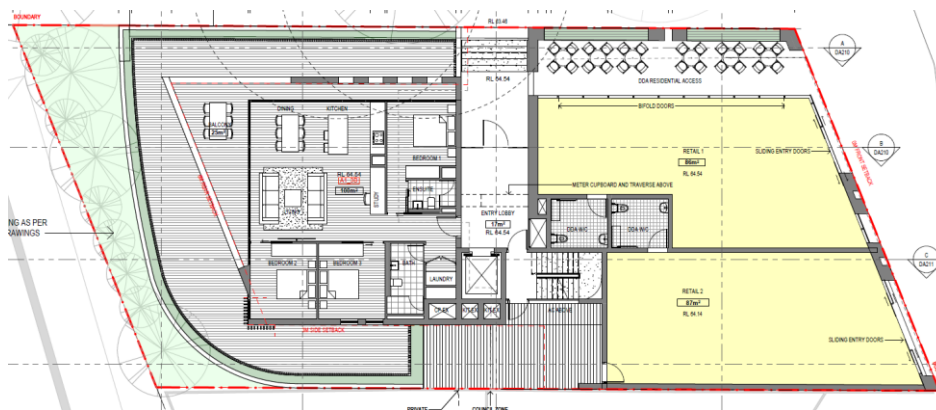


Figure 7: Originally proposed level 1 floor plan under the subject DA - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

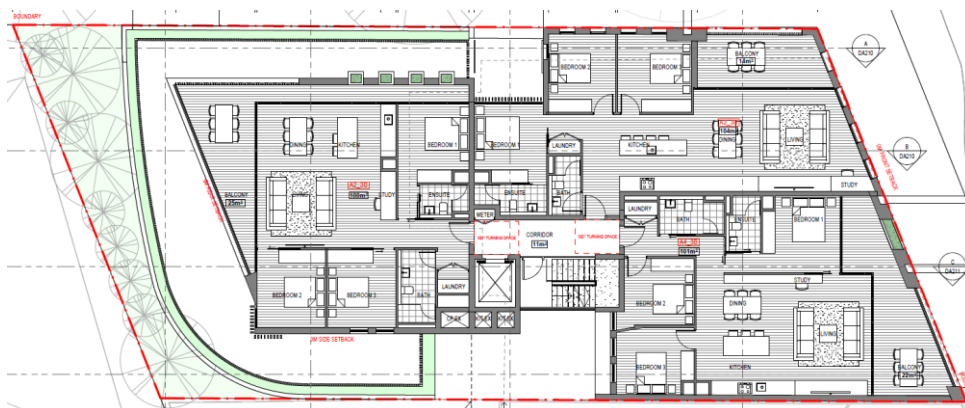


Figure 8: Originally proposed level 2 floor plan under the subject DA - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

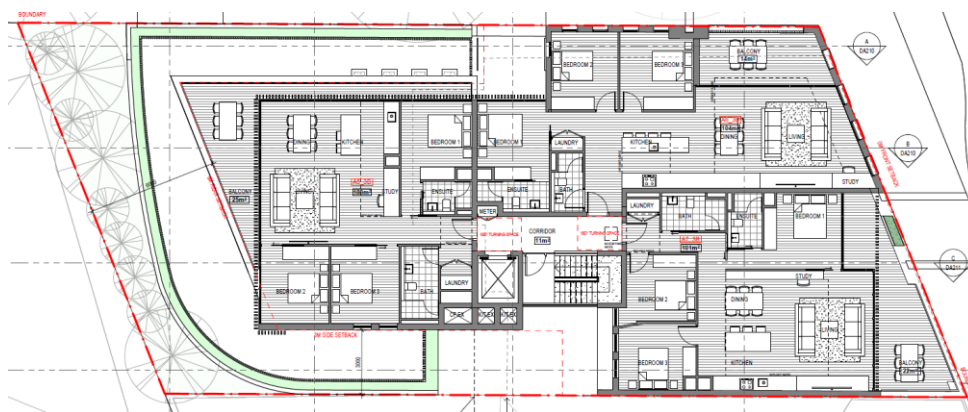


Figure 9: Originally proposed level 3 floor plan under the subject DA - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

Additional Information Request

On 4 October 2023, Council issued an additional information request to the applicant outlining further details regarding the lack of groundwater analysis in the submitted geotechnical report.

On 5 October 2023, the applicant provided a revised geotechnical report including an assessment of groundwater.

On 27 November 2023, Council issued a formal additional information request to the applicant outlining issues with zone objectives (including the interface with the adjoining R2 zone to the west), building height, FSR calculation, commercial access, low-rental accommodation, landscape and communal open spaces, heritage considerations, visual privacy and overlooking, overshadowing, external wall height, pedestrian entry, apartment layout, air-conditioning units, and waste management.

On 2 April 2024, following a review of preliminary architectural plans, the applicant provided an amended set of architectural plans, landscape plan and BASIX Certificate.

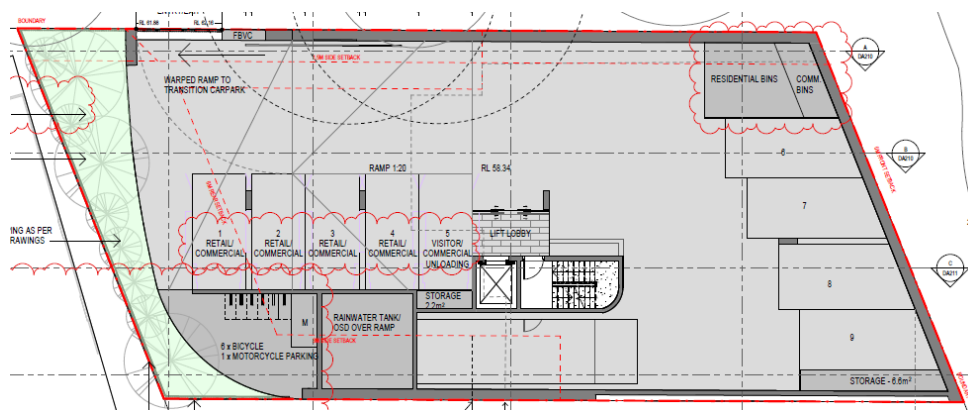


Figure 10: First revision of basement 1 floor plan under the subject DA - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

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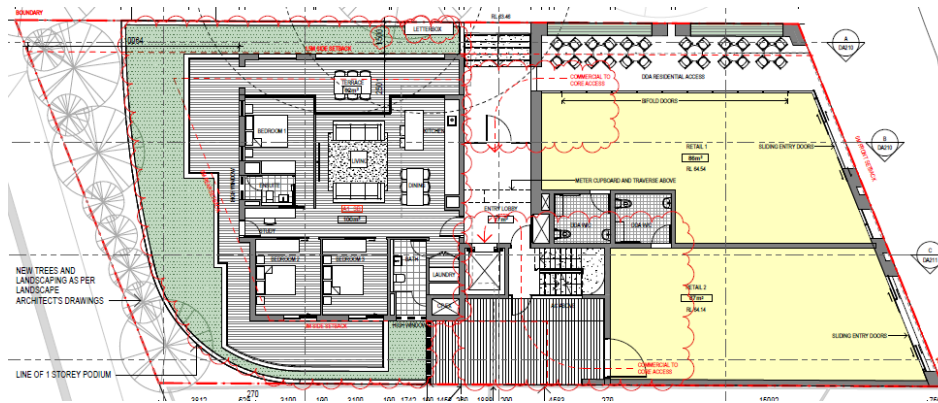


Figure 11: First revision of level 1 floor plan under the subject DA - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

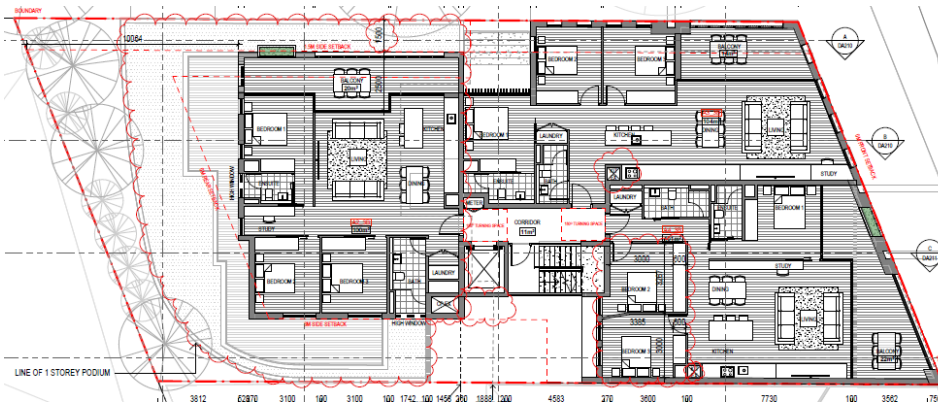


Figure 12: First revision of level 2 floor plan under the subject DA - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

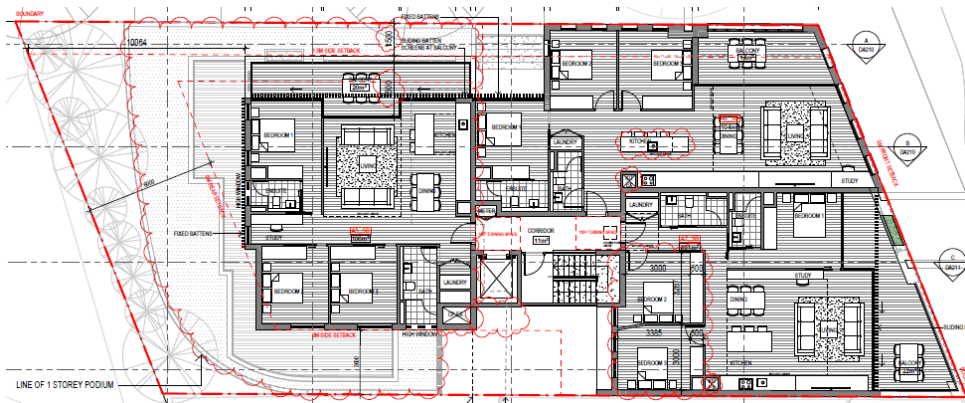


Figure 13: First revision of level 3 floor plan under the subject DA - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

Between 10 May 2024 and 24 May 2024, in accordance with Council's Community Engagement Strategy, the revised development application and supporting documentation was re-notified to neighbouring sites, due to the significant amendments between the original and revised scheme.

On 27 May 2024, the amended scheme was presented to the Randwick Design Excellence Advisory Panel (DEAP) for consideration. The issues raised by the DEAP have been included in Appendix 1 of this report.

On 13 June 2024, Council issued a further formal additional information request including the comments from the DEAP that required further amendments in relation to the western interface, communal open space, landscaping, and access.

On 19 June 2024, the applicant provided an amended set of architectural plans and BASIX Certificate, which forms the final set of plans for consideration under this proposed development application.

On 21 June 2024, the applicant provided an amended set of landscape plans.

4. Proposal

The proposal seeks development consent for demolition of existing buildings and construction of a 4-storey mixed-use development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision.

On 2 April 2024, the applicant amended the proposed development to relocate upper level balconies to the secondary street frontage, along with landscaping improvements and internal reconfigurations within basement levels.

Specifically, the proposal is seeking demolish all structures on the site including retaining walls, and construction of a 4-storey shop-top development comprising the following:

Basement Floor 2

- 9x residential vehicle parking spaces.
- Storage.
- Pump room.
- Electrical box.
- Lift and fire staircase core.

Basement Floor 1

- On-grade parking entrance to Soudan Street via a secure sliding gate.
- A mostly unroofed communal open space to the western side of the site with a BBQ area, seating and a deep soil zone with planting in accordance with the submitted landscape plans.
- 4x retail/commercial vehicle parking spaces.
- 4x residential vehicle parking spaces.
- 1x motorcycle parking space and 6x bicycle parking spaces.
- Bin storage area.
- Storage areas.
- Rainwater tank and on-site water detention system above the ramp to basement 2 below.

Level 1 Floor

- Main building access via a staircase on the northern side of the site fronting Soudan Street. A DDA access if provided via the Perouse Road frontage of the site to the building core.
- Retail 1 space being 86m² fronting Perouse Road with an adjoining outdoor dining area within the northern side of the site with planters fronting Soudan Street, a bathroom, and an area of wall section for a potential door for tenancy.
- Retail 2 space being 86m² with an internal bathroom and access to the building core via a service terrace area.
- Awnings provided over the footpath adjoining the shop frontages to Perouse Road and Soudan Street.
- Unit 1, a 3-bedroom unit with a 100m² floor space with a 62m² wrap-around terrace and planter to the perimeter of the terrace.

Level 2 Floor

- Unit 2, a 3-bedroom unit with 100m² floor space with a 20m² northern balcony fronting Soudan Street.
- Unit 3, a 3-bedroom unit with 104m² floor space with a 14m² northern-eastern balcony fronting Soudan Street and Perouse Road.
- Unit 4, a 3-bedroom unit with 101m² floor space with a 22m² eastern balcony fronting Perouse Road.

Level 3 Floor

- Unit 5, a 3-bedroom unit with 100m² floor space with a 20m² northern balcony fronting Soudan Street.
- Unit 6, a 3-bedroom unit with 104m² floor space with a 14m² northern-eastern balcony fronting Soudan Street and Perouse Road.
- Unit 7, a 3-bedroom unit with 101m² floor space with a 22m² eastern balcony fronting Perouse Road.

Roof

- Large skylights provided to the Unit 5, 6 & 7 living rooms.
- Air-conditioning units located behind the roof parapets.
- Kitchen exhaust.
- Access panel.
- Lift overrun.

The proposed development also seeks consent for strata subdivision of the site into 9x strata lots, being 7x residential lots and 2x retail lots. Draft strata plans were submitted with the proposed development.

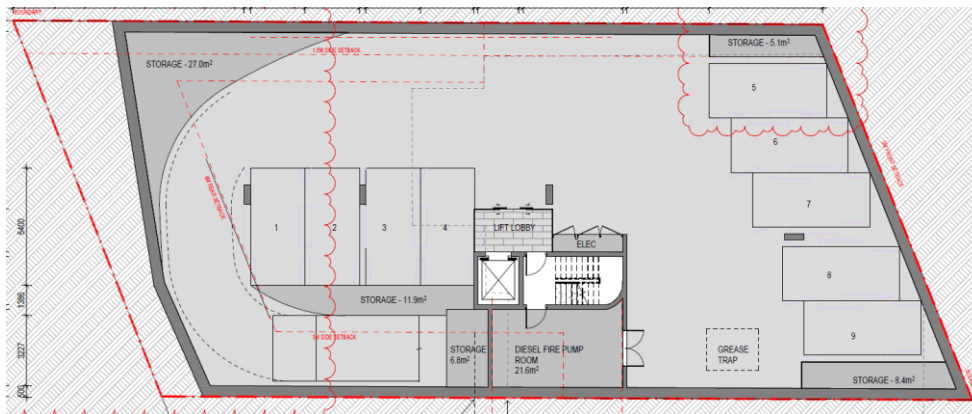


Figure 14: Proposed basement 2 plan - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

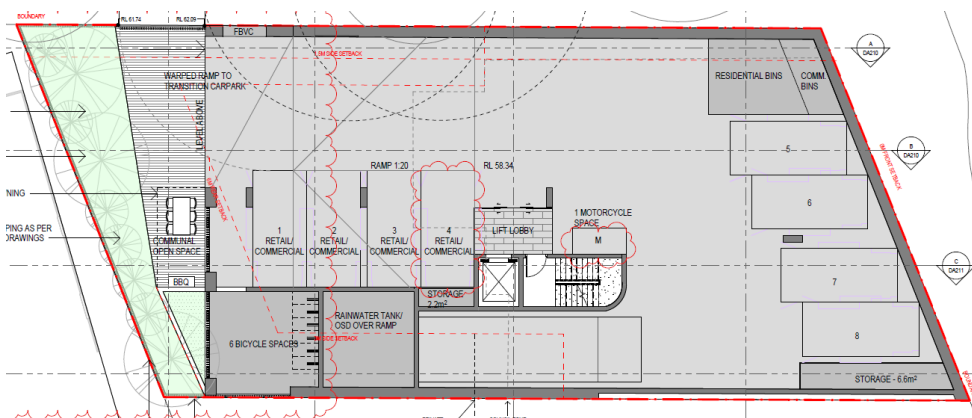


Figure 15: Proposed basement 1 floor plan - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

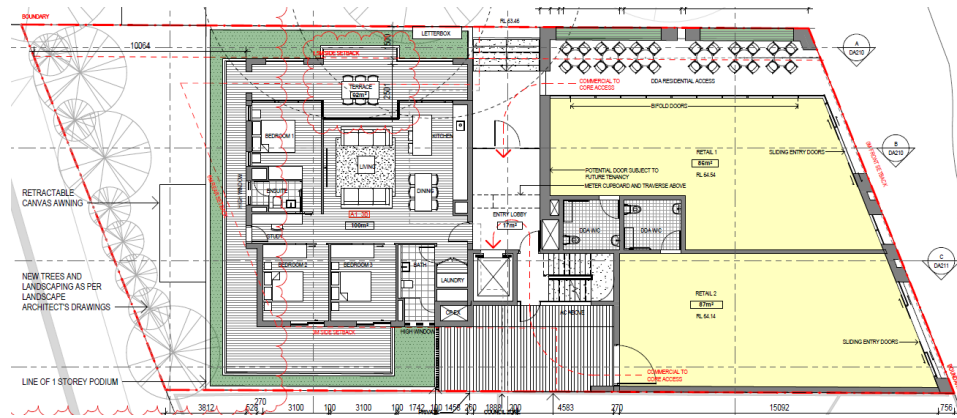


Figure 16: Proposed level 1 floor plan - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

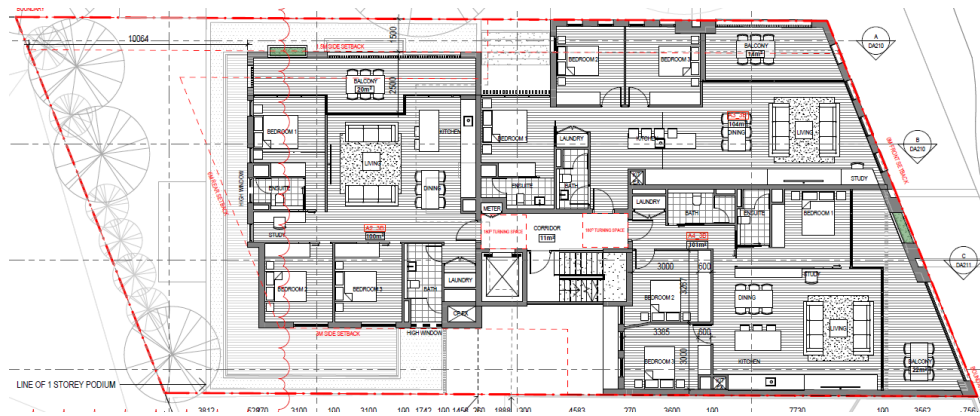


Figure 17: Proposed level 2 floor plan - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

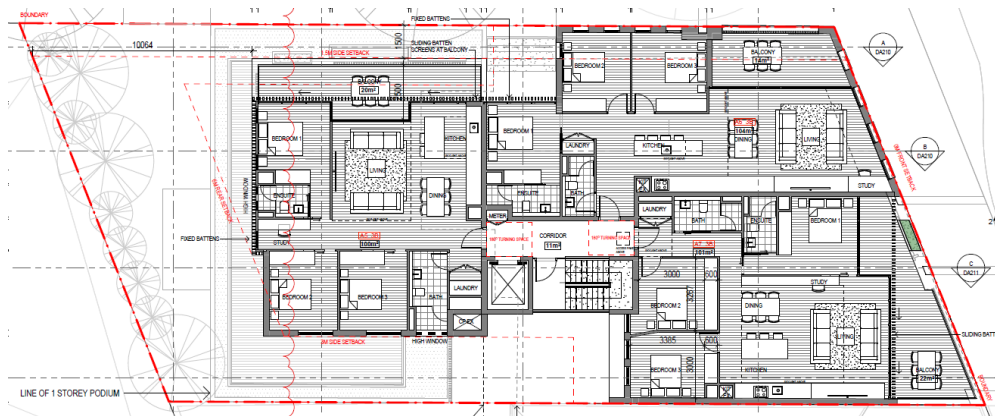


Figure 18: Proposed level 3 floor plan - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

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Figure 19: Proposed eastern elevation fronting Perouse Road - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)



Figure 20: Proposed northern elevation fronting Soudan Street - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

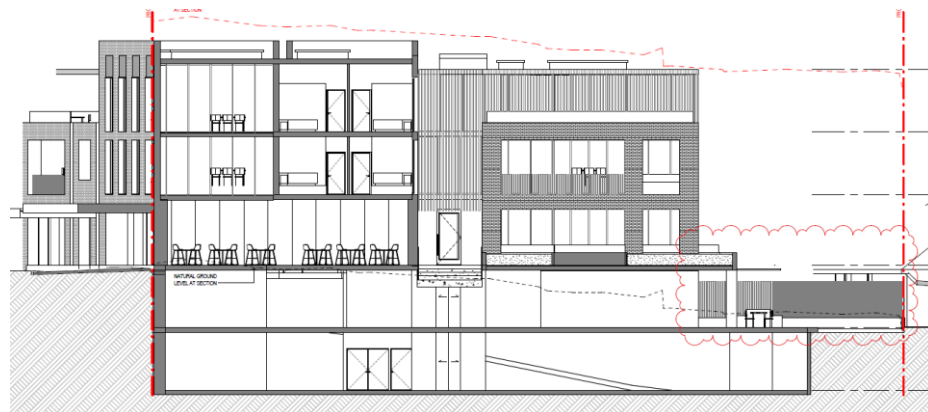


Figure 21: Proposed long section - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with Council's Community Engagement Strategy.

A total of sixteen (16) submissions were received as a result of the initial notification process, objecting to the proposed development from or on behalf of the following properties:

- 20A St Pauls Street, Randwick
- 23 St Pauls Street, Randwick
- 25 St Pauls Street, Randwick
- 27 St Pauls Street, Randwick
- 14 St Pauls Lane, Randwick

- 4/95 Perouse Road, Randwick
- 3 Soudan Street, Randwick
- 6 Soudan Street, Randwick
- 7 Soudan Street, Randwick
- 9 Soudan Street, Randwick
- 11 Soudan Street, Randwick
- 11a Soudan Street, Randwick
- 18/120 Beach Street, Coogee
- Planning consultant on behalf of 14 St Pauls Lane, 9, 11 and 15 Soudan Street, Randwick
- No Address Provided (2)

The submissions raised concerns with regards to the following matters, which have been paraphrased and summarised below:

Issue	Comment
<u>E1 Zone</u> -Inconsistency with the E1 Zone Objectives in relation to potential amenity impacts. -Development should address planning principle for zone interface.	Council is satisfied that the proposed development is consistent with the zone objectives as detailed below the RLEP section of the report below. Council is also satisfied that the development sufficiently addresses the planning principle for zone interface. See Key Issues for a detailed assessment.
<u>Bulk and Scale</u> -Four Storey building height results in excessive bulk and scale and is inconsistent with Spot Conservation area, existing commercial block, and residential streetscape.	The proposed development generally complies with the building envelope controls including FSR, building height, and setbacks (see details of western interface in the Key Issues sections of the report). The scale of the development is consistent with new development within the Spot HCA, as supported by Council's Heritage Planner.
<u>Heritage Impacts</u> - Impacts to the predominantly single and two storey heritage conservation area and heritage items.	Council's Heritage Planner is satisfied that the proposed development will not adversely impact upon the Spot HCA or nearby heritage items. See Heritage referral comments below in Appendix 1.
<u>Setback</u> - Western setback is too close to the western boundary, creates solar and privacy impacts. Increased in accordance with ADG requirement for transition to adjoining low-density residential area.	Council is satisfied that the western side of the development is sufficiently setback from the western side boundary. Amendments to relocate balconies to the northern side as well as reduce a reduction in the building envelope result in a scheme which has minimised adverse impacts to nearby neighbours. See Key Issues for a detailed assessment.
<u>Visual Privacy</u> - Visual privacy and overlooking impacts resulting from rear balconies. Limited boundary separation, screening, and landscaping to address interface concerns.	Council is generally satisfied that the proposed development will not adversely impact upon the visual privacy of the adjoining neighbours, in particular that to the west noting the relocation of balconies in amended plans. See Key Issues for a detailed assessment.

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Issue	Comment
<u>Acoustic Privacy</u> - Acoustic privacy concerns related to rear setback, vehicular entrance, and balconies.	Council is satisfied that the acoustic impacts of the development have been mitigated in terms of noise from the communal open space, vehicular access and balconies. See Key Issues for a detailed assessment.
<u>Solar Access</u> - Western façade windows and balconies are sub-optimal in terms of solar performance and internal environmental comfort. - Excessive overshadowing to neighbouring properties open space and living areas.	Council is satisfied solar access to the units are achieved in accordance with the ADG requirements. See ADG compliance table in Appendix 2 of the report. Based on the submitted hourly solar diagrams (which have been verified by Council), Council is satisfied that the solar impacts from the development have been mitigated and nearby neighbours will continue to receive adequate solar access.
<u>View Loss</u> - Loss of district views and visual outlook. - Request for height poles to be erected and additional visual analysis.	Council is satisfied that the proposed development will not result in the loss of any important or significant views within the locality. Council does not believe it necessary to provide height poles in relation to the proposed building envelope to understand the impact of the development.
<u>Street Trees</u> - Removal of street trees and urban heat impacts.	Council has required the retention of the street trees to Soudan Street. See Landscaping referral comments below for a detailed assessment in Appendix 1.
<u>Landscaping</u> -Landscape and deep soil deficiency and the need for an increased western boundary (rear) and Soudan Street buffer.	Council is satisfied that a sufficient deep soil area and associated landscaping has been provided to the western side of the site. See Key Issues for a detailed assessment.
<u>Parking/Traffic</u> -Insufficient parking and secondary parking impacts. -Traffic report does not include vehicular movements at the occupation stage. -Illumination impacts from additional cars entering the site.	Council is satisfied that the proposed development complies with the required parking rates and does not envisage any adverse parking impacts within the locality as a result of the development. In addition, Council is satisfied that the traffic report adequately addressing the impacts of the development. See Engineering referral comments below for a detailed assessment in Appendix 1. Council is satisfied that the illumination impacts from vehicles entering the site is an improvement of the existing site conditions and does not adversely impact adjoining neighbours.

Issue	Comment
<u>Commercial Impacts</u> -Commercial impacts resulting from noise and dust impacts during construction.	Construction phase impacts of the development are temporary in nature. Adequate conditions of consent have been recommended for the development in order to minimise impacts on adjoining properties within the locality.
<u>Structural Impacts</u> - Structural damage to adjoining properties during excavation.	Adequate conditions of consent have been recommended for the development in order to protect nearby neighbours from the impacts of the proposed excavation including but not limited to dilapidation reports, noise and vibration management, excavation and support requirements.
<u>Statement of Environment Effects</u> Inaccuracies in the applicant's Statement of Environment Effects.	Council is satisfied that the applicant's Statement of Environment Effects is sufficient in detailing the proposed development and impacts it will have on the locality.

5.1. Re-Notification

As noted in the Background section of the report, between 28 May 2024 and 12 June 2024, in accordance with Council's Community Engagement Strategy, the revised development application and supporting documentation was re-notified to neighbouring sites, due to the significant amendments between the original and revised scheme.

A total of six (6) submissions were received as a result of the second notification process, objecting to the proposed development from or on behalf of the following properties:

- 11 Soudan Street
- 15 Soudan Street
- 23 St Pauls Street
- 27 St Pauls Street
- Anonymous x2

The submissions raised concerns with regards to the following which have been paraphrased and summarised below:

Issue	Comment
<u>Bulk and Scale</u> - Four storey building out of scale within the locality.	As noted above, Council is satisfied that the proposed development is in keeping with locality, the building envelope is generally compliant and the adverse impacts to neighbours have been sufficiently mitigated.
<u>Western Interface</u> -Western setback and the western windows do not provide an inadequate buffer between a Heritage Conservation Area and a commercial zone. - Significant impact on privacy and overlooking.	As noted above, through plan amendments, Council is satisfied that the proposed development is sufficiently considerate of the western interface in terms of building envelope, zone interface and adverse impacts of the development on adjoining neighbours.

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Issue	Comment
<ul style="list-style-type: none"> - Requires landscape increases and improvements. - Provide screening for privacy. - Wall to western side of basement parking required to reduce noise impacts. 	See Key Issues for a detailed assessment of the western interface. This includes an assessment against the reintroduction of a partial privacy screen, sufficient planting for secondary screening, and fencing along the western boundary. Several conditions have been imposed, including reducing the size of the Unit 1 balcony.
<u>Western Retaining Wall</u> <ul style="list-style-type: none"> - Reconstruction of western boundary retaining wall within the development site with sandstone rockface cladding. 	Council does not require the existing retaining wall to be constructed with the existing sandstone blocks. That being said, a condition of consent has been recommended that any existing sandstone blocks within the site shall be recycled and reused as part of the wall sections fronting Soudan Street, with details of this being provided to Council for approval.
<u>Street Trees</u> <ul style="list-style-type: none"> -Tree removal on Perouse Road, should be retained. 	As noted above, Council has required the retention of the street trees to Soudan Street. See Landscaping referral comments below for a detailed assessment in Appendix 1.
<u>Parking</u> <ul style="list-style-type: none"> -Carpark redesign required within setback building envelope. 	Council is satisfied that the carparking scheme to the basement 2 level is not required to be altered within the building envelope, as it is not visible from the streetscape of adjoining neighbours. Sufficient areas of deep soil zones and communal open space have been provided within the site.
<u>Traffic</u> <ul style="list-style-type: none"> - Monitor heavy vehicle movements. - Increase traffic to area from development. 	Council is satisfied that the proposed development will not result in adverse impacts from heavy vehicle movements or increase traffic to the area as sufficient parking has been provided on site. See Engineering referral comments below for a detailed assessment in Appendix 1.
<u>Stormwater</u> <ul style="list-style-type: none"> - Sufficient stormwater treatment required on site. 	Sufficient conditions of consent have been imposed regarding stormwater management and treatment on site. See Engineering referral comments below for a detailed assessment in Appendix 1.

Issue	Comment
<u>Construction Phase</u> - Noise and vibration measures required during construction works. - Dilapidation Report required prior to works beginning. - Liaise with adjoining neighbour regarding timing and logistic of works.	As noted above, adequate conditions of consent have been recommended for the development in order to protect nearby neighbours from the impacts of the proposed excavation including but not limited to dilapidation reports, noise and vibration management, excavation and support requirements. The timing and logistics of the works to be carried out shall be managed between the subject owners/builders and neighbours independent of Council.

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6. Relevant Environment Planning Instruments

6.1. SEPP 65 - Design Quality of Residential Apartment Developments

The SEPP 65 — Design Quality of Residential Apartment Development (SEPP 65) aims to promote quality design of Residential Flat Buildings. The proposed development is subject to SEPP 65 as the proposed building is 3 or more storeys and contains at least 4 dwellings.

Council notes that on 14 December 2023, the NSW Government consolidated the provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) into the Housing SEPP and the Environmental Planning and Assessment Regulation 2021 (the Regulation). Schedule 7 ‘Savings and transitional provisions’ notes that savings provisions require the proposed development, lodged on 27 September 2023 prior to the repeal of SEPP 65, to have SEPP 65 applied.

Clause 28 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.*

See each element addressed below.

6.1.1. Design Excellence Panel (DEAP)

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

The amended DA scheme (received 27/05/2024 from the applicant) was referred to the DEAP for advice concerning the design quality of the development. The DEAP advised that they were generally in support of the proposed development, subject to changes to the western interface, provision of additional deep soil areas, provision of communal open space and revised basement schemes, and amendments to the internal core access.

The detailed comments provided by the DEAP are provided Appendix 1 of in this report.

6.1.2. 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.

6.1.3. 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.

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.”*

The proposed development seeks consent for removal of vegetation, being the Council street trees located on the Soudan Street side of the site. Council's Landscape Development Officer reviewed the proposal and confirmed that they do not support the proposed removal and landscaping treatments, subject to the imposition of conditions. Refer to Appendix 1 for detailed assessment below. As such, the proposal satisfies the relevant objectives and provisions under Chapter 2.

6.3. SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The submitted BASIX Certificate includes a BASIX materials index which calculates the embodied emissions and therefore the consent authority can be satisfied the embodied emissions attributable to the development have been quantified.

Council notes that SEPP (Sustainable Buildings) 2022 is effective from 1 October 2023. Clause 4.2 of the SEPP noted that the policy does not apply to a development application submitted on the NSW Planning Portal but not finally determined before 1 October 2023. The subject development application was lodged on the NSW Planning Portal on 27 September 2023. Therefore, the provisions under SEPP (Sustainable Buildings) 2022 are not applicable to the subject development application.

6.4. SEPP (Housing) 2021

Chapter 2 'Affordable housing'

Clause 47 of the Housing SEPP requires a consent authority must take into account whether the development will reduce the amount of affordable housing in the area. Council notes that the subject commercial building does not contain any residential accommodation. As such, the demolition of the existing commercial building does not trigger consideration under Chapter 2 of the Housing SEPP.

6.5. SEPP (Industry and Employment) 2021

Council confirms that no advertising or signage has been included as part of the proposed development. Therefore, the provisions outlined in the Industry and Employment SEPP are not relevant and applicable to the subject development.

6.6. SEPP (Resilience and Hazards) 2021

Chapter 4 'Remediation of land'

Chapter 4 of SEPP (Resilience and Hazards) 2021 applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 of SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. A preliminary site investigation, prepared by Foundation Earth Sciences, Ref No. E3097, dated September 2023, has been submitted and confirms the site can be made suitable for the proposed development subject to recommendations. See comments from Council's Environmental Health Officer in relation to this issue, who has recommended conditions in relation to site contamination.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, the land is considered to be suitable for the proposed land use, subject to the preparation of a Detailed Site Contamination Investigation Report and potential Remediation Action Plan (RAP), as recommended conditions imposed regarding further contamination investigations.

6.7. 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 updated 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 E1 'Local Centre' under Randwick Local Environmental Plan 2012. The proposed development seeks consent for 'shop top housing', which has the following definition:

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Council is satisfied that the proposed development meets the definition of shop top housing as:

- To the Perouse Road side of the site, 2x retail premises are provided at ground floor with residential units above. In accordance with the Land Use Table and definitions in the RLEP, 'retail premises' are a type of 'commercial premise'. Therefore, the Perouse Road side of the site satisfies the shop top housing definition.
- To the Soudan Street side of the site, due to the topographical fall of the site from east to west, a portion of the basement 1 to the western side of the building is located at ground level. The parking spaces allocated within this section that are at ground level have been allocated for retail parking.

The scheme has been reviewed by Council assessment staff in accordance with relevant LEC Caselaw to confirm that the proposed building configuration adheres to the definition of 'shop top housing'.

As such, the proposal is permissible with Council's consent.

Overall, the proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide for the retail and housing needs of the community, whilst contributing to a vibrant and active local centre with retail to ground floor of buildings and a high urban design and the aesthetic character that protects the amenity of the nearby residents.

Council also notes that the subject site adjoins an area of R3 'Medium Density Residential' to the west, which consists of detached and semi-detached dwelling houses. Council is satisfied that the proposed development adequately addresses the zone interface between E1 and R3 in terms of massing and impact on the amenity of the residents in this adjoining zone. See Key Issues for an assessment against the planning principle for development at zone interface (*Seaside Property Developments Pty Ltd v Wyong Shire Council, 2004*).

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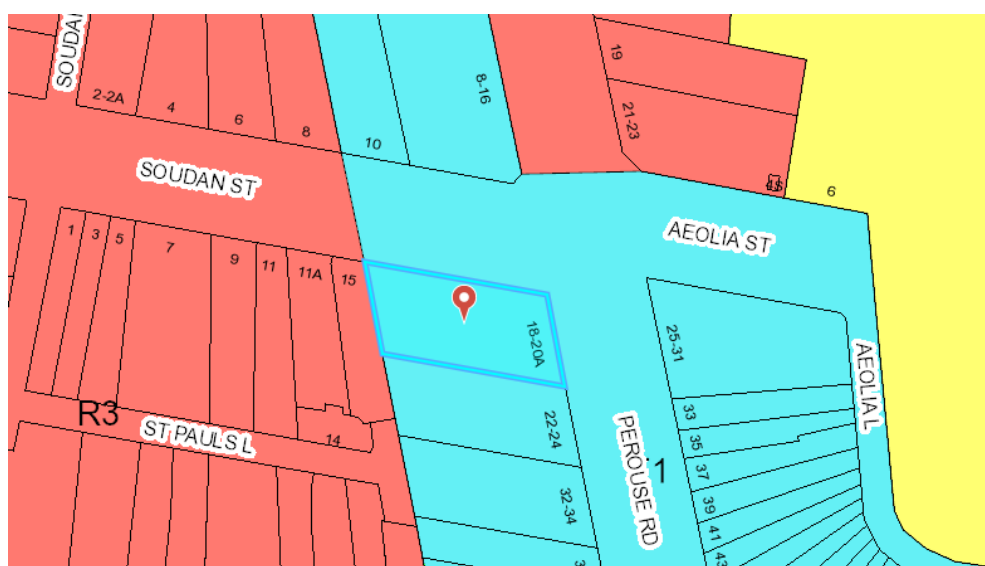


Figure 22: Subject site and Zone map – 18-20A Perouse Road, Randwick

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

Description	Standard	Proposed	Compliance (Yes/No/NA)
Clause 4.3: Height of Building (Maximum)	12m	11.9m (RL74.24-RL62.34) N.b. as per the LEP definition, building height is measured from the existing ground level.	Yes
Clause 4.4: Floor Space Ratio (Maximum)	1.5:1 Site area = 623m ² Max GFA = 934.5m ²	1.5:1 (934.4m ²) N.b. excludes basement storage, basement bin storage, plant rooms, and common vertical circulation areas do not contribute to GFA as per the LEP definition. Council is satisfied that the southern rear terrace adjoining the rear of retail 2 is not included in the GFA calculation because it is predominantly unenclosed and unroofed.	Yes

6.7.1. 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.

See Appendix 1 below for Council's Heritage referral comments.

6.7.2. *Clause 6.2 – Earthworks*

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

The development satisfies Clause 6.2(3) in that:

- Conditions of consent are imposed to minimise impact on drainage patterns, soil stability and adjoining structures.
- The proposed excavation area is across the entirety of the site to accommodate the parking and services required for the function of a shop top housing development. This is suitably scaled for the subject site. The size of the excavation does not have an adverse impact on the likely future use or redevelopment of the land.
- The site has been used for retail and office commercial uses for an extended period of time and there is unlikely to be contamination issues with the quality of the soil.
- Conditions of consent are imposed to manage demolition and waste removal.
- The proposed excavation does not have an adverse impact on the amenity of adjoining properties. The excavation is located at ground level to accommodate parking and services required for the function of a shop top housing development. The development will reduce the height of an existing retaining wall to No. 15 Soudan Street and will not impact upon No. 22-24 Perouse Road. Therefore, there is no adverse visual bulk impact.
- The proposal is unlikely to disturb relics – the site is not in a heritage conservation area nor is listed as a heritage item.
- The scale and siting of the proposal minimises impact on waterways, water catchments and environmentally sensitive areas.
- Council is satisfied that the extent of earthworks will not adversely impact the Council street trees that have been conditioned to be retained. See Landscaping referral comments in Appendix 1 of this report.
- A revised Geotechnical Report, prepared by Foundation Earth Sciences, Ref No. G675-1RevA, dated 04 October 2023, has been submitted that confirms that the proposed earthworks are capable of being implemented on site, subject to the adoption of the recommendations within. A relevant condition of consent has been recommended in the draft consent to implement these geotechnical report recommendations as part of the construction works.

6.7.3. *Clause 6.4 – Stormwater management*

Clause 6.4 requires the consent authority to be satisfied that the development in employment zones is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water; includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water;; avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact; and incorporates, if practicable, water sensitive design principles.

Council is satisfied that the proposed development will adequately address stormwater management, subject to conditions. See comments from Council's Development Engineer below in Appendix 1.

6.7.4. *Clause 6.10 – Essential services*

Clause 6.10 requires the consent authority to be satisfied that essential services are available or that adequate arrangements have been made to make them available. These services include water

and electricity supply, sewage disposal and management, stormwater drainage or on-site conservation, and suitable vehicular access.

Council is satisfied that the proposed development will provide sufficient essential services, subject to standard conditions.

6.7.5. Clause 6.22 – Development in local centres

Clause 6.22 requires the consent authority to consider that the impact of the development on the amenity of surrounding residential areas, the desired future character of the local centre, and whether the development is consistent with the hierarchy of centres.

Overall, Council is satisfied that the amenity of the adjoining R3 residential zone and residents in it will continue to receive adequate amenity in terms of the massing impacts, privacy, shadowing, and views. In addition, Council is satisfied that the proposed development is in keeping with the desired future character of the local centre is demonstrates compliance with Part D8 'The Spot, Randwick' of the RDCP 2013, compliance with B2 'Heritage' as per Council's Heritage Planner and the DEAP (see Appendix 1 for comments).

Furthermore, Council is satisfied that the development is consistent with the hierarchy of the local centre, in that the development compliments the massing of the adjoining contributory heritage building at No. 22-24 Perouse Road, as well as adequately stepped down to the single storey residential dwellings on the western side of the site. See Key Issues a detailed assessment against the planning principle for development at zone interface (*Seaside Property Developments Pty Ltd v Wyong Shire Council, 2004*).

Therefore, Council is satisfied that the proposed development complies with the relevant considerations under Clause 6.22 of the RLEP.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

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

The relevant provisions of the DCP are addressed in Appendix 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 'Matters Consideration'	4.15 for	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument		See discussion in sections 6 and the Key Issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument		Nil.

Section 'Matters Consideration'	4.15 for	Comments
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. <u>Housing and Productivity Contribution</u> Council notes that the Housing and Productivity Contribution commenced for Development Applications lodged on or after 01 October 2023. The subject development application was lodged on 27/09/2023. Therefore, the provision in relation to the Housing and Productivity Contribution are not applicable to the subject development application.
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		The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development is consistent with the dominant residential character in the locality. 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

Western Interface

Council recognises that the proposed development will have an impact on the western neighbours to the subject site. The western interface was also the area identified by the DEAP which required further attention to resolve inconsistencies, remove adverse impacts on neighbouring properties, and simplify the construction and appearance of the development.

Firstly, there are several site and locality conditions which accentuate the amenity impacts, which are as follows:

- The site has a topographical fall of approximately 2m in a westerly direction, from the Perouse Road primary frontage to the western boundary. Between the higher side of the

subject site and the lower side of No. 15 Soudan Street, the topographical fall is approximately 3m.

- The subject site is zoned E1 ‘Local Centre’ which adjoins to the western sites zoned R3 ‘Medium Density Residential’. Furthermore, these adjoining zones have the following development standards:

Site	Zone	FSR	Building Height	Heritage
18-20A Perouse Road, Randwick	E1 ‘Local Centre’	1.5:1	12m	The Spot HCA, not a contributory item.
11, 11A & 15 Soudan Street, 14 St Pauls Lane	R3 ‘Medium Density Residential’	0.75:1	9.5m	The Spot HCA, are all contributory items.

Based on these development standards, the subject site is expected to have a larger building envelope than that of the western neighbours, especially in relation to FSR, of which the subject site is afforded double the amount of floorspace than the western neighbours.

Furthermore, it is noted that whilst all sites within the locality are located within The Spot HCA, the subject site is not a contributory item. As such, there are little heritage protections on the current building from demolition. In contrast, all western adjoining neighbours listed above are all contributory items within the Spot HCA, consisting of single storey semi-detached and detached dwellings. As such, there are greater heritage protections on these current buildings from demolition and alteration.

Based on these factors, Council acknowledges that the subject site has a significant development potential as a shop top housing development with a four storey height. In contrast, the western neighbours with reduced development potential as dwellings that have heritage protections as contributory items within the HCA, which would be subject to a potential future site amalgamation to support a residential flat building with only a three storey height.

With this in mind, in terms of the proposed development, Council has considered the impacts of the development in relation to this western interface, assessed in relation to the zone interface planning principle, communal open spaces, building envelope and amenity impacts. Each has been discussed in detail below.

Zone Interface Planning Principle

In order to consider the merits of the proposed development where it adjoins a different zone with different building envelopes and development potential (in the absence of provisions in Council’s planning policies relating to development in adjoining different zones), the Land and Environment Court has established a planning principle for development at zone interface (*Seaside Property Developments Pty Ltd v Wyong Shire Council, 2004*). The followings passages from the principle outlines consideration for the assessment of proposals on land with adjoining different zones. Assessment against the planning principal is provided below:

“At a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone... Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone.”

Planner’s Comments: Council is satisfied that the proposed development recognises and takes into account the form of existing development and/or development likely to occur in an adjoining different zone. Whilst residential flat buildings with a three storey height would be expected within the R3

Zone adjoining the subject sites/zone to the west, the current site conditions make this difficult due to the existing dwellings being contributory items within The Spot HCA. The proposed development responds to the existing conditions of the neighbouring dwelling houses, considering the proposed building envelope and mitigation of amenity impacts.

The bulk of the proposed building is located within the centre of the site where the main building height is setback between 5.12m-10.1m to the western side boundary. The building steps down from the section of the building fronting Perouse Road to articulate the massing and respond to the topography of the site. Overall, the development generally complies with the building envelope controls (except for the side setback, see assessment below).

In terms of the existing conditions, the most impacted neighbour will be No. 15 Soudan Street, who shares the common western side boundary of the subject site. Due to the topographical fall and the difference in FFL between these sites, there is currently a retaining wall with an approximate height of 1.5m along this boundary. See Figures 23 and 24 below for reference.



Figure 23 & 24: Photos of the existing retaining wall along the western side boundary and the neighbouring dwelling at No. 15 Soudan Street – 18-20A Perouse Road, Randwick (Source: Randwick City Council)

The proposed development seeks to remove the upper section of the retaining wall and reduce the FFL of the site to RL61.44, which will be only 610mm above the FFL of the side passage to No. 15 Soudan Street (RL60.83). The development will also demolish the existing single garage located along the side boundary and replace it with a retaining wall to the same 610mm height.

Overall, Council is satisfied that this will improve the visual amenity of the adjoining neighbour at No. 15 Soudan Street in reduce the visual bulk along the side boundary. In terms of other amenity impacts, Council is satisfied that the visual bulk, privacy, solar and view impacts have been adequately addressed as part of this proposed development, as outlined in detail below.

Therefore, Council is satisfied that whilst the proposed development will have some impact on the western adjoining neighbours, however the changes to balconies and reduced built form have provided an appropriate transition to the R3 Zone.

“In considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.”

Planner’s Comments: Council acknowledges that in considering the likely future character of development in the adjoining R3 Zone, the subject site may not be able to achieve the full potential otherwise indicated by the applicable development standards. In accordance with the RLEP, this relates mainly to building height and FSR. The proposed development complies with both development standards, with a maximum building height of 11.9m (12m development standard) and FSR of 1.5:1 (1.5:1 development standard). Council notes that based on this, the proposed site achieves the maximum potential of the site in terms of applicable development standards.

In terms of ‘the likely future character of development on the other side of the interface’, the R3 Zone permits residential flat buildings as a building type. However, in this instance, Council recognises that as outlined above, that sites No’s 11, 11A & 15 Soudan Street, and No. 14 St Pauls

Lane are all noted as contributory items within the Spot HCA. Therefore, it is conceived in this context that the likely future character of development on the western side of the interface is likely to remain as the existing dwellings.

Therefore, in considering that the likely future character of development on the western side of the interface within the R3 Zone is likely to remain as existing, and that the proposed development is satisfactory in terms of building envelope and amenity impacts (as detailed below), Council is supportive of the proposed development in achieving its development potential in accordance with the building height and FSR development standards.

“Any design for a proposed new development, whilst it need not be subservient it must nevertheless take into account and be sensitive to this existing and likely future character and development on these close-by lands.”

Planner's Comments: As noted above, Council is satisfied that the proposed new development takes into account and is sensitive to the existing and likely future character and development on adjoining lands to the west within the R3 Zone. As noted above, the building envelope has been amended to respond to the western interface issues under previous schemes. These amendments have also minimised the adverse impacts of the development on the amenity of these adjoining neighbours (relocation of balconies and an increased podium setback - as detailed below).

Conclusion: In summary, Council is satisfied that the proposed development has been designed to take into account the zone interface it shares with the western adjoining neighbours within the R3 Zone. Through plan amendments, the development has been revised to minimise environmental impacts via plan amendments and is recommended for approval, subject to conditions. Therefore, Council is satisfied that the proposed development has demonstrated general compliance and consideration of the zone interface planning principle in *Seaside Property Developments Pty Ltd v Wyong Shire Council, 2004*.

Communal Open Space and Deep Soil

In accordance with the design criteria outlined in Objective 3D-1 of the ADG, communal open space (COS) is required to have a minimum area equal to 25% of the site. The subject site has an area of 623m². Therefore, an area for communal open space of 155.75m² is required for this site.

The proposed development has a designed for communal open space along the western side of the site, with an area of only 9.7% (or 60.2m²). This non-compliance represents a variation of 15.3% of the design criteria, which is a significant variation. See Figure 25 below.

It is noted that the proposed communal open space will receive 2hours of direct sunlight during the middle of the day, in accordance with the ADG.

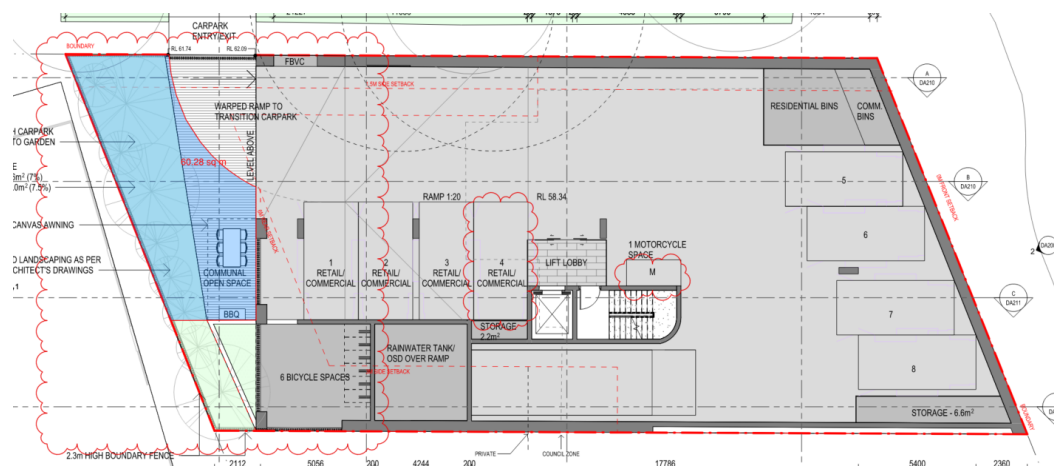


Figure 25: Proposed basement 1 floor plan with the communal open space shaded in blue - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

Council acknowledges that the site is located within a busy local centre with easy connection to local parks and natural recreational environments in the locality. It is also noted that the POS balconies to each unit is larger than required under the ADG, which provides residents with a greater POS area to address some of the COS deficiencies.

That being said, such a significant variation to the design criteria control does have adverse impacts on the amenity of future occupants in the building. The allocated COS area is located adjacent to the building's parking entrance. Access to this area is only provided internally within the building via the building core and walking through the parking area. Council is concerned that the COS is not easily accessible and is compromised in size, noting that the deep soil zone adjoining the western interface will be landscaped with sufficient planting to provide supplementary privacy screening measures to the adjoining neighbour.

Subsequently, there are opportunities to increase the size of the communal open space without impacting upon the amenity of the site as well as the impacts on the western adjoining neighbours. The area to the south of the COS is made up of a raised planter box and a large area for bicycle parking (see highlighted in pink in Figure 26 below).

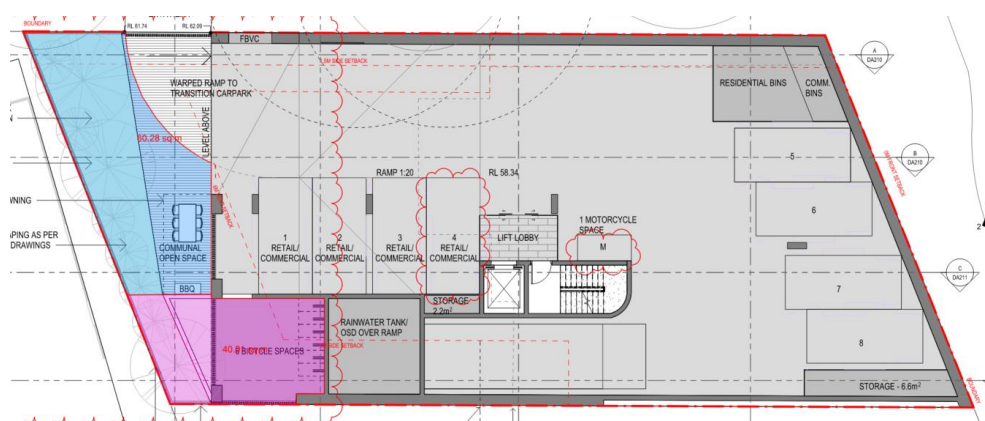


Figure 26: Proposed basement 1 floor plan with the additional communal open space shaded in pink - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

There is scope to relocate the bicycle parking spaces within the basement 1 level and delete the planter to convert this area into an additional area for COS for the building occupants. Whilst part of this area will be roofed and be enclosed with fencing along the boundary to 2.3m (500mm from a retaining wall and 1.8m for the boundary fence), the allocation of this area to more COS supports further areas for building occupants to gather and undertake social interactions.

Therefore, a condition of consent has been recommended to relocate the bicycle parking within the basement 1 level (with close proximity to the building core), delete the planter and convert the area into COS with the additional of facilities within the bicycle storage area, to be confirmed by the applicant and approved by Council prior to the issue of a Construction Certificate.

This additional 40m² of COS will increase the overall amount of COS to 16.1% (or 100.2m²) of the site area. Whilst this still represents a shortfall with the design criteria by 8.9%, Council accepts that the site is within an economic zone that has good proximity to public open space and facilities, either by foot or bus. The size of balconies to all units are also more generous than 12m² requirement in the ADG.

Furthermore, in order to provide greater access to the COS for future occupants, a condition of consent has been recommended that a pedestrian access door be provided to the Soudan Street side of the site, to the west of the carpark entrance. This will provide greater access to the COS directly from the street and improve the amenity of the COS for the future occupants. It will also provide a further access to the building core without impacting upon the security of the building.

Council acknowledges that this may increase some noise impacts to the adjoining western neighbour at No. 15 Soudan Street, the COS does not adjoin their main POS area at the rear of the site. This was also raised as a concern by the DEAP, which recommended increased separation to

achieve acoustic separation between the open basement and the adjoining property at 15 Soudan Street. The amended scheme has reinstated a privacy screen to part of the western side of the basement 1 parking level, which will reduce noise and light spillage. The nominated fencing and planting along the western interface will provide sufficient screening from any noise impacts. However, in order to control noise impacts into the nighttime, an operational condition of consent has been recommended that the COS is only to be used between 7am to 10pm (Monday to Sunday inclusive) to reduce impact on the adjoining residential neighbours.

It is noted that the site complies with the 7% deep soil zone design criteria in accordance with Objective 3E-1 'Deep soil zones' of the ADG. However, the DEAP recommended that proposed rear western, deep-soil setback to be increased to a minimum of 5m running parallel to the western boundary. The revised deep-soil setback as provided in the amended plans should be densely planted with significant indigenous trees.

As the site is located within a local centre, the Part D8 section of the DCP, for which the development is assessed against, does not include any additional requirements in terms of additional deep soil zones. This is based on the understanding that in The Spot local centres that there is less of a need for deep soil zones to balance the built form on the site. The planting within the western deep soil zone area provides sufficient landscaping needs for the site. See Landscaping referral comments for further details in Appendix 1 of this report.

Council notes that the DEAP also included comments to consider whether a roof terrace additional COS would be appropriate on the site. Council assessment staff noted that the addition of a roof terrace for COS would have detrimental amenity impacts on the locality, especially to those along the western interface. Furthermore, the addition of a roof terrace would compromise the number of design elements contained on the roof including skylights and air-conditioning units, of which are not visible from the streetscape and contribute to the amenity of the site. Furthermore, as noted above, sufficient area has been extended within the western interface area and access to sufficient public open space and facilities are provided within the wider local centre. Therefore, the roof terrace for COS is not supported and has not been incorporated into the design amendments.

Building Envelope and Amenity Impacts

In considering the western interface, Council has reviewed the proposed building envelope and the relationship it holds with the dwellings in the R3 Zone to the west.

As noted above, the proposed development complies with the RLEP development standards in relation to building height and FSR. The proposed maximum building height is 11.9m (complies with 12m development standard) and proposed FSR is 1.5:1 (complies with 1.5:1 development standard).

In terms of the external wall height, The Spot DCP section does not include controls relating to external wall height controls. In this instance, Council has considered control 4.4(i) in the Part C2 'Medium Density Residential' section of the RDCP as a guide to control the external wall height of the proposed development. Control 4.4(i) requires that where the site is subject to a 12m building height limit under the LEP, a maximum external wall height of 10.5m applies.

The proposed development includes an external wall height of 11.15m at the north-eastern corner of the building and an external wall height of 11.6m at the south-western corner of the building. Council is satisfied that the north-eastern section is acceptable in that the proposed building accounts for a wall parapet section that is in keeping with the objectives and controls in The Spot DCP. Council's Heritage Planner is also supportive of this façade in terms of its integration within The Spot HCA from the perspective of the commercial frontage.

For the south-western corner of the building, the applicant has provided the following justification:

"The non-compliance at the rear of the building is adjacent to the zone boundary with the low density residential zone to the west of the site and the height of the external wall height exceeds the 10.5m control by 1.1m. It is important to acknowledge that this element of the building has been specifically designed to increase the separation between the proposed development and the adjacent low rise residential development to the west of the site. It can be argued that the minor breach of the external wall height in this location reflects an

intention to maintain the amenity of the adjacent dwellings in Soudan Street. Importantly, it should be recognised that the applicant was requested to condense the development in the vicinity of the site's south western corner to provide for greater amenity to the occupants of the dwelling at No 15 Soudan Street. There are no adverse impacts arising from the external wall height non-compliance, in particular overshadowing or loss of privacy to adjoining properties."

Council agrees with the applicant that the building envelope responds to the hierarchy of the zone interface, is in keeping with the scale of newer development to Perouse Road for this site and does not adversely impact upon the amenity of the western residential dwellings (as detailed below). Therefore, Council is satisfied that the external wall height of the building is acceptable in this instance.

In terms of setbacks, control 7.1(i) of the Part D8 'The Spot, Randwick' of the RDCP, requires new development adjoining residential dwellings to be confined within the building height plane, being 45 degrees above 8m.

In terms of the ADG, design criteria 3F-1(1) requires that the minimum required separation distances from buildings to the side and rear boundaries are 6m for habitable rooms and balconies, up to 12m in height (or 4 storeys).

The proposed development is mostly contained within the building height plane, in accordance with the provision in this control. Figure 27 below shows that only a small portion of the building fails to comply with the building height plane.

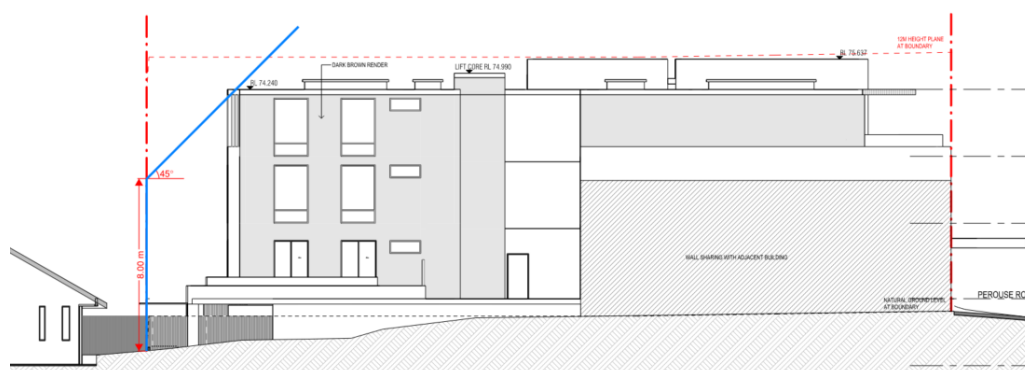


Figure 27: Proposed southern elevation showing the DCP building height plane in blue - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

Council notes that this section of non-compliance is only minor, as the setback to the western boundary to the proposed building varies between 5.12m to 9.32m. This accounts for the angled western boundary line to the site and the positioning of the building in proximity to it. See Figure 28 below to demonstrate the western setbacks at different points to the building.

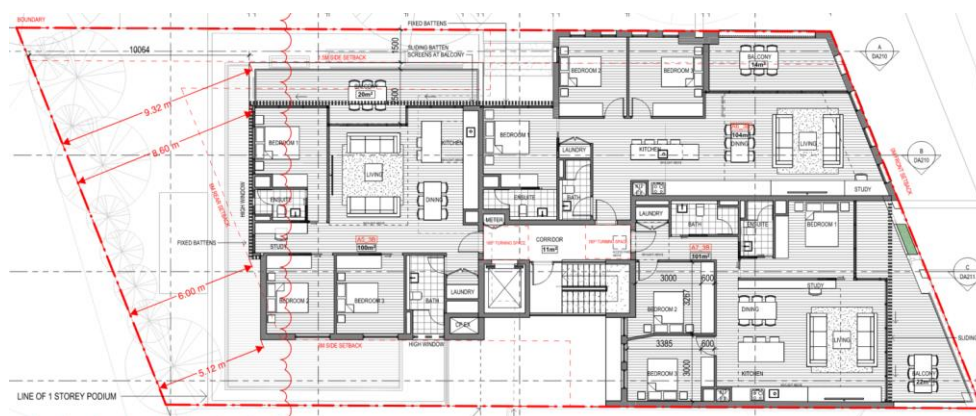


Figure 28: Proposed level 3 floor plan showing side setbacks in red - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

The following amenity impacts have been considered:

- Visual bulk: as noted above, Council is satisfied that the proposed development will reduce visual bulk to the adjoining western neighbour at No. 15 Soudan Street, particularly along the shared boundary with a reduced retaining wall height and amended podium setback. Additionally, the building will not appear overbearing or dominant over dwellings in the locality, in that it will share a similar bulk to the new development at No. 32 Perouse Road. Planting has been used along the western side boundary and to the Unit 1 terrace podium to further reduce the visual impacts of the building and structure as a well as the landscaping at grade along this boundary interface.
- Privacy: No windows are located within the non-compliant section of the building. Windows that are located on the western side of the building are staggered and elevated above the windows to the eastern side of 15 Soudan Street. Planting along the western boundary and in the planters will provide supplementary privacy measures. As such, Council is satisfied that overlooking from the building will not result in adverse privacy impacts.
- Solar: The minor non-compliance with the building height plane control will not result in adverse solar impacts, noting that the adjoining western sites will continue to receive adequate solar access from the north, with overshadowing from this development only in the morning period.
- Views: No neighbours enjoy any significant views within the area of which this development will impact upon.

Therefore, Council is satisfied that this minor non-compliance does not have any visual bulk, privacy, solar or view impacts to adjoining neighbours.

Council notes that Objective 3F-1 of the ADG includes the following design guidance:

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)

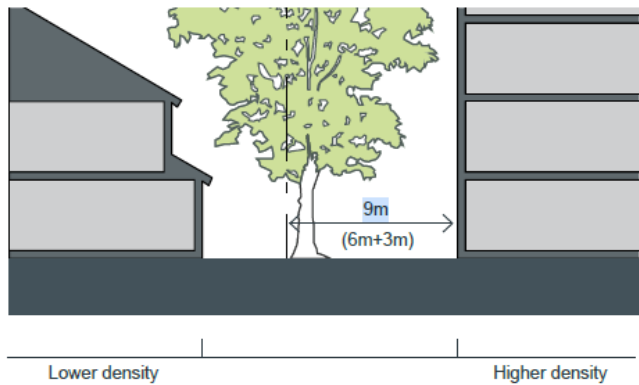


Figure 3F.5 To resolve amenity impacts, apartment buildings should increase the building separation distance (+3m) when adjacent to a different zone that permits lower density residential development

Figure 29: Design guidance diagram in relation to apartments adjoining lower density development (Source: Apartment Design Guide)

In accordance with the ADG, design guidance provides advice on how the objectives and design criteria can be achieved through appropriate design responses, or in cases where design criteria cannot be met.

Council is satisfied that the proposed development adequately responds to the hierarchy of the local centre in relation to the zone interface with the R3 Zone to the west. Amendments to the scheme have increased the separation of the building and podium to the western dwelling houses. Along the secondary frontage, the building is setback 8.76m from the western boundary. The proposed building also terraces down, following the topography of the site. In terms of the streetscape, the proposed building is well considered within the context of the Spot HCA and positively contributes to the character and scale of development in the locality. It is noted the building envelope generally complies with the building height plane in accordance with Part D8 of the DCP, which is site specific to The Spot.

Strict compliance with the above design guidance would dramatically impact upon the amenity of the site and future occupants to the western units without reducing any significant adverse impacts upon the adjoining neighbours. As noted above, Council is satisfied that the proposed development has minimised amenity impacts on the residential dwellings in the locality in terms of visual bulk, privacy, solar and views (subject to conditions regarding the reduction of the Unit 1 balcony, see below).

Therefore, Council has considered the design guidance and in this instance, notes that it would not be applicable in the context of the site.

In terms of the Unit 1 balcony, it does breach the 6m setback design criteria in the ADG. The proposed balcony is located within a podium structure that has a nil southern side setback and 1.91m western side setback, with a planter to the perimeter of the structure. The southern edge of the southern portion of the balcony is only setback 850mm to the southern boundary and 2.98m to the western boundary.

Council is satisfied that the balcony does not overlook the southern neighbour as the balcony is located adjoining a single commercial storey building, which prevents any overlooking. However, Council is concerned that the balcony will overlook the adjoining western neighbour's rear yard. Furthermore, Council is concerned that the 2.17m x 7.81m southern terrace is large enough to hold a number of occupants that will result in acoustic visual impacts on the western adjoining neighbour. See Figure 30 below.

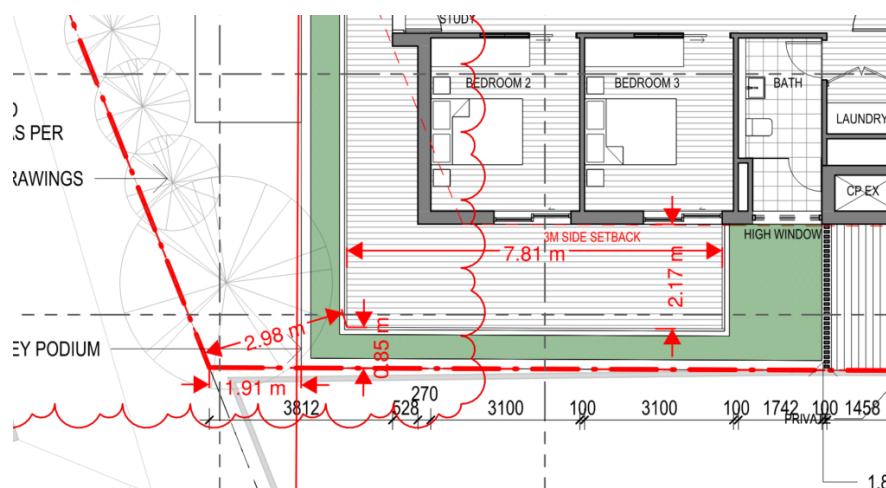


Figure 30: Proposed Unit 1 balcony with Council measurements in red - 18-20A Perouse Road, Randwick
(Source: Curzon & Partners)

As a 3-bedroom apartment, Unit 1 only requires 12m² of balcony POS space. The proposed development includes a balcony area of 62m². The front terrace to the north adjoining the main living room has an area of 23m², which alone far exceeds the 12m² ADG requirements.

Therefore, in order to reduce privacy impacts to the western adjoining neighbour, a condition of consent has been recommended to reduce the width of the terrace adjoining the western side of bedroom 2 and southern side of bedroom 2 & 3 to a maximum width of 1m from the external façade wall. The setback balcony area is to be integrated into an extended planter area. This will reduce the use of this area and privacy impacts it will have on the western adjoining neighbour whilst

providing some direct outdoor access from the bedrooms that will provide sufficient amenity and access to maintain the large planters. A 1m balcony width will restrict extended periods of overlooking and noise impacts upon the western adjoining neighbour.

Whilst the balconies will still encroach upon the 6m setback area to the western boundary, privacy impacts have been minimised upon adjoining residential neighbours. Planting within the raised podium planters and to the western deep soil zone on the basement level 1 below will provide supplementary privacy measures to protect the western adjoining neighbour.

Council notes that a small section of the northern terrace is only setback 1.1m from the northern side boundary. Council does not support this small section protruding forward as it will impact upon the streetscape and built form of the building. A further condition has been recommended that front terrace section is to be setback 1.5m from the northern boundary, with the area to be integrated into an additional planter zone. The front terrace will retain 20m² in size (excluding the area of the terrace to the western and southern side of the unit layout. See Figure 31 below, with areas retained in blue and reduced in red.

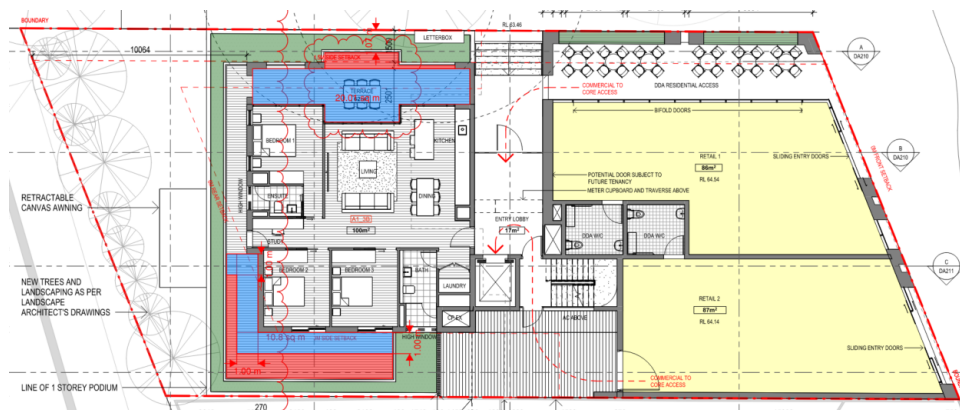


Figure 31: Proposed level 1 floor plan showing the reduced balcony to Unit 1 with various markings - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

Subject to these recommended conditions, Council is satisfied that the privacy and streetscape impacts of the development have been minimised to protect the amenity of the adjoining residential neighbours. Therefore, the proposed building envelope as modified is supported.

Conclusion

Based on the detailed assessment outlined above, Council is satisfied that the proposed development has been designed to address the western interface between different zones with different built forms in the locality. Subject to conditions relating to the increased the size and access to the COS area and the Unit 1 balcony design, Council is satisfied that the proposed development will integrate into The Spot HCA without adversely impacting upon the amenity of the low-density dwellings to the west of the site along Soudan Street.

Retail Premises

The proposed development seeks consent for x2 separate retail premises fronting Perouse Road. As noted previously, in accordance with the Land Use Table and definition in the RLEP, 'retail premises' are a type of 'commercial premise' required in order to satisfy the definition of 'shop top housing'.

The proposal does not specify the type of retail premises being sought consent for, consent for the fit-out of the premises or any operational use requirements for these premises including but not limited to patron and staff capacities, and hours of operations. The proposal is only seeking consent for the general retail use of these areas, which will be subject to subsequent approvals.

Therefore, in order to confirm the scope of the works being sought for the retail premises, a condition of consent has been recommended to confirm that no consent has been provided for the fit out and

operational use of the premises including patron and staff capacities, and hours of operations. Any future occupancy of the x2 retail premises will be subject of a future consent via a new development application or complying development certificate (as appropriate).

Council also notes that the proposed development includes an unroofed terrace area at the rear of the retail 2 premise, adjoining the southern side of the building and boundary line. The use of this area is not clear under the proposal. The applicant has not included this area as part of the floor area of the retail premises. Council is concerned that the terrace area may be used as an extension of the retail premises which will impact upon the amenity of neighbouring dwellings. Based on the plans, it seems that the terrace area is a service area to access the main building core. Therefore, a condition of consent has been recommended to confirm this terrace area shall be used as a retail service area only for the building. Any consent to use this area as an extension of the retail 2 tenancy will be subject of a future consent via a new development application or complying development certificate (as appropriate).

Finally, Council notes that the proposed development includes a notation on the western wall of the retail 1 premises for 'potential door subject to future tenancy'. This has been added as required by the DEAP for direct internal access between the retail premises and the building core. In addition, the DEAP raised a recommendation that the configuration of the external ground floor terrace associated with the Retail 1 tenancy requires further consideration in relation to DDA access requirements. In order to address these concerns, a condition of consent has been recommended that this 'potential door' section of wall be constructed as a non-structural wall to futureproof the development and secure internal access subject to operational requirements of a potential retail tenant. In addition, Council is satisfied that the DDA access of the building core via Perouse Road is satisfactory, subject to BCA compliance to be demonstrated at the Construction Certificate stage of the development via recommended consent conditions.



Figure 32: Proposed level 1 floor plan showing the retail premises with the service terrace and potential future door in a red bubble - 18-20A Perouse Road, Randwick (Source: Curzon & Partners)

Subject to the above recommended conditions, Council is satisfied with the proposed retail premises.

9. Conclusion

That the application for demolition of existing buildings and construction of a 4-storey mixed-use development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision, be approved (subject to conditions) for the following reasons:

- The proposal needs to adequately address the potential site contamination issues with a Detailed Site Contamination Investigation Report and potential Remediation Action Plan (RAP), via consent conditions requirements.
- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.

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- The proposal is consistent with the specific objectives of the E1 Zone in that the proposed activity and built form will provide for the retail and housing needs of the community whilst contributing to a vibrant and active local centre with retail to ground floor of buildings and a high urban design and the aesthetic character and will protect the amenity of the nearby residents.
- The scale and design of the proposal is considered to be suitable for the location, is compatible with the desired future character of the locality and satisfies the planning principle for development at zone interface (*Seaside Property Developments Pty Ltd v Wyong Shire Council, 2004*).
- The building to be demolished is a non-contributory building in the conservation area and will be replaced by an appropriately designed infill building.
- Several non-standard conditions have been included to increase the size and accessibility of the communal open space, reduce the size of the balcony to Unit 1, and confirm the use of the x2 retail premises.

Appendix 1: Referrals

1. External Referral Comments:

1.1. Ausgrid

Ausgrid has confirmed the proposed development is satisfactory and raises no objections to the development, subject to conditions relating to Section 73 Compliance Certificate and Building Plan Approval requirements. These subject conditions have been included in the draft development consent.

1.2. Design Excellence Advisory Panel (DEAP)

The 27/05/2024 amended DA scheme was referred to the DEAP for advice concerning the design quality of the development. The DEAP confirmed the proposed development is satisfactory, subject to further amendments (some of which have been incorporated into the final set of architectural plans for determination). The provided comments are as below:

“1. Context and Neighbourhood Character

- The site is located on the corner of Perouse Road and Soudan Street and is located within a heritage conservation area. The site forms a transition from the shopping street (Perouse Road) to a predominantly single-storey residential street to the west (Soudan Street).
- The panel had previously suggested a more sensitive driveway configuration and western rear setback to provide an improved response to the transitioning context. It appeared this advice had not been considered.
- It is recommended that the proposed rear western, deep-soil setback be increased to a minimum of 5m running parallel to the western boundary. This will also help achieve compliance with the SEPP 65 deep-soil requirements.
- Further coordination is required to achieve acoustic separation between the open basement and the adjoining property at 15 Soudan Street.

2. Built Form and Scale

- The propose scheme achieves compliance in relation to the 12m LEP maximum HOB; however there are a series of non-compliances in relation to the 10.5m wall height limit. Given the parapet height sits well within the corner context of the street and assists in establishing a visual gateway when travelling south along Peruse Road the non-compliance can be supported; however further coordination is required to demonstrate no adverse impact on adjoining neighbours.
- It is noted that the proposal provides minimal communal open space and it is recommended that the introduction of a communal rooftop terrace is explored as part of the DA submission.
- The external ground floor terrace associated with the Retail 1 tenancy is well considered and generally supported due to its contribution to corner activation along Soudan Street.

3. Density

- The proposed density of FSR 1.5:1 is acceptable and generally supported provided the Panel's other comments are addressed.

4. Sustainability

- It is noted that the introduction of a communal rooftop terrace could also provide opportunities for green roofs and the introduction of rooftop solar panels. Further consideration is required and input sought from a qualified landscape architect.

5. Landscape

- The revised deep-soil setback should be densely planted with significant indigenous trees. This area should also be explored as an additional communal open space, to satisfy the communal open space requirements. Access could be achieved from the lobby space on the ground floor level, via a communal stair.

- The three street trees within the road reserve on Soudan Street are Council assets, and significant to the streetscape. They should be preserved, and adequate protections put in place throughout construction to ensure their well-being.
- Elevated planters must be designed with sufficient width and depth of soil (600mm minimum for low planting, more if large shrubs and trees are proposed).
- All planters must be accessible for maintenance, and incorporate sufficient drainage and irrigation systems to ensure viability.

6. Amenity

- The units achieve compliance in relation to amenity and are generally well laid out.

7. Safety

- The configuration of the external ground floor terrace associated with the Retail 1 tenancy requires further consideration in relation to DDA residential access.
- An internal access door should be included in the Retail 1 tenancy to allow direct core access without relying upon the external terrace.

8. Housing Diversity and Social Interaction

- Not discussed during meeting.

9. Aesthetics

- The improvements to articulation of the overall form and materiality are supported by the panel. The brick detailing and articulation of the street façade work well.

SUMMARY AND RECOMMENDATIONS

- The rear of the complex needs much more detail design attention, to resolve inconsistencies, remove adverse impacts on neighbouring properties, and simplify the construction and appearance of the development.
- The basement parking and access should be designed by a qualified traffic engineer to create a more efficient layout, allowing some of the built bulk to be removed from rear of the building.
- The proposed rear western, deep-soil setback to be increased to a minimum of 5m running parallel to the western boundary. The revised deep-soil setback should be densely planted with significant indigenous trees.
- Further coordination is required to achieve acoustic separation between the open basement and the adjoining property at 15 Soudan Street.
- It is noted that the proposal provides minimal communal open space and it is recommended that the introduction of a communal rooftop terrace is explored as part of the DA submission.
- It is noted that the introduction of a communal rooftop terrace could also provide opportunities for green roofs and the introduction of rooftop solar panels.
- The configuration of the external ground floor terrace associated with the Retail 1 tenancy requires further consideration in relation to DDA access requirements.
- An internal access door should be included in the Retail 1 tenancy to allow direct core access without relying upon the external terrace."

2. Internal Referral Comments:

2.1. Heritage Planning

Council's Heritage Planner has confirmed the proposed development is satisfactory and provided the following comments:

"Comments

The following comments are based on the advice provided for PL/20/2023

- *The proposed development of a new building (infill development) appears to respect its context in keeping with the street's established setbacks, scale, form, and materiality.*

- In accordance with Burra Charter's principles the fill building appears to be clearly seen as a new building and does not attempt to replicate or copy traditional detailing.
- The proposal has addressed in the Statement of Heritage Impact (SOHI) the potential impacts of the development on the heritage items in the vicinity of the subject site and the HCA and demonstrated the measures taken to minimise the impact.
- There is a concern that views from west elevation balconies may have privacy impact on the neighbouring properties in Soudan Street. Introducing privacy screens for the entire length of balcony may have adverse visual impact on the views from the street. Please request further information and clarification to demonstrate that visual privacy is achieved.
- There is also a concern that the proposed tree planting and soft screening along the west boundary may not be feasible due to lack of solar access and be mostly in the shade. Soft screening is a more desirable option to provide privacy and supported from a heritage perspective subject to Council's Landscape Officer advice.

Recommendation

The proposed development can be supported from a heritage perspective."

2.2. Development Engineering

Council's Development Engineer has confirmed the proposed development is satisfactory and provided the following comments:

"An amended proposal has been received to relocate upper level balconies to the secondary street frontage, along with landscaping improvements and internal reconfigurations within basement levels. Original Proposal: Demolition of existing buildings and construction of a 4-storey mixed-use development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision.

This report is based on the following plans and documentation:

- Architectural Plans by Curzon + Partners, dwg's DA000 – DA406, revisions E – M and stamped received by Council 19 June 2024;
- Statement of Environmental Effects by Planning Ingenuity, ref M230373 dated 21/09/23;
- Detail & Level Survey by Daw & Walton Consulting Surveyors, job 21019, rev E dated 27/03/24;
- Landscape Plans by Andrew Higginson Landscape Architecture Pty Ltd, dwg's LP01 – 04, Issue D dated 20/06/24;
- Arboricultural Impact Assessment by TALC dated 13/09/23

General Comments

No objections are raised to the proposal subject to the comments and conditions 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 Soudan Street and/or to a suitably sized infiltration area.

Should the Stormwater be discharged to Council's street gutter an onsite stormwater detention (OSD) system will be required for this development.

Flooding Comments (not impacted)

The site lies within the catchment for a Council commissioned and adopted Flood Study. The study does not predict the site will be impacted by flooding for all storm events up to and including the 1% AEP (1 in 100yr) storm event and the property has not been tagged as a "flood control lot".

No flood controls are therefore applicable and there are no objections to the proposal from a flooding perspective.

Parking CommentsUnder Part B7 of DCP

Parking Requirements for the future development will be assessed as per the following applicable parking rates specified in Part B7 of Randwick Council's Development Control Plan 2013.

- 1 space per 2 studio units
- 1 space per 1 bedroom unit
- 1.5 spaces per 3 bedroom unit
- 1 visitor space per 4 units (but none where development is less than 4 dwellings)
- 1 space per 40m² for the first 80m² for cafes and restaurants.

Parking required under DCP = $(7 \times 1.5) + 7/4$ (visitor) + 4 spaces for the proposed cafes/restaurants.
= 17 spaces

Parking proposed = 17 spaces

Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

Motorbike Parking Required = 0.05×17
= 1 space

Motorbike Parking proposed = 1 space

Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units.

For Business and Retail bicycle parking to be provided at 1 space per 10 parking spaces.

Bicycle Parking Required = $(7/2 + 7/10) + 1$
= 6 spaces

Bicycle Parking proposed = 6 spaces

Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

Undergrounding of site feed power lines

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 power pole in Perouse Road 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 submitted with the application shall not be approved as part of

this consent as it does not meet Council requirements. Development Engineering has included waste management conditions in this report requiring a new waste management plan to be approved prior to commencement of any works.

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

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

Comments on the number of Waste Bins

Appendix 3 in Part B6 of Council's DCP specifies a waste bin requirement rate for residential flat buildings houses of 1 x 240L bin per 2 rooms for normal garbage and 1 x 240L bin per 2 rooms for recycling.

i.e. Garbage/recycling Bins Required = Number of units 7/2 (rounded up to nearest whole number))

There are no specific requirements for green waste in Part B6 of the DCP however since March of 2021 Council has introduced a Garden Organic Food organic (FOGO) collection service. As some landscape areas are also proposed it is recommended that a minimum of ?? x 240L bins also be provided for FOGO.

Total Number of residential bins required = 4 (normal) + 4 (recycling) + 1 (FOGO)
= 9 x 240L BINS"

2.3. Landscaping

Council's Landscaping Officer has confirmed the proposed development is satisfactory and provided the following comments:

"Tree Management Comments

The only vegetation that requires assessment for this application are the three mature trees located on the Soudan Street verge which are automatically protected by the DCP due to their location on public property, and comprises from east to west, a large, 15m x 15m Cinnamomum camphora (Camphor Laurel, Tree 1 in the Arborist Report), which is closest to the corner of Perouse Road and also in the widest section of this verge, whose trunk is close to the kerb, with numerous large structural roots observed at surface level throughout this area.

It has a presence in the streetscape given a combination of both its size and prominent, corner position, with a public footpath to both its east and south and an existing brick wall/fence also to its south, with the concrete surfacing within the northern side setback of the development site noted as being at a higher ground level than where the tree is growing, with all of these surfacing and structures likely to have acted as a physical barriers to some degree to either re-direct or restrict root growth in these directions.

While there are no external civil works that will pose a direct threat to this tree, piling for the new basement level along the northern site boundary will be performed within its TPZ, but for the reasons given immediately above, the encroachment attributed to this should be regarded as 'theoretical' rather than 'actual', as the tree would have already grown and adapted in response to these existing surfacing and structures, meaning that any root disturbance is anticipated to be an amount this tree could sustain, particularly given the high tolerance of this species, so relevant protection conditions and a bond have been imposed, along with those that allow minimal clearance pruning, only by Council and wholly at the applicant's cost, prior to the commencement of works so as to avoid damage and assist with access, deliveries and similar.

The Landscape Plans indicate the intention to replace the existing poor grass cover that surrounds the base of this tree with low growing mass-planting to improve appearance of the streetscape, and whilst Council is supportive of this initiative, conditions simply require that this be wholly at the applicant's cost, who must also meet any of Council's requirements for works on public property.

Downhill to its west where the verge narrows in width are two 15m tall Casuarina cunninghamiana (River She Oaks, T2-3) being one halfway along the length of this frontage, adjacent the northwest corner of the existing building, then one just to the east of the recently constructed, most eastern of the two vehicle crossings, both of which display good health and condition, are an endemic species to the LGA, with other similarly sized examples noted further to the west on this same side of the street, indicating they may be part of an earlier group planting.

Surface roots from the most eastern of these two She Oaks were observed to have grown out to the north, encasing the kerb and into the gutter where they then extend further to the west (refer photos at D05375266), with Council's Development Engineer advised that it would not be possible to simply cut this section of roots out given how close they are to the trunk as they are critical to its health and stability, so any re-construction of the kerb in this area will need to factor this in by retaining this part in-situ, with any new sections of kerb and gutter to then be matched into either side of the roots.

For the most western street tree (She Oak, T3), the footpath to its south as well as the layback and vehicle crossing to its west were both re-constructed/upgraded in October/November 2022, with the driveway measured on site to be a distance of 3200mm from the outside of its trunk at ground level, with another crossing and free-standing garage also noted hard up against the western site boundary, all of which will be demolished under this proposal.

When scaled off the Basement Level 1 and Ground Floor Plans (dwg's DA101-102), the new vehicle crossing will now be provided further to their west, at a greater offset of around 6500mm from T3, which is double what is currently provided, so will be sufficient to avoid root damage from this one component, particularly given that only shallow excavations of around 150mm in depth area required, so no major impacts are anticipated from these external civil works.

However, the main threats to T2-3 are the same as what was identified for T1, being piling for the northern basement wall, and while it is anticipated that the existing structures and surfacing would have minimised root growth in this area (for the same reasons already given earlier), the site inspection did note that both of their southern aspects will require a greater detail of clearance pruning than T1, but as this species is tolerant of this, conditions specify the extent allowable, as well as the fact this can only be performed by Council, wholly at the applicant's cost, and prior to the commencement of works.

Despite the Architectural & Landscape Plans as well as the Arborist Report all noting T2-3 for removal and replacement, enquires with Council's Supervisor Tree Services confirmed that as they are established elements in the streetscape, with no record of excessive maintenance issues or requests, their retention must form part of any development consent, so relevant protection conditions and a bond have been provided on that basis.

There is no significant vegetation within this development site that would pose a constraint in any way to this proposal, and while the perimeter Bamboo around the rear setback assists with screening and privacy, they are an invasive and problematic species, which are exempt from Council's DCP, meaning they could already be removed at any time, without consent, irrespective of this application, so the relevant consent has been provided in this report.

The full width footpath in Perouse Road was previously upgraded with an exposed aggregate finish, feature banding and saw cuts, with the standard engineering conditions being sufficient to ensure that any damage caused here as a result of the works will be suitably repaired at the applicant's cost, and while the footpath and kerb and gutter along the length of Soudan Street will need to be completely re-constructed, the street tree protection conditions included in this report will manage this component of works.

Landscape Plans

The current scheme provides a strip of deep soil in the rear setback across the full width of the site, varying in width between 1700mm at the southern boundary which then expands out to 4500mm at the northern boundary, with the revised Landscape Plans nominating three native canopy trees here which are capable of achieving a mature height of 8-10m, together with supplementary screen planting to a height of 4m and various other under-story type planting which should result in a lush, layered appearance, that will assist with screening, privacy, separation and amenity for both future occupants of the development site as well as the neighbours at a lower ground level to the west, 15 Soudan Street.

Despite the external terraces and podium planters to be provided between the Basement and Level Three being reconfigured to now increase the amount of plant material, which is a significant improvement when compared to both the current situation and past schemes, as well as achieving compliance with Objective 3E of the ADG by providing at least 7% of the site as deep soil, it still appears deficient with several LEP & DCP clauses relating to landscaped area/communal open space."

2.4. Environmental Health

Council's Environmental Health Officer has confirmed the proposed development not satisfactory and provided the following comments:

"Comments:

Land Contamination

A preliminary investigation contamination report (PSI) was submitted with the development application, which identifies possible contamination of land at the subject site. No soil or ground water has been analysed to determine if the land is contaminated. The desktop study identifies there is a service station located next to the subject site (upstream) and highlights the possibility of land contamination with a number of contaminants of concern.

The study has failed to identify that the neighbouring site was also used as an asbestos workshop for approximately 30 years prior to a service station. This was noted on Council's planning record system. This neighbouring site is now used as a service station since 1958 with a number of underground petroleum storage tanks at the site.

The PSI report states the proposed site can be made suitable for the intended use subject to a detailed site investigation assessment being undertaken. Without undertaking a detailed site investigation and knowing the extent of contamination, it is difficult to state whether the land can be made suitable for its proposed intended use. Although such statement was made in the preliminary investigation report, such statement should be supported with a more detailed assessment to validate that the land can be made suitable.

Considering the close proximity of the current service station to the proposed site and the consultant's recommendation for a detailed site investigation to be undertaken it is therefore recommended that further information is required to determine the suitability of the land for the proposed development, having regard to the provisions of the Environmental Planning & Assessment Act 1979, State Environmental Planning Policy (Resilience and Hazards) 2021, Contaminated Land Management Act 1997 and Council's Contaminated Land Policy 1999. This should be undertaken prior to the determination of the application.

Note: I have discussed the request for information with assessing planners and they want to proceed without obtaining the DSI prior to the determination of the application. If Council requests the DSI is obtained after the determination of the application I have included standard Land contamination conditions that should be included in the development consent.

Acoustics

No acoustic impact assessment has been provided with the application. An acoustic impact assessment should be undertaken to confirm the development can comply with the relevant noise criteria (internally and externally).

Standard conditions have been included accordingly.

Assessment Officer Comment:

Council's Assessing Officer is satisfied that in this instance the requirement for a Detailed Site Contamination Investigation Report and potential Remediation Action Plan (RAP) can be provided via conditions, noting the declaration made within the Preliminary Site Investigation has satisfied the relevant contamination provisions of the SEPP resilience and hazards and that the area of concern is distanced from the subject proposal site. It is noted that it is not uncommon for site investigations and soil sampling to be undertaken after the site has been cleared of structures, post the demolition phase to enable access for bore hole drilling within a commercial site that is predominantly covered by buildings and hardscape parking areas. The site is also fully occupied by four commercial tenants that would experience acoustic and vibration impacts to operations during early phase borehole testing and the works are more appropriately undertaken at the construction and occupation certificate stage of redevelopment to ensure any requirements are captured prior to excavation works.

Consent conditions have been recommended at key stages of the redevelopment to ensure remediation requirements are secured during the excavation and construction phases, in accordance with the draft provided by Council's Environmental Health Officer without prejudice.

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Appendix 2: ADG Compliance Table

Clause	Design Criteria	Proposal	Compliance												
Part 3: Siting the Development															
3C	Public Domain Interface														
	<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The proposed development provides sufficient overlooking to both street frontages, with timber batten fencing used to the Soudan Street frontage.</p> <p>The proposed development responds appropriately to the public domain with planters, services located within the basement, minimise the visual impact of the parking facilities, and mailboxes located in the lobby area.</p>	<p>Yes, complies</p>												
3D	Communal and Public Open Space														
	<p>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</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 9 am and 3 pm on 21 June (mid-winter).</p>	<p>Site area = 623m²</p> <p>Proposed communal open space = 9.7% (60.2m²)</p> <p>The communal open space will receive 2hours of direct sunlight during the middle of the day.</p>	<p>No, see Key Issues</p> <p>Yes, complies</p>												
3E	Deep Soil Zones														
	<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>Site = 623m²</p> <p>Proposed deep soil zone = 7.2% (45m²)</p>	<p>Yes, complies</p>
Site Area	Min. Dimension	Deep Soil Zone (% site)													
< 650m ²	-	7%													
650–1,500m ²	3m	7%													
>1,500m ²	6m	7%													
3F	Visual Privacy														
	<p>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</td><td>6m</td><td>3m</td></tr></table>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m	6m	3m	<p>The proposed building is mainly setback 6m from the western adjoining neighbour, except for the south-western corner of the building and the Unit 1 balcony.</p>	<p>See Key Issues for a detailed assessment.</p>						
Building Height	Habitable Rooms and Balconies	Non-habitable rooms													
Up to 12m	6m	3m													

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Clause	Design Criteria			Proposal	Compliance									
	<table><tr><td>(4 storeys)</td><td></td><td></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>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.</p>			(4 storeys)			Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	Council also notes that the western adjoining neighbour is a semi-detached dwelling house in the R2 zone, of which the ADG requires further setbacks from. See Key Issues for a detailed assessment of privacy and the transition between adjoining zones.	
(4 storeys)														
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
3G	Pedestrian access and entries													
	<p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>			<p>The proposed development provides sufficient entrance to the residential dwellings via Soudan Street. A separate entrance to Unit 1 is not appropriate in this instance. Sufficient building accesses have been provided to the site. DDA provided via the northern side of retail shop 1.</p>	Yes, complies									
3H	Vehicle access													
	<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>			<p>The proposed parking facilities are integrated into the building design to Soudan Street with a minimised entry gate that screens the building services within. See further details in the Engineering comments in Appendix 1 of the report.</p>	Yes, complies									
3J	Bicycle and Car Parking													
	<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</p>			<p>Adequate bicycle and car parking has been provided. See</p>	Yes, complies									

Clause	Design Criteria	Proposal	Compliance
	<p>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>	detailed assessment in the Engineering comments in Appendix 1 of the report.	
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>The living rooms of all residential units excluding Units 4 & 7 receive adequate solar access (being 5/7 or 71%).</p> <p>The POS of all residential units excluding Units 4 receive adequate solar access (being 6/7 or 86%).</p>	Yes, complies
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>All residential apartments are naturally cross ventilated.</p>	Yes, complies
	<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>The depth of each cross-over and cross-through does not exceed 18m.</p>	Yes, complies
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>The ground floor commercial floor has a F2C height of 3.25m, which is a minor non-compliance deemed acceptable in that it will not impact upon the amenity and function of the retail premises.</p> <p>All residential floors have a F2C height of 2.85m,</p>	Yes, complies on merit
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</p>	<p>All residential units are 3-bedrooms, which exceed the 90m², all of which are 100m² or greater.</p>	

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Clause	Design Criteria	Proposal	Compliance															
	increase the minimum internal area by 5m ² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m ² each																	
	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 room uses have an adequately sized window to an external wall.	Yes, complies															
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	All habitable rooms have depths less than 7.125m (2.5 x 2.85m).	Yes, complies															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All kitchens, including those to Units 3 & 6, are located less than 8m from a window.	Yes, complies															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	All bedrooms are greater than 9m ² in size.	Yes, complies															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms have a minimum dimension of 3m.	Yes, complies															
	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	All combined living/dining rooms have a minimum width of 4m.	Yes, complies															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Adequate width is provided for ventilation between apartments.	Yes, complies															
4E	Apartment Size and Layout																	
	All apartments are required to have primary balconies as follows: <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> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	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	All balconies for the 3-bedroom apartments are >12m ² . Where some apartments have widths <2m, additional area is provided to account for the shortfall (i.e. Units 2 & 5).	Yes, complies on merit
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																
	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.	No apartments are located on the existing ground floor due to the site topography.	N/A															
4F	Common Circulation and Spaces																	
	The maximum number of apartments off a circulation core on a single level is eight.	The proposed maximum number of apartments off the circulation core is three.	Yes, complies															

Clause	Design Criteria	Proposal	Compliance
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>	Each residential unit provides >10m ³ within the generous 3-bedroom apartments and within the basement storage areas.	Yes, complies
4H	Acoustic privacy		
	<p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	Council is satisfied that whilst Perouse Road can be noisy, it will not detrimentally impact future occupants where the building and main POS have nil setbacks from the Perouse Road street frontage.	Yes, complies
4K	Apartment mix		
	<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	The proposed development only includes 3-bedroom units. Council is satisfied that in this well serviced local centre, a mix of apartments is not required for this site. The building is sufficiently articulated without the need for a mix of apartment sizes.	Yes, complies
4M	Facades		
	<p>Building facades provide visual interest along the street while respecting the character of the local area.</p> <p>Building functions are expressed by the façade.</p>	Council is satisfied the proposed facades are articulated sufficiently and are appropriate within The Spot Heritage Conservation Area. See Heritage Planner comments in Appendix 1 of this report.	Yes, complies
4N	Roof design		
	<p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use roof space for residential accommodation and open space are maximized.</p>	The proposed roof includes a number of architectural elements including parapets, skylights and the roof overrun, that provide visual	

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Clause	Design Criteria	Proposal	Compliance
	Roof design incorporates sustainability features.	<p>interest to the street. Air-conditioning units will be masked from public view.</p> <p>A communal open space on the roof would not be appropriate in this instance as it would cause adverse impacts on the adjoining neighbour's amenity. See Key Issues for a discussion of communal open space.</p>	
4S	Mixed use		
	<p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p> <p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</p>	<p>The mixed-use development of shop-top housing is appropriate in this local centre, that provides active street frontages with reduced blank walls to Perouse Road. The residential entrance and component of the development is separated via the main entrance to Soudan Street and DDA via Perouse Road (due to the sloping site topography).</p>	

Appendix 3: DCP Compliance Table

1.1 Section B2: Heritage

Council is satisfied that the proposed development meets the heritage objectives and controls in accordance with Section B2 of the DCP. See a detailed assessment by Heritage Planning in Appendix 1 of the report below.

1.2 Section B4: Landscaping and Biodiversity

Council is satisfied that the proposed development meets the landscaping and biodiversity requirements in accordance with Section B4 of the DCP. See a detailed assessment by Development Landscaping in Appendix 1 of the report below.

1.3 Section B5: Preservation of Trees and Vegetation

Council is satisfied that the proposed development meets the preservation of trees and vegetation requirements in accordance with Section B5 of the DCP. See a detailed assessment by Development Landscaping in Appendix 1 of the report below.

1.4 Section B6: Recycling and Waste Management

Council is satisfied that the proposed development meets the waste requirements in accordance with Section B6 of the DCP. See a detailed assessment by Development Engineering in Appendix 1 of the report below.

1.5 Section B7: Transport, Traffic, Parking and Access

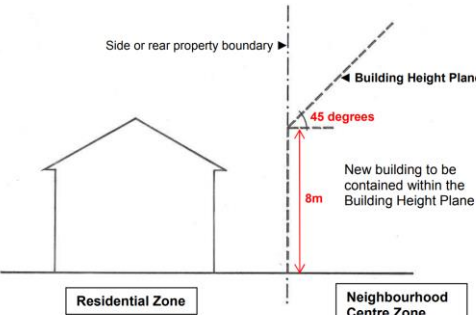
Council is satisfied that the proposed development meets the parking requirements in accordance with Section B7 of the DCP. See a detailed assessment by Development Engineering in Appendix 1 of the report below.

1.6 Section B8: Water Management

Council is satisfied that the proposed development meets the water management requirements in accordance with Section B8 of the DCP. See a detailed assessment by Development Engineering in Appendix 1 of the report below.

1.7 Section D8: The Spot, Randwick

DCP Clause	Controls	Proposal	Compliance
6	Site Planning		
	i) Provide ground floor retail and/or commercial floor space along all business zoned street frontages, other than the frontage required for access. ii) Where suitable provide additional commercial/retail uses at first floor. iii) In addition to the continuous commercial street frontage, the ground floor commercial area should have a minimum depth of 10 metres iv) New development should relate to the dimensions and shape of the site. v) New development should integrate with the surrounding area through consideration of streetscape and landscape design and pedestrian and cycle links.	Retail shops have been provided to the Perouse Road frontage of the site. Only GF commercial provided, satisfactory. Each retail shop has a depth >10m. Council is satisfied that the new development relates to the adjoining southern building and integrates with the surrounding buildings. The subject building is not a contributory building. A condition has been imposed regarding reuse	Yes, subject to conditions

	<p>vi) Retain and integrate heritage items or contributory buildings and significant features such as stone fencing and retaining walls.</p> <p>vii) New development must minimise impacts on the amenity of neighbouring sites.</p>	<p>of any sandstone blocks on site.</p> <p>Council is satisfied that the amenity of neighbouring sites is satisfactory.</p>	
7	Business Area – Building Envelopes		
7.1	Application of building envelope planes - Commercial Development		
	<p>i) The FSR and building height controls set by RLEP together with DCP envelope controls define the overall built form and scale of development.</p> 	<p>The proposed development is mostly contained within the building height plane, in accordance with the provision in this control. See Key Issues for a detailed of side setbacks.</p>	<p>No, see Key Issues for a detailed assessment.</p>
8	Business Area – Building Design		
8.1	Shopfronts		
	<p>i) Original heritage shopfronts and detailing (eg doors, tiles, windows and ornamental detailing) should be retained.</p> <p>ii) New shopfronts must be designed to reinforce the character of the locality and to ensure street level continuity. The form, scale and proportion of shopfront elements should be consistent with nearby heritage or contributory buildings/development.</p> <p>iii) Acceptable security measures include expanding metal grilles, open, perforated or clear shutters or shutter grilles which can be placed inside the shopfronts.</p> <p>iv) The use of solid roller shutters is unacceptable.</p>	<p>The subject building does not contain any heritage significance. Council is satisfied that proposed development respects southern adjoining contributory item building, with an adequate transition between building form and envelope. Adequate security measures to be imposed by recommended conditions of consent, which exclude solid roller shutters.</p>	<p>Yes, subject to condition</p>
8.2	Awnings		
	<p>i) Continuous awnings attached to buildings and covering all main pedestrian routes must be provided for pedestrian comfort.</p> <p>ii) Provide, as characterises many suburban shopping centres of similar age, steel-framed awnings, suspended from wall brackets, and covering the 3.5m wide footpath.</p> <p>iii) The traditional box awnings are acceptable based on character.</p> <p>iv) New development should include a flat suspended/cantilevered awning.</p>	<p>The proposed awnings to Perouse Road are flat suspended/ cantilevered awnings have a length of 3.48m, which extends the width of the footpath. The awning fascia is stepped higher than the adjoining southern neighbour to account for the footpath gradient. The plans show gaps in between the awnings to the subject</p>	<p>Yes, subject to condition</p>

	<p>v) Awning fascias should align with the awning of adjoining buildings, matching the established height above footpath level.</p> <p>vi) The depth of the fascia should be uniform with adjoining properties. Design and materials should be light weight to complement the building to which the awning is to be attached.</p> <p>vii) New development should provide an awning across its street frontage, setback 600mm from the kerb, between 3.5m and 4.5m above the footpath and with openings provided for street tree planting. Gaps between awnings should be closed.</p> <p>viii) Glass or translucent roofing must not be used.</p> <p>ix) Drop blinds protecting shopfronts and shoppers from low sun angles should be included at the outer edge of awnings.</p> <p>x) Advertising space on these could be used to diversify the street appearance.</p>	<p>building as well as the southern adjoining neighbour however no consideration for public infrastructure on the footpath including electricity poles, street trees. A condition has been recommended to provide amended awning details that close any gaps between awnings and openings for footpath trees and poles.</p> <p>Glass or translucent roofing has not been requested. Furthermore, no drop blinds have been provided or any advertising.</p>	
8.3	Upper Level Facades		
	<p>i) Upper floor windows should be returned to original detailing through replacement of sympathetic frames or the reinstatement of timber frames and mouldings.</p> <p>ii) The character of the area can be improved with the removal of inappropriate alternations and additions from the facades.</p> <p>iii) New development should adopt a fenestration pattern and architectural design elements which emphasise the vertical proportions of the existing facades.</p> <p>iv) A parapet roof form should be included which creates an interesting skyline and harmonises with the existing parapets.</p> <p>v) New parapets should align with the parapets of adjoining buildings and a design that generally relates in bulk and scale.</p> <p>vi) For new development, façade alterations and infill buildings verandahs and upper storey balcony design and materials should be compatible to the heritage items and contributory building facades within the area.</p> <p>vii) Cantilevered balconies should not be used on new buildings.</p> <p>viii) Balconies should be sized and arranged so that strong horizontal lines do not dominate the façade of the development.</p>	<p>The subject building does not contain any heritage significance. The proposed development adopts a fenestration pattern and architectural design elements which emphasises the vertical proportions of the existing facades with long windows. A parapet roof has been provided to the corner shop frontage, of which creates an important visual feature. The adjoining two storey parapets cannot be aligned and is therefore satisfactory. Council is satisfied that the balconies fronting both street frontages are well designed, inset within the building envelope that contribute to the building design and The Spot local centre. Vertical balustrading to the balconies assists in reducing strong horizontal lines. The recessed balcony adjoining the southern building and that to the lower side of</p>	Yes, complies

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	ix) Recessed balconies which modulate the façade should be incorporated in the design of new development. x) Balconies should be designed to protect the visual amenity of occupants, neighbours and the street and should therefore have a solid appearance.	Soudan Street are adequate in modulating the building façade.	
8.5	Outdoor Advertising		
	i) Advertising should respect and demonstrate an understanding of the design of the building and should not adversely affect the heritage streetscape values. ii) If an advertising structure is proposed to be attached to a building, the drawings accompanying the application should provide elevations showing windows, awnings or other major architectural features in relation to the advertising structure. iii) The use of above awning signage is not suitable. iv) The installation of “drop blind” type signs suspended from awnings is encouraged. v) Council encourages the removal of existing above awning signage in The Spot and its replacement with signs in appropriate locations.	No advertising forms part of the subject development application.	N/A
8.6	Car Parking and Access		
	i) Car parking, delivery areas and accessways are not to detract from the streetscape environment. ii) On-site car parking is to be provided either at ground level or as basement car parking. iii) Above ground car parking must not be visible from St Pauls Street and/or Perouse Road. iv) Carpark ventilation grilles must not be located on primary street frontages.	Car parking and access are provided via Soudan Street, which improve the existing streetscape presentation of the site. Parking is provide partially above ground level, however will not be readily visible from Soudan Street. Parking ventilation grills have not been provided to Soudan Street.	Yes, complies

Responsible officer: William Joannides, Environmental Planning Officer

File Reference: DA/743/2023

Development Consent Conditions (Mixed use)



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Folder /DA No:	DA/743/2023
Property:	18-20A Perouse Road, RANDWICK NSW 2031
Proposal:	Demolition of existing buildings and construction of a 4-storey shop top housing development comprising two (2) retail tenancies on ground floor, seven (7) x 3-bedroom residential units, and two (2) basement levels containing seventeen (17) car parking spaces, one (1) motorcycle parking space, and six (6) bicycle parking spaces, and Strata subdivision.
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	Received by Council
Site Plan – Demolition, Dwg No. DA050, Rev C	Curzon & Partners	27/03/2024	19/06/2024
Site Plan – Proposed, Dwg No. DA051, Rev D	Curzon & Partners	19/06/2024	19/06/2024
Basement 2 Floor Plan, Dwg No. DA100, Rev L	Curzon & Partners	19/06/2024	19/06/2024
Basement 1 Floor Plan, Dwg No. DA101, Rev M	Curzon & Partners	19/06/2024	19/06/2024
Level One Floor Plan, Dwg No. DA102, Rev L	Curzon & Partners	19/06/2024	19/06/2024
Level Two Floor Plan, Dwg No. DA103, Rev L	Curzon & Partners	19/06/2024	19/06/2024
Level Three Floor Plan, Dwg No. DA104, Rev K	Curzon & Partners	19/06/2024	19/06/2024
Level Roof Plan, Dwg No. DA106, Rev K	Curzon & Partners	19/06/2024	19/06/2024
Elevation Sheet 1, Dwg No. DA200, Rev M	Curzon & Partners	19/06/2024	19/06/2024
Elevation Sheet 2, Dwg No. DA201, Rev M	Curzon & Partners	19/06/2024	19/06/2024
Section Sheet 1, Dwg No. DA210, Rev N	Curzon & Partners	19/06/2024	19/06/2024
Section Sheet 2, Dwg No. DA211, Rev N	Curzon & Partners	19/06/2024	19/06/2024
Section Sheet 3, Dwg No. DA212, Rev L	Curzon & Partners	19/06/2024	19/06/2024
Section Sheet 4, Dwg No. DA213, Rev N	Curzon & Partners	19/06/2024	19/06/2024

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Materiality Sheet 1, Dwg No. DA260, Rev F	Curzon & Partners	19/06/2024	19/06/2024
Materiality Sheet 2, Dwg No. DA261, Rev F	Curzon & Partners	19/06/2024	19/06/2024
Materiality Sheet 3, Dwg No. DA262, Rev F	Curzon & Partners	19/06/2024	19/06/2024
Materiality Sheet 4, Dwg No. DA263, Rev F	Curzon & Partners	19/06/2024	19/06/2024
Landscape Plan – Ground + Level 1, Dwg No. LP01, Issue D	Matthew Higginson Landscape Architecture Pty Ltd	20/06/2024	20/06/2024
Landscape Plan – Level 2, Dwg No. LP02, Issue D	Matthew Higginson Landscape Architecture Pty Ltd	20/06/2024	20/06/2024
Landscape Plan – Level 3, Dwg No. LP03, Issue D	Matthew Higginson Landscape Architecture Pty Ltd	20/06/2024	20/06/2024
North Elevation, Dwg No. LP04, Issue D	Matthew Higginson Landscape Architecture Pty Ltd	20/06/2024	20/06/2024

BASIX Certificate No.	Dated	Received by Council
141562M_02	27 March 2024	02 April 2024

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

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

2. Amendment of Plans & Documentation

The approved plans and documents must be amended in accordance with the following requirements:

- a) The bicycle parking shall be relocated internally within the basement 1 level parking area, within close proximity to the building core. The adjoining planter shall to the west of the bicycle parking area shall be deleted. The remaining area of the bicycle parking and planter shall be used as part of the communal open space.
- b) A pedestrian access door shall be provided to the Soudan Street side of the site, to the west of the basement carparking entrance.
- c) The width of the terrace adjoining the western side of bedroom 2 and southern side of bedroom 2 & 3 to Unit 1 shall have a maximum width of 1m from the external façade wall. The reduced area is to form part of the planter bed.
- d) Setback the front terrace area to Unit 1 to 1.5m from the northern boundary line. The reduced area is to form part of the planter bed.
- e) Adequate security measures, include expanding metal grilles, open, perforated or clear shutters or shutter grilles, shall be provided to all shop frontages, placed inside the shopfronts. No solid roller shutters shall be used.
- f) Amended awning details shall be provided that close any gaps between the adjoining awnings and provide sufficient openings for footpath trees and poles.

- g) No consent has been provided for the fit out and operational use of the premises including patron and staff capacities, and hours of operations. Any future occupancy of the x2 retail premises will be subject of a future consent via a new development application of complying development certificate (as appropriate).
- h) The outdoor terrace area adjoining the western side of the retail 2 tenancy shall only be used as a service area only for the retail tenancy and building. Any consent to use this area as an extension of the retail 2 tenancy will be subject of a future consent via a new development application of complying development certificate (as appropriate).
- i) A wall opening must be provided with the standard measurements of a BCA-complaint doorway that enables a potential future door access to the western side of the retail 1 premises connecting internally directly into the building core.

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

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	<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>
4.	<p>Site Remediation</p> <p>A <i>Detailed Site Contamination Investigation</i> Report must be submitted to Council's Director of City Planning prior to issuing a Construction Certificate for the development or commencing demolition work (whichever the sooner). The detailed investigation must be undertaken by a suitably qualified Contamination Land Consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site or neighbouring sites.</p> <p>The report is to be prepared in accordance with the relevant guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites; the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013); and the NSW Contaminated Land Planning Guidelines. The report is to assess the nature, extent and degree of contamination upon the land.</p> <ul style="list-style-type: none"> 1) a) Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use, posing no immediate or long-term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) and it is not necessary to carry out any remediation work or further investigations.

- b) The written concurrence of Council must be obtained **before any Construction Certificate is issued** for the development, which confirms that Council does not require further investigations or site remediation work to be undertaken or, require other matters to be satisfied.
- 2) Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013), the following requirements must be complied with:
- a) The site must be remediated in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority (EPA) and the *Protection of the Environment Operations Act 1997*.
- b) A Remediation Action Plan (RAP) is required to be developed to the satisfaction of an Accredited Site Auditor and be submitted to Council, **prior to the commencement of any excavation or site remediation works**.
- The RAP is to be prepared by a suitably qualified Contaminated Land Consultant, in accordance with the guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.
- The RAP shall include procedures for the following:
- Excavation, removal and disposal of contaminated soil,
 - Site management planning,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Groundwater remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) A suitably qualified Land Contamination Consultant must be appointed to monitor and ensure compliance with the adopted remediation strategy and to validate the site remediation works.
- d) A NSW Environment Protection Authority (EPA) Site Auditor (accredited under the *Contaminated Land Management Act 1997*), must be appointed to:
- review the site contamination and remediation strategies for the development;
 - assess the suitability of the site for its intended development and use;
 - monitor the site remediation works and issue any necessary Interim Audit Advice statements; and
 - issue a Site Audit Statement and Site Audit Report upon completion of the remediation of the site.
- e) A site remediation *Audit Schedule* shall be developed by the appointed Site Auditor and be submitted to Council with the RAP and prior to commencement of any site works, which outlines the proposed remediation strategy and proposed

timing for the issue of any *Interim Audit Advice* statements, having regard to the staging of the remediation strategy and construction works.

An *Interim Audit Advice* must be obtained from the Site Auditor, which confirms the suitability and implementation of the remediation strategy throughout the site remediation and construction site works prior to commencement of any site works and at the stages specified in the *Audit Schedule*.

A copy of the site remediation *Audit Schedule* and *Interim Audit Advice* statements must be submitted to the Council and the owner, building certifier and principal building contractor for the development, prior to commencement of works and at the stages specified in the *Audit Schedule*.

- f) A *Site Audit Statement* and *Summary Site Audit Report* is to be submitted to Council prior to the issuing of an occupation certificate, which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999 (as amended 2013).

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- g) The site remediation must be carried out to the satisfaction of the Accredited Site Auditor and a final Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to the issue of an *Occupation Certificate* for the development or as specified in the *Audit Schedule* (whichever the sooner).
- h) If the remediation strategy proposes 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- i) A *Site Remediation Management Plan* must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering

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- air and water quality monitoring
- generation and control of dust from the site
- disposal of hazardous wastes
- contingency plans and incident reporting
- details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

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

- j) Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.

- k) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.
- l) The written concurrence of the Site Auditor and Council must be obtained prior to implementing any changes to the remediation action plan, strategies or conditions of this development consent.
- m) The remediation work must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and associated Regulations.

Condition Reason: To ensure that site remediation works are managed in accordance with the relevant legislation during the redevelopment of the site.

5. **External Colours, Materials & Finishes**

The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.

All existing sandstone blocks within the site shall be recycled and reused as part of the wall sections fronting Soudan Street, to be incorporated into an amended colours, materials and finishes schedule.

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

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

6. **Section 7.12 Development Contributions**

In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$4,905,788.00 the following applicable monetary levy must be paid to Council: \$49,057.90.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Condition Reason: To ensure relevant contributions are paid.

7. **Long Service Levy Payments**

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 *Environmental Planning and Assessment Act 1979*.

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

Condition Reason: To ensure the long service levy is paid.

8. **Security Deposits**

The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17(6) of the *Environmental Planning and Assessment Act 1979*:

- **\$10,000.00 - Damage / Civil Works Security Deposit**

The damage/civil works security deposit may be provided by way of a cash or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

9. **Sydney Water**

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

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

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

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

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

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

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

Condition Reason: To ensure the development satisfies Sydney Water requirements.

10. **Building Code of Australia**

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.

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

11. **Building Code of Australia**

Access and facilities for people with disabilities must be provided to new building work in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and relevant Australian Standards, to the satisfaction of the Registered Certifier for the development and details are to be included in the construction certificate for

the development.

Condition Reason: To ensure safe and easy access to the premises for people with a disability.

12. **BASIX Requirements**

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.

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

13. **Site stability, Excavation and Construction work**

A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed Certifier for the development:

- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjoining properties.
- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
- c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.
- e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the appointed Certifier for the development prior to issue of a relevant construction certificate.

Condition Reason: To ensure the subject site/development and adjoining land is adequately supported and protected during any works.

14. **Design Alignment Levels**

The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

Perouse Road

- **Match the back of the existing footpath along the full site frontage.**

Soudan Street

- **Match the back of the existing footpath along the full site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6924.

Condition Reason: To ensure all roadway works are designed and constructed in accordance with Council requirements.

15. **Design Alignment Levels**

- The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$1152** calculated at **\$63.00** (as of 1st July 2024) per metre of site frontage to Perouse Road. This amount is to be paid prior to a construction certificate being issued for the development.
- The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements, to Council standard, and to ensure payment of fees to Council.

16. **Street Awnings**

Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;

- The minimum clear distance from the existing footpaths in Perouse Road and Soudan Street to the underside of the proposed awnings shall be 3.00 metres.
- All new awnings shall be set back a minimum of 600mm from the face of kerb.

Condition Reason: To ensure that street awnings are constructed in accordance with required standards.

17. **Stormwater Drainage & Flood Management**

Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

Condition Reason: To control and manage stormwater run-off.

18. **Stormwater Drainage**

The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Principal Certifier* and details are to be included in the construction certificate.
 - i. The stormwater must be discharged (by gravity) directly to the kerb and gutter in front of the subject site in Soudan Street; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

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

storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.

- c) Should stormwater be discharged to an infiltration system the following requirements must be met;
 - i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
 - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.
Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.
 - iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
 - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (eg. a road, laneway or reserve).
- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- e) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

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

- f) 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.

- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - v. Above ground stormwater detention areas must be suitably

signposted where required, warning people of the maximum flood level.

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must **not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.**

Condition Reason: To control and manage stormwater run-off.

19. **Site Seepage & Dewatering**

The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:

- a) Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure the basement will not dam or slow the movement of the ground water through the development site).
- c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
- d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed stormwater drainage system including methods of tanking the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Principal Certifier and details are to be included in the construction certificate. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Principal Certifier.**

Condition Reason: To control and manage any potential site seepage & dewatering.

20. **Landscape Plan**

- a) The Landscape Plans by Andrew Higginson Landscape Architecture Pty Ltd, dwg's LP01 – 04, Issue D dated 20/06/24 must be amended to now include the following requirements:
 - Construction details and notations confirming that a minimum soil depth of 600mm will be provided for all podium planters.
- b) A revised scheme complying with the requirements specified above must

then be submitted to, and be approved by, the Principal Certifier, prior to any Construction Certificate.

Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.

21. **Street Tree Protection**

To ensure retention of the mature *Cinnamomum camphora* (Camphor Laurel, T1 in the Arboricultural Impact Assessment by TALC dated 13/09/23, 'the Arborist Report') that is located on Council's Soudan Street verge, closest to the corner of Perouse Road, and then downhill further to its west, two *Casuarina cunninghamiana* (River She Oaks, T2-3) in good health, the following measures are to be undertaken:

- a) All documentation submitted for the Construction Certificate application must note them for retention, with the position and diameter of their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers as taken from the Arborist Report to be clearly and accurately shown on all plans in relation to the site and new works.
- b) All Construction Certificate plans must show that the footprint, layout, side setbacks, finished levels and similar of this development will be consistent with the Architectural Plans by Curzon + Partners, dwg's DA000 – DA406, revisions E – M and stamped received by Council 19 June 2024.
- c) The two existing laybacks and vehicle crossings in Soudan Street, between T3 and the western site boundary must be completely demolished/removed and these areas returned to a turfed/planted verge, with measurements to be included showing that a minimum distance of **6200mm** will then be provided between the eastern edge of the new vehicle crossing and the trunk of T3, measured off its outside edge at ground level.
- d) The large surface roots from **T2** which have grown out to the north and encased the existing kerb must be retained in-situ, with any new kerb and gutter or associated civil works needing to be designed to match in to either side of this area.
- e) There must be no excavations associated with the installation of new pipes, stormwater systems or similar across the Soudan Street footpath/verge, as shown on the Ground Floor Stormwater Drainage Plan by Smart Structures Australia, sheet D03, rev 3 dated 12/09/23, with the Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with this requirement.
- f) These trees are to be physically protected (either individually or as groups as appropriate) by the installation of 1.8 metre high steel mesh/chainwire fencing panels which for **T1** shall be to the extent shown at Appendix E of the Arborist Report, and for **T2-3**, must be a minimum distance of **3m** to their east and west, matching up with the kerb to their north and public footpath to their south to completely enclose the trees for the duration of works.
- g) 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".
- h) If additional trunk or branch protection is required, this can be provided by wrapping layers of geo-textile, underfelt, carpet, hessian or similar around

affected areas, to which, lengths of evenly spaced hardwood timbers shall then be placed around their circumference and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

- i) 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 fenced off TPZ areas.
- j) 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.
- k) **Following demolition/removal of the existing brick wall/fence and any other associated structures and surfacing within the development site, along the northern site boundary, for those parts within their TPZ's, and prior to commencing any piling or similar works for the Basement Level, Council's Landscape Development Officer (9093-6613) must firstly be contacted, giving at least 5 days' notice to inspect the affected areas and any roots that are present, with the applicant and any site staff to comply with Council's instructions.**

NOTE: An Occupation Certificate cannot be issued unless Council's Officer provides written confirmation that this joint site meeting has taken place.

- l) Similarly, if root pruning appears necessary to accommodate the new kerb and gutter, public footpath or vehicle crossing in Soudan Street, then Council's Landscape Development Officer (9093-6613) must be contacted, giving at least 5 days' notice, to determine whether this can be supported or whether another design outcome must be achieved, with the applicant to cover all costs associated with undertaking these external civil works to Council's requirements.
- m) Where Council's Officer agrees to the pruning of **major roots within the development site**, along the northern boundary, to allow for piling associated with the northern wall of the new Basement Level or similar, this can only be performed by Council, wholly at the applicant's cost, prior to proceeding further with any works in these areas.
- n) Where **smaller roots** are encountered in the area described in point 'k' above and Council gives permission for their pruning, this may be performed by the applicant, and must 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.
- o) The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during works and prior to any Occupation Certificate.
- p) A refundable deposit in the form of cash, credit card, cheque OR bank guarantee (with no expiry date) for an amount of **\$10,000.00** must be paid into **Tree Amenity Income** via Council's Customer Service Centre, **prior to a Construction Certificate being issued for the development** to ensure compliance with the conditions listed in this consent, and 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 (9093-6613).

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 4.17 (6) of the Environmental Planning and Assessment Act 1979.

Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.

22. **Street Tree Pruning**

The applicant must also submit a payment of **\$3,600.00** (GST inclusive) to cover the costs for Council to perform clearance pruning of the three mature trees that are located along the Soudan Street verge, being from east to west, a *Cinnamomum camphora* (Camphor Laurel, T1) closest to the corner of Perouse Road, then two *Casuarina cunninghamiana* (River She Oaks, T2-3) downhill to its west in order to accommodate the piling rig to their south as well as deliveries, scaffolding and any other access requirements during works so as to avoid physical damage to the trees, and may also include others areas to achieve balanced crowns.

This fee must be paid into **Tree Amenity Income** via Council's Customer Service Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must then contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) AND GIVING UP TO SIX WEEKS NOTICE to arrange for this WHICH MUST BE COMPLETED PRIOR TO THE COMMENCEMENT OF ANY SITE WORKS.

After advising of the receipt number, any further enquiries regarding scheduling/timing or completion of tree works are then to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6964.

Condition Reason: Protection and/or maintenance of existing environment public infrastructure, community assets and significant trees.

23. **New Street Tree**

The applicant must also submit a payment of **\$107.25** (GST inclusive) to cover the costs for Council to supply, plant and maintain 1 x 25 litre street tree, *Tristaniopsis laurina* (Watergum) on the Soudan Street verge, an equal distance between the western edge of the new vehicle crossing and western site boundary at the completion of all works.

This fee must be paid into **Tree Amenity Income** via Council's Customer Service Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must then contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) AND GIVING UP TO SIX WEEKS NOTICE to arrange for planting upon the completion of all site works.

After advising of the receipt number, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6964.

Condition Reason: Protection and/or maintenance of existing environment public infrastructure, community assets and significant trees.

24. **Electricity Substation**

The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

Condition Reason: To ensure that sufficient electricity supply is provided to the site.

25. **Parking Allocation and Design**

Prior to lodging a Construction Certificate the applicant must submit to Council for approval, and have approved, the proposed parking allocation for the development site. The parking allocation must comply with the relevant provisions of B7 of the Randwick Comprehensive Development Control Plan. Any future strata subdivision must demonstrate compliance with the approved parking allocation. The Construction Certificate plans must demonstrate compliance with the approved parking allocation.

Condition Reason: To ensure that the parking allocation and design comply with Council requirements.

26. **Parking Allocation and Design**

The applicant must provide detailed turning manoeuvre diagrams / swept path analyses of a range of car spaces within the basement levels as nominated by Council's Development Engineer Coordinator. The applicant must consult with Council's Development Engineer Coordinator to obtain Council's requirements for the turning manoeuvre diagrams / swept path analyses prior to undertaking the required assessment.

Condition Reason: To ensure that the parking design complies with the relevant Australian Standards.

27. **Telecommunications Infrastructure**

Prior to the issue of a Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
- b) (The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

NOTE: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Condition Reason: To ensure that sufficient telecommunications infrastructure is provided to the site.

28. **Survey Infrastructure**

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed Certifying Authority and the Council that includes and addresses the following:

- a) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site.

- b) The above letter is required to confirm if any survey infrastructure will be affected or impacted upon by the proposal. If no impact is identified this must be detailed by the Registered Land Surveyor.
- c) In the event that survey infrastructure is identified as vulnerable or will be affected or impacted upon by the approved development, a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report) is required.

The applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Note: Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any [survey mark](#) unless authorised to do so by the [Surveyor-General](#).
Condition Reason: To ensure that the development complies with the relevant survey infrastructure requirements.

29. **Traffic Provisions**

- a) Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the Principal Certifier, are to be included in the construction certificate documentation.
- b) The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

Condition Reason: To ensure that adequate provisions are to be made to provide pedestrian visibility and safety.

30. **Provision of Splay Corner**

A suitable view corridor with a splay of 1.5 metre x 1.5 metre must be provided on the Level 1 Floor Plan at the north-east corner of the development. The view corridor is required to enhance pedestrian sight distance at the intersection of Perouse Road and Soudan Street. The Construction Certificate plans must demonstrate compliance with this requirement.

Note: low planting may be provided in the subject view corridor / splay.

Condition Reason: To ensure that adequate provisions are to be made to provide pedestrian visibility and safety.

31. **Waste Management**

- a) A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Lead Specialist 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.

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- 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

- b) The residential garbage room shall be sized to contain a minimum of 9 x 240 litre bins (comprising as a minimum 4 garbage bins, 4 recycle bins and 1 FOGO bin) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
- c) The commercial/retail garbage area shall be sized to contain a minimum of 2 x 1100 litre bins (comprising a minimum of 1 x 1100 litre garbage bins & 1 x 1100 litre recycle bins) and with adequate provisions for access to all of the bins. Details showing compliance are to be included in the construction certificate.
- d) The commercial garbage area must be separated from the residential bin storage areas.
- e) The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Condition Reason: To ensure that sufficient waste provisions are provided for both the construction and operational requirements of the site.

32. **Public Utilities**

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.

Condition Reason: To ensure that public utilities are adequately accounted for.

33. **Undergrounding of Site Power**

Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Perouse Road. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

Condition Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

34. **Noise and Vibration Management**

Noise and vibration from the development must comply with the following requirements and a report prepared by a qualified Acoustic Consultant must be submitted to and approved by Council's Director City Planning, prior to the issue of a Construction Certificate:

- a) Noise and vibration from the development shall be assessed in accordance with the NSW Environment Protection Authority (EPA) Noise Policy for Industry 2017, the DECC (EPA) Assessing Vibration – A Technical Guideline and relevant Australian Standards and conditions of this development consent.
- b) Noise from the development must not exceed the project amenity/intrusiveness noise level or the maximum noise level as detailed in the NSW Environment Protection Authority (EPA) Noise Policy for Industry 2017.
- c) Noise from commercial plant and use of the premises, when assessed as an LAeq, 15 min must not exceed the LA90, 15 min background noise level by more than 3dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when in use (assessed with doors and windows closed).
- d) Residential dwellings in mixed-use development are to be designed and constructed to satisfy the following acoustic criteria:

In naturally ventilated spaces – the repeatable maximum Leq (1 hour) should not exceed:

- 35 dB(A) between 10.00pm and 7.00am in sleeping areas when windows are closed,
- 40 dB(A) in sleeping areas when windows are open (24 hours),
- 45 dB(A) in living areas when windows are closed (24 hours),
- 50 dB(A) in living areas when windows are open (24 hours).

In mechanically ventilated spaces – the repeatable maximum Leq (1 hour) should not exceed the following criteria (when the mechanical ventilation system is operating and doors and windows are closed):

- 38 dB(A) in sleeping areas between 10.00pm and 7.00am,
- 45 dB(A) in sleeping areas between 7.00am and 10.00pm,
- 46 dB(A) in living areas (24 hours).

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

BEFORE BUILDING WORK COMMENCES

Condition

35. **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.

36. **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*.

37. **Dilapidation Reports**

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).

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.

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

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.

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

39. **Construction Site Management Plan**

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.

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

40. **Construction Site Management Plan**

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

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

41. **Public Liability**

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.

Condition Reason: To ensure the community is protected from the cost of any claim for damages arising from works or activities on public land.

42. **Construction Traffic Management**

An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Soudan Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

Condition Reason: To ensure that traffic is adequately managed throughout the construction phase of the development.

43. **Construction Traffic Management**

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.

Condition Reason: To ensure that traffic is adequately managed throughout the construction phase of the development.

44. **Construction Traffic Management**

Any necessary approvals must be obtained from NSW Police, Transport for New South Wales 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

Condition Reason: To ensure that traffic is adequately managed throughout the construction phase of the development.

45. **Public Utilities**

Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifier prior to the commencement of any demolition, excavation or 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 service authorities to adjust, repair or relocate their services as required.

Condition Reason: To ensure that public utilities are adequately accounted for.

46. **Planting of Council Verge**

Council supports the applicant's intention to replace the current poor grass

coverage on the Soudan Street verge around the base of T1 with mass planted ground covers, as indicated on the Ground + Level 1 Landscape Plan, dwg LP01, and must liaise with Council's Landscape Development Officer (9093-6613) over any site-specific requirements and may also extend further to the west surrounding T2-3.

This may require the submission and formal approval of a stand-alone planting plan, including details such as pot size, quantities/spacings, soil improvers, mulch and similar, with all costs, including application fees, to be borne wholly by the applicant, who must complete these external works in their entirety, to the satisfaction of Council's Landscape Development Officer (9093-6613).

Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.

DURING BUILDING WORK

Condition

47. Site Signage

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

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

The sign must be—

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

This section does not apply in relation to—

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

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

48. 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 jack-hammers, driven-type piling/shoring or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 3.00pm • (maximum) • Saturday - No work permitted

	<ul style="list-style-type: none"> • 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.

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

49. **Noise & Vibration**

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.

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

50. **Construction Site Management**

Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing, 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.
- d) Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.
- e) 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.
- f) Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.

Notes:

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

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

51. **Overhead Hoardings**

An overhead ('B' class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:

- goods or materials are to be hoisted (i.e. via a crane or hoist) over a pedestrian footway
- building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment
- it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or adjoining land
- as may otherwise be required by SafeWork NSW, Council or the Principal Certifier.

Condition Reason: To ensure proper management of public land and ensure public safety during site works and construction.

52. **Public Safety & Site Management**

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted 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 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.

- 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) Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

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

53. **Dust Control**

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.

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

54. **Site Accessway**

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.

Condition reason: To minimise and prevent damage to public infrastructure.

55. **Excavations and Support of Adjoining Land**

Tin 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.

Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

56. **Complaints Register**

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.

Condition reason: To ensure any complaints are documented and recorded, and to protect the amenity of the surrounding area and residents.

57. **Building Encroachments**

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

Condition Reason: To ensure no encroachment onto public land and to protect Council land.

58. **Survey Report**

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.

Condition Reason: To ensure compliance with approved plans.

59. **Road/Asset Opening Permit**

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 1300 722 542.

Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.

60. **Geotechnical Report**

The recommendations and requirements in the submitted Geotechnical Report prepared by Foundation Earth Sciences, Ref No. G675-1RevA, dated 04 October 2023, shall be implemented and monitored during construction works.

Condition Reason: To ensure the development and works are undertaken in accordance with relevant technical reports.

61. **Site Seepage & Stormwater**

Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the Roads Act 1993.

Details must include the following information:

- Stormwater/De-Watering Management Plan (prepared by a suitably qualified Environmental Consultant);
- Detailed plans and specifications;
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the Protection of the Environment Act 1997
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the Protection of the Environment Act 1997 and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Condition Reason: To control and manage any potential site seepage & dewatering.

62. **Traffic Management**

- a) 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.

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

Condition Reason: To ensure that traffic is adequately managed throughout the construction phase of the development.

63. **Stormwater Drainage**

- a) Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.
- b) The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- c) Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Principal Certifier and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Principal Certifier and the Council.
- d) The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.
- e) A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Condition Reason: To ensure the protection and longevity of existing significant trees.

64. **Tree Removal**

Approval is granted for the removal of all vegetation from within this development site, including the Bamboo around the perimeter of the rear setback as they are an invasive, undesirable species that are exempt from Council's DCP, subject to full implementation of the adopted Landscape Plans.

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

65. **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.

66. **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.

67. **Post-construction Dilapidation Report**

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:

- a) 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
- b) 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.

Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.

68. **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.

69. **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.

70. **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.

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.

Condition Reason: To ensure the development satisfies Sydney Water requirements.

71. **Noise Control Requirements & Certification**

The use and operation of the development (including all plant and equipment) shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

Condition Reason: To protect the amenity of the surrounding area and residents.

72. **Noise Control Requirements & Certification**

A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (and plant and equipment) 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.

Condition Reason: To protect the amenity of the surrounding area and residents.

73. **Structural Adequacy of Awning Over Footpath**

A report is required to be obtained from a professional structural engineer, which assesses and reports on the structural adequacy of the awning located over the footway and attached to the subject premises.

The report is required to:

- a) Confirm that the subject awning is currently structurally adequate and fit-for-purpose, or;
- b) Detail the necessary works required to be carried out to ensure that the awning is structurally adequate safe.

In the case of a report provided in accordance with a) above, the report must be provided to the *Principal Certifier* and Council prior to the issuing of an Occupation Certificate or commencement of the use (whichever the sooner).

In the case of a report provided in accordance with b) above, the necessary works identified in the report must be carried out and a further report or certificate must be provided to the Principal Certifier and Council which confirms that the necessary work has been carried out and the subject awning is structurally adequate and fit-for-purpose, prior to the issuing of an Occupation Certificate or commencement of the use of the land (whichever the sooner) or other timeframe approved by Council in writing.

Condition Reason: To ensure that street awnings are constructed in accordance with required standards.

74. **Street and/or Sub-Address Numbering**

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.

Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.

75. **Council's Infrastructure, Vehicular Crossings & Road Openings**

The owner/developer must meet the full cost for a Council approved contractor to:

- a) Construct a new full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises in Soudan Street to Council's specifications and requirements.
- b) Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Remove the existing stone kerb and stone gutter for the majority of the Soudan Street site frontage and replace it with standard kerb and gutter except opposite the vehicular entrance and exit point, to Council's specifications and requirements. **Note – the section of stone kerb where roots from the central street tree have encased the kerb must be retained. Council will match the new works into the section of kerb to be retained.**
- d) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the Soudan Street kerb and gutter along the full site frontage, to Council's specifications and requirements.
- e) Reconstruct the concrete footpath along the full Soudan Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification. **Note: as part of the footpath replacement Council's Senior Landscape Development Officer must inspect the works before forming up the replacement footpath to determine if any tree roots need to be cut.**

Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.

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76. Council's Infrastructure, Vehicular Crossings & Road Openings

- a) Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
- b) 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:
 - i. 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.
 - ii. 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.
 - iii. 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.
- c) The naturestrip upon Council's footway 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 installed prior to the issue of a final Occupation Certificate.

Condition Reason: To ensure rectification of any damage to public infrastructure.

77. Survey Infrastructure – Restoration

Where a Surveyor-General's Approval for Survey Mark Removal has been granted by NSW Spatial Services, documentary evidence of restoration of the removed survey mark must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council prior to the issue of an occupation certificate.

The documentary evidence is to consist of a letter Signed by a Registered Land Surveyor confirming that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal under condition "Survey Infrastructure – Identification and Recovery" have been complied with.

Condition Reason: To ensure that the development complies with the relevant survey infrastructure requirements.

78. Sydney Water

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.

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

Condition Reason: To ensure the development satisfies Sydney Water requirements.

79. **Traffic Signal System**

A traffic signalling system shall be installed for this development within and at the entrance to the basement carpark at a suitable location to the satisfaction of the Principal Certifier.

The traffic signalling system must comply with the following minimum requirements;

- The traffic v system shall be set default to green for vehicles entering the carpark
- The traffic system must display when the carpark is full to avoid vehicles entering the carpark and then reversing up the driveway (since no turning bay is provided).
- The traffic v system must be installed and operational prior to occupation of the development.

Condition Reason: To ensure that vehicle entry/exit into the site is effectively managed.

80. **Carparking**

The proposed carpark shall be finished in a manner fit for its intended use. The car spaces shall be formalised with line-marking and numbering/labelling with such works completed prior to the issuing of an occupation certificate.

Condition Reason: To ensure that vehicle parking on the site is effectively managed.

81. **Undergrounding of Power**

The Principal Certifier shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Perouse Road. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

NOTE : Any private poles must be removed prior to the issuing of an occupation certificate.

Condition Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

82. **Stormwater Drainage**

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

Notes:

- a) The "restriction on the use of land" and "positive covenant" are to be to

the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

- b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
- c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

83. **Stormwater Drainage**

A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):

- Finished site contours at 0.2 metre intervals;
- The location of any detention basins/tanks with finished surface/invert levels;
- Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

84. **Stormwater Drainage**

The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

85. **Stormwater Drainage**

The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter.

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

86. **Landscape Certification**

Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping within the development site was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Andrew Higginson Landscape

- Architecture Pty Ltd, dwg's LP01 – 04, Issue D dated 20/06/24.
- Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.
87. **Landscape Certification**
- Suitable strategies shall then be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
- Condition Reason: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.
88. **Certification of Council Verge Landscaping**
- Prior to any Occupation Certificate, written certification must be obtained from Council's Landscape Development Officer (9093-6613) confirming that any planting and improvements within the Soudan Street verge have been completed in accordance with any approved plans, written advice and relevant conditions of consent.
- Condition Reason: To ensure that community assets are presented in accordance with reasonable community expectations.
89. **Tree Protection Certification**
- Prior to any Occupation Certificate, written certification must also be obtained from Council's Landscape Development Officer (9093-6613) confirming that the requirement for a joint site inspection along the northern site boundary was performed, prior to commencing piling works or similar, as is required by the 'Street Tree Protection' condition, with any other instructions issued also having been complied with during the course of works.
- Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.
90. **Waste Management**
- Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.
- Condition Reason: To ensure that sufficient waste provisions are provided for both the construction and operational requirements of the site.
91. **Provision of Splay**
- Prior to the issuing of an Occupation Certificate a suitable view corridor with a splay of 1.5 metre x 1.5 metre must be provided on the Level 1 Floor Plan at the north-east corner of the development. The view corridor is required to enhance pedestrian sight distance at the intersection of Perouse Road and Soudan Street. There must be no changes to the subject view corridor with the prior approval of Council.
- Condition Reason: To ensure that adequate provisions are to be made to provide pedestrian visibility and safety.
92. **Noise**
- A report or statement prepared by a suitably qualified and experienced person must be provided to the Principal Certifier and Council, which demonstrates that the noise from all plant and equipment satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, relevant Environment Protection Authority Guidelines and the conditions of this development consent. The report must also confirm compliance with all associate acoustic conditions outlined in this consent.
- Condition Reason: To ensure that noise complies with the relevant legislative and guideline requirements.

OCCUPATION AND ONGOING USE

	Condition
93.	<p>Operational Hours of Retail Premises</p> <p>No consent has been provided for the operational use of the premises including patron and staff capacities, and hours of operations. Any future occupancy of the x2 retail premises will be subject of a future consent via a new development application of complying development certificate (as appropriate).</p> <p>Condition Reason: To ensure that the approved use is operated within the scope of the proposed development, to ensure safety and security and protect the amenity of surrounding areas.</p>
94.	<p>Operational Hours of Communal Open Space</p> <p>The hours of use of the communal open space are restricted to 7am to 10pm, Monday to Sunday (inclusive).</p> <p>Condition Reason: To ensure that the approved communal open space is operated to protect the amenity of surrounding residences.</p>
95.	<p>Use of parking spaces</p> <p>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.</p> <p>Condition Reason: To ensure that adequate parking facilities to service the development are provided on site, and to prevent leasing out of car spaces to non-residents.</p>
96.	<p>Management of Strata parking on-site</p> <p>A <i>Strata Parking Management Plan</i> must be developed and implemented for the development, which includes strategies and measures to 'self-manage' resident and visitor parking within the development.</p> <p>Strategies and measures may include:</p> <ul style="list-style-type: none"> • Adoption of parking by-laws; • Installation of suitable barriers, bollards, low-height fencing and gates; • Installation of signage and notices; • Intercom or key card systems; • Security systems and security personnel; • Enforcement processes and provisions to be implemented by the Owners Corporation/Strata Management <p>Condition Reason: To ensure that on-site parking is managed appropriately, and is for the use of occupants or visitors of the development only.</p>
97.	<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 <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 &</p>

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.

98. **External Lighting**

External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

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

99. **Stormwater Detention/Infiltration System**

The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.

100. **Residential Parking Permits**

a) All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.

b) A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

Condition Reason: To ensure that Council's on-street scheme is effectively managed.

101. **Environmental Amenity**

a) The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997*, associated Regulations, Guidelines and Policies.

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

c) Noise from commercial plant and use of the premises, when assessed as an LAeq, 15 min must not exceed the LA90, 15 min background noise level by more than 3dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when in use (assessed with doors and windows closed)

d) Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.

Condition Reason: To ensure that noise from site does not adverse impact upon the amenity of the locality.

**DEMOLITION WORK
BEFORE DEMOLITION WORK COMMENCES**

Condition

102. **Demolition Work**

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

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

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

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

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

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

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

DURING DEMOLITION WORK

Condition	
103.	Demolition Work and Removal of Asbestos Materials Demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a <i>demolition work plan</i> , 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.

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

REMEDIATION WORK BEFORE REMEDIATION WORK COMMENCES

Condition

104. Site Remediation

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

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

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

Condition Reason: To ensure that any site contamination is remediated in

accordance with the relevant site investigations, Site Remediation Strategy and Reports.

DURING REMEDIATION WORK

	Condition
105.	<p>Site Works & Remediation</p> <p>a) All hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, including:</p> <ul style="list-style-type: none"> • <i>Work Health and Safety Act 2011</i> and associated Regulations; • <i>Protection Of the Environment Operations Act 1997 (NSW)</i> and • <i>NSW DECC/EPA Waste Classification Guidelines (2008)</i>. <p>b) Fill material that is imported to the site must satisfy the requirements of the NSW Protection of the <i>Environment Operations (Waste) Regulation 2014</i> and the <i>NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008)</i>. Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.</p> <p>Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.</p> <p>c) Site remediation must be carried out in accordance with the following requirements (as applicable):</p> <ol style="list-style-type: none"> i. All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan. ii. Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual <i>Managing Urban Stormwater Soils and Construction</i> produced by the NSW Department of Housing. iii. Remediation work shall be conducted within the following hours: Monday – Friday 7am – 5pm Saturday 8am – 5pm No work permitted on Sundays or Public Holidays iv. A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Condition Reason: To ensure that any site contamination is remediated in accordance with the relevant site investigations, Site Remediation Strategy and Reports.

ON COMPLETION OF REMEDIATION WORK

	Condition
106.	<p>Remediation Reporting</p> <p>A report or statement must be obtained from the appointed Site Auditor or a suitably qualified Environmental Consultant, which confirms that the relevant conditions of consent and site remediation requirements have been satisfied accordingly and the implementation of the development has not impacted or affected the relevant site investigations, Site Remediation Strategy and Reports.</p> <p>Condition Reason: To ensure that any site contamination is remediated in accordance with the relevant site investigations, Site Remediation Strategy and Reports.</p>

STRATA SUBDIVISION BEFORE ISSUE OF A STRATA CERTIFICATE

	Condition
107.	<p>Strata Subdivision</p> <ol style="list-style-type: none"> A formal application for a strata certificate is required to be submitted to and approved by Council or a registered certifier and all relevant conditions of this development consent are required to be satisfied. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building. The allocation of parking spaces on the Strata Plan must be in accordance with the Council approved parking application. The applicant shall provide Council with a copy of the base plan of survey (e.g. Plan of Redefinition) for the property prior to issuing of a strata certificate. Details of critical stage inspections carried out by the Principal Certifier, together with any other certification relied upon, must be provided to Council or the Certifier. A "restriction on the use of land" and "positive covenant" (under section 88B of the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention system and/or infiltration/pump-out system is maintained and that no works which could affect the design function of the infiltration/detention/pump-out system are undertaken without the prior consent (in writing) from Council. The restriction and positive covenant shall not be released, varied or modified without the consent of the Council. <p>The "restriction on the use of land" and "positive covenant" are to be prepared and specified to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's City Services Department.</p> <ol style="list-style-type: none"> The applicant shall create suitable right of carriageway and easements as required, however generally all services lines (including stormwater) over any strata lot serving another strata lot are to be common property. <p>Condition Reason: To ensure that the subdivision of the site is approved in</p>

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accordance with the relevant requirements in the Act and Regulations.

108. **Survey Infrastructure**

- a) Prior to the issue of any Subdivision Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council addressing survey mark preservation and protection. This evidence must include:
 - i. A copy of any Surveyor-General's Approval for the Deferment of any Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
 - ii. A letter, signed by a current NSW Registered Land Surveyor including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on the Deposited Plan as referring to, or being connected to, the boundaries of the subject land remain in place at the completion of development works.

Note: Pursuant to Section 38 of the Surveying and Spatial Information Regulation 2017, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

- b) The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

Condition Reason: To ensure that the development complies with the relevant survey infrastructure requirements.