

# Randwick Local Planning Panel (Public) Meeting

Thursday 8 May 2025



## **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 May 2025 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.*

### **Development Application Reports**

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Meryl Bishop  
**DIRECTOR CITY PLANNING**

## Development Application Report No. D18/25

**Subject:** 1 Mount Street, Coogee (DA/59/2025)

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### Executive Summary

<b>Proposal:</b>	Demolition of existing building/structures and construction of a 2-storey dwelling house with basement level, in-ground swimming pool, ancillary and landscaping works.
<b>Ward:</b>	North Ward
<b>Applicant:</b>	Minto Planning Services Pty Ltd
<b>Owner:</b>	Mrs M Likoudis and Mr P N Likoudis
<b>Cost of works:</b>	\$2,392,146.34
<b>Reason for referral:</b>	More than ten (10) unique submissions by way of objection were received.

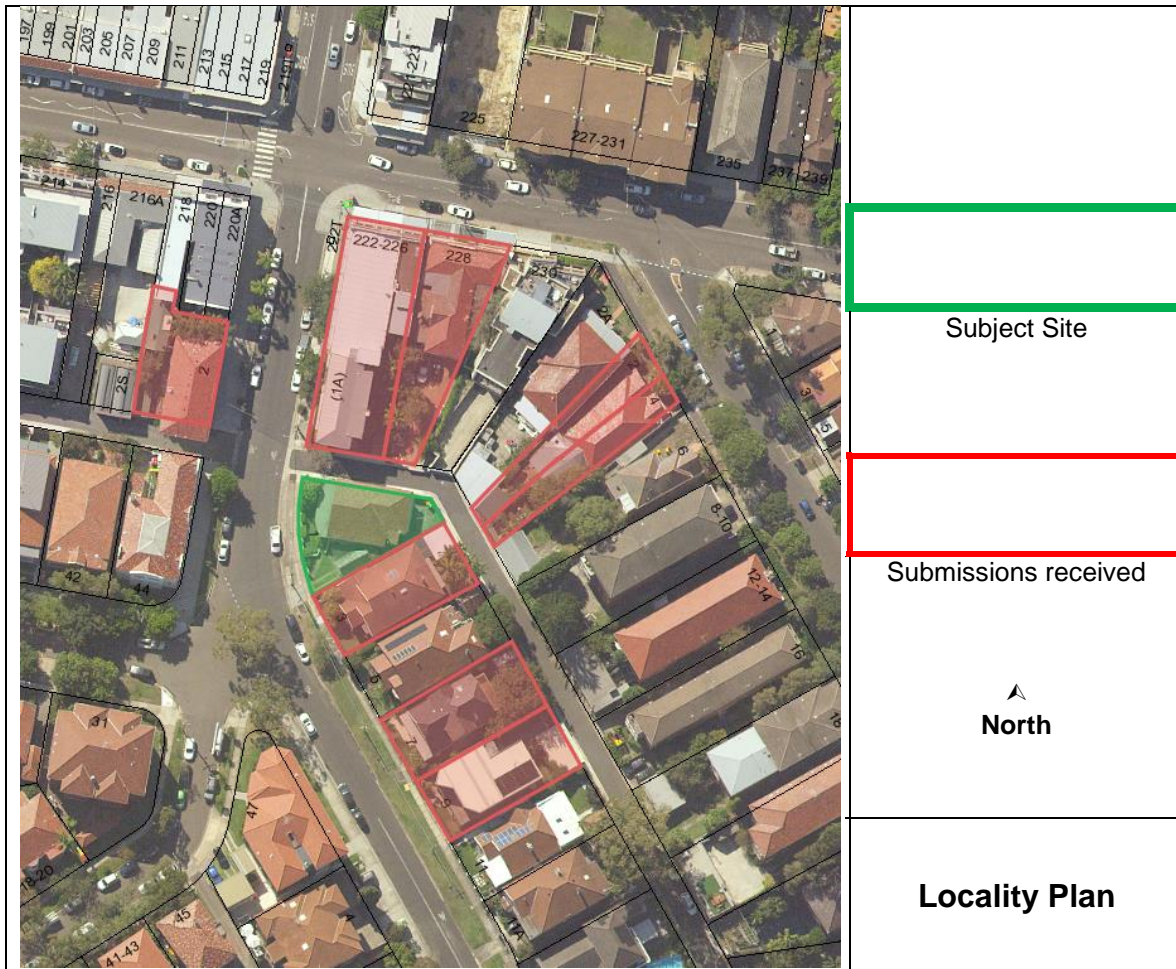
### Recommendation

That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/59/2025 for demolition of existing building/structures and construction of a 2-storey dwelling house with basement level, in-ground swimming pool, ancillary and landscaping works, at No. 1 Mount Street, Coogee, subject to the development consent conditions attached to the assessment report.

### Attachment/s:

- [1. !\[\]\(2a133ebb0337313d16cc068f19494aa2\_img.jpg\) RLPP Dev Consent Conditions \(general\) - DA/59/2025 - 1 Mount Street, COOGEE NSW 2034 - DEV - Randwick City Council](#)

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**1. Executive summary**

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

The proposal seeks development consent for demolition of existing structures and construction of a two (2) storey dwelling house with an additional basement level and a swimming pool.

The key issues associated with the proposal relate to visual privacy, solar access, view sharing, and excavation works.

The proposal is supported noting that the proposed dwelling generally complies with the relevant objectives and controls of the Randwick Local Environmental Plan (LLEP) 2012 and the Randwick Development Control Plan (RDGP) 2013.

The proposal is recommended for approval subject to conditions relating to visual privacy.

**2. Site Description and Locality**

The subject site is known as 1 Mount Street, Coogee and is legally described as Lot 54 in DP 13810. The site has an area of 409.4m<sup>2</sup> and is irregular in shape. The site has a 24.385m frontage to Mount Street (to the west), a 25.77m frontage to Division Lane (to the north), and a 5.605m rear frontage to Division Lane (to the east). The topography of the site is relatively flat.

As shown in Figures 1-3, the site is currently occupied by a single storey dwelling house, with an attached single garage. Surrounding development comprises a mix of dwelling houses and residential flat buildings, ranging in height from one (1) to three (3) storeys. Refer to Figures 4-6.





**Figure 1:** Existing dwelling at subject site, viewed from Mount Street (*Source: Council officer*)



**Figure 2:** Existing dwelling at subject site, viewed from corner of Division Lane and Mount Street (*Source: Council officer*)

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**Figure 3:** Rear of subject site, viewed from Division Lane (Source: Council officer)



**Figure 4:** Dwelling house at 3 Mount Street, directly to south of subject site (Source: Council officer)





**Figure 5:** Residential flat building at 44 Marcel Avenue, to west of subject site (Source: Council officer)



**Figure 6:** Residential flat building at 1A Mount Street, to north of subject site (Source: Council officer)

### 3. Relevant history

The site has been used for residential purposes for an extended period of time. A search of Council's records did not reveal any recent or relevant applications for the site.

### 4. Proposal

The proposal seeks development consent for demolition of existing structures and construction of a two (2) storey dwelling house with an additional basement level and a swimming pool.

As shown in Figures 7-9, the proposed development comprises:

- Basement level – 2 x car parking spaces (with turntable), pool equipment room, bin room, and storage room.
- Ground floor level – study/guest bedroom (with ensuite), lounge room, living room, dining room, kitchen (with walk in pantry), laundry, bathroom, front patio, and rear deck.

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- First floor level – 4 x bedrooms (including master with ensuite, walk in robe, and rear balcony with outdoor bathtub), study, bathroom, and front balcony.
- Associated site and landscaping works, including swimming pool and spa in rear yard.

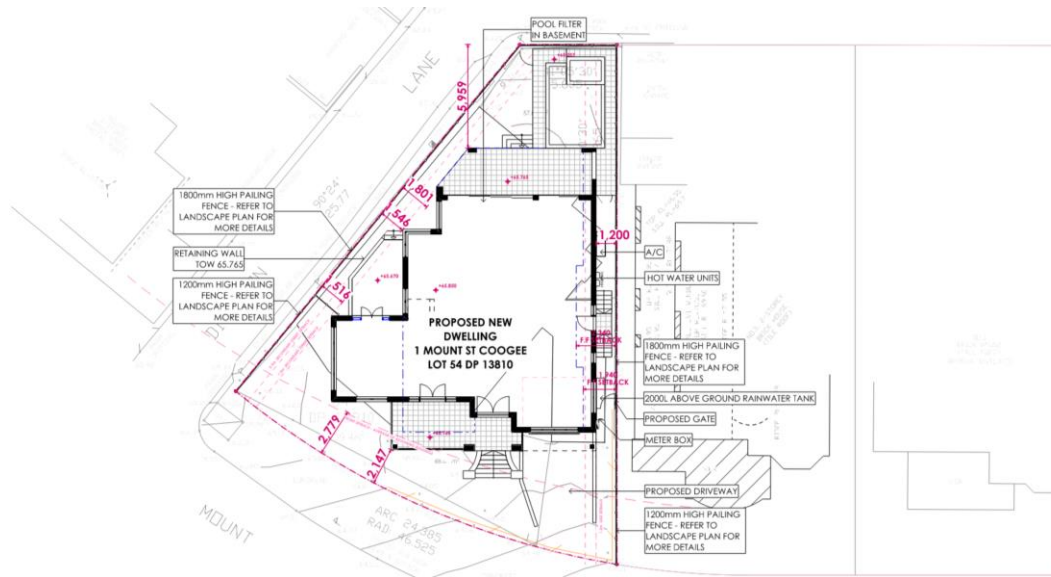


Figure 7: Proposed site plan (Source: Fyffe Design)

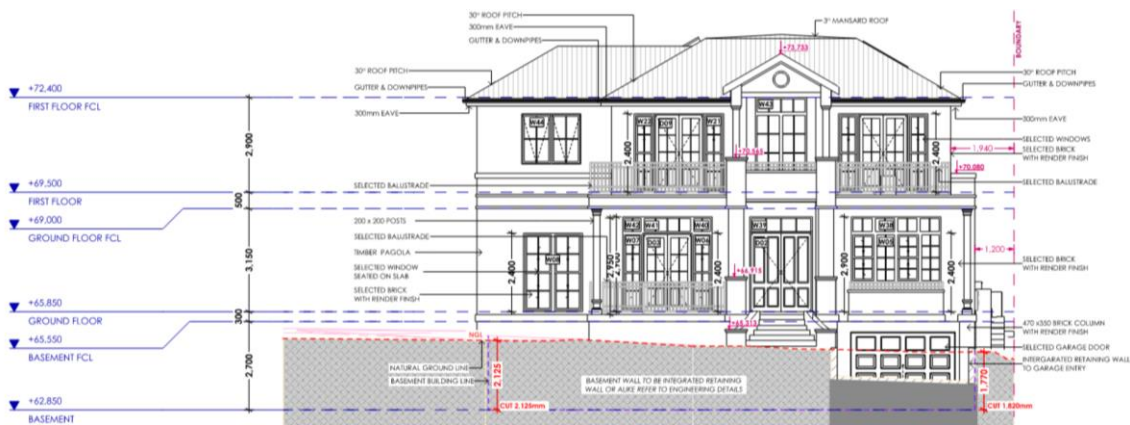


Figure 8: Proposed west (front elevation) plan (Source: Fyffe Design)

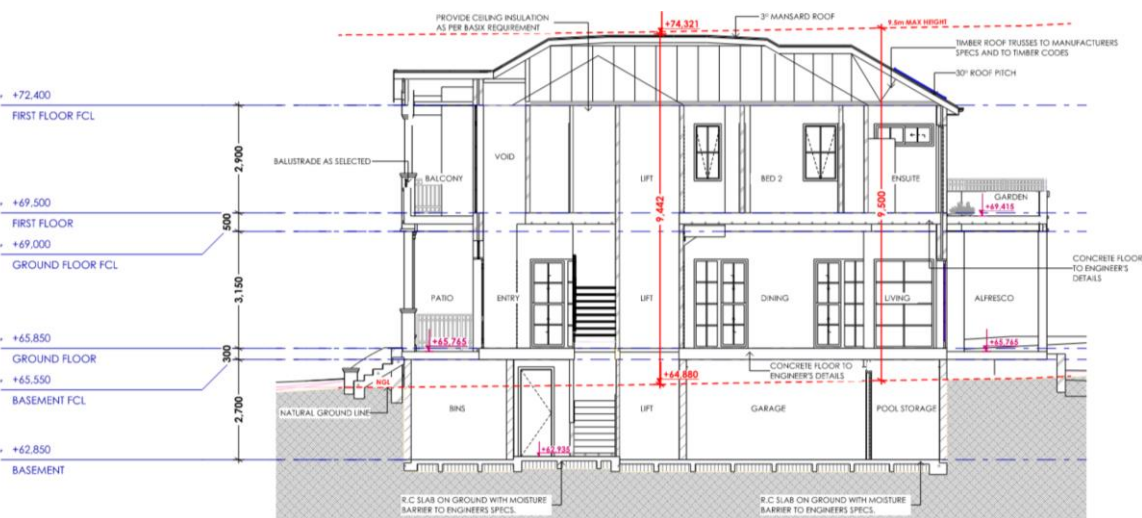


Figure 9: Proposed section plan (Source: Fyffe Design)



## Amended Plans

In response to Council's requests for information dated 05 March 2025 and 27 March 2025, a final set of amended plans was submitted by the Applicant on 03 April 2025. Importantly, the originally proposed roof terraces have been deleted in the amended plans.

### 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. A total of twelve (12) unique submissions were received as a result of the notification process:

- 6/2 Mount Street, Randwick
- 4/2 Mount Street, Randwick
- 7 Mount Street, Randwick
- 2 Brook Street, Coogee
- 2/228 Clovelly Road, Coogee
- 4 Brook Street, Coogee
- 5/2 Mount Street, Randwick
- 3 Mount Street, Coogee – including petition with 23 x signatures
- iObject – on behalf of 3 Mount Street, Coogee (2 x submissions)
- 5/1A Mount Street, Coogee
- 9 Mount Street, Coogee

<b>Issue</b>	<b>Comment</b>
View loss impacts	Refer to discussion at Key Issues section of this report.
Excessive building height	Refer to discussion at Key Issues section of this report.
Visual privacy impacts	Refer to discussion at Key Issues section of this report.
Property value impacts	Not relevant to planning assessment.
Solar access impacts	Refer to discussion at Key Issues section of this report.
Inconsistency with nearby heritage items and surrounding streetscape character	Council's Heritage Planner has reviewed the application and raises no concerns, subject to conditions – refer to Appendix 1.
Construction impacts, including traffic, parking, and noise	Suitable conditions are included to ensure that construction impacts are appropriately managed and/or mitigated.
Concerns regarding roof terrace, including visual and acoustic privacy impacts	The originally proposed roof terrace has been deleted in the amended plans.
Excessive excavation, and associated stormwater impacts	Refer to discussion at Key Issues section of this report. Suitable conditions are included to ensure that excavation and construction works do not adversely impact stormwater drainage.
Non-compliant setbacks	Refer to discussion at Key Issues section of this report relating to side setbacks.  In accordance with the DCP controls, the proposed front setback to Mount Street is generally consistent with the average of

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Issue	Comment
	<p>adjoining properties. Minor encroachment of the porch (at ground floor) and balconies (at first floor) within the front setback area is acceptable noting that the site is constrained by its irregular shape and configuration. The proposed front setback to Division Lane (1.5m) complies with the DCP controls.</p> <p>The DCP controls for rear setbacks do not apply to corner allotments. Notwithstanding, the proposed 5.9m rear setback is suitable as the dwelling generally aligns with the rear setback of the adjacent dwelling (No. 3 Mount Street) and the predominant rear setback alignment.</p>
Lack of landscaping	The proposal complies with the DCP controls which require minimum 35% deep soil area and three (3) canopy trees. In this regard suitable landscaping is provided on the site.

**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 the Sustainable Buildings SEPP. 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 (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 does not involve the removal of any significant vegetation or trees. As such, the proposal achieves the relevant objectives and provisions under Chapter 2.

**6.3. SEPP (Resilience and Hazards) 2021**

The provisions of Chapter 4 of the Resilience and Hazards SEPP 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 purposes and as such is unlikely to contain any contamination. The nature and location of the proposed development are such that any applicable provisions and requirements of the SEPP have been satisfactorily addressed.

**6.4. SEPP (Transport and Infrastructure) 2021**

Clause 2.48 of the Transport and Infrastructure SEPP applies to development comprising or involving any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out—
  - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
  - (ii) immediately adjacent to an electricity substation, or
  - (iii) within 5m of an exposed overhead electricity power line,
- (c) installation of a swimming pool any part of which is—
  - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
  - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

The application has been referred to Ausgrid (the relevant electricity supply authority) and suitable conditions have been provided.

**6.5. Randwick Local Environmental Plan (RLEP) 2012**

The site is zoned R2 Low Density Residential under Randwick Local Environmental Plan 2012 and the proposal, being for a dwelling house, is permissible with consent.

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.

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

Clause	Development Standard	Proposal	Compliance
Cl 4.4: Floor space ratio (max)	0.75:1 (307.05m <sup>2</sup> GFA) – refer clause 4.4A(3)	0.739:1 (302.81m <sup>2</sup> GFA) – based on Council calculation (refer below)	Yes
Cl 4.3: Building height (max)	9.5m	9.461m (RL 74.321 roof over RL64.86 existing ground – from submitted survey plan)	Yes

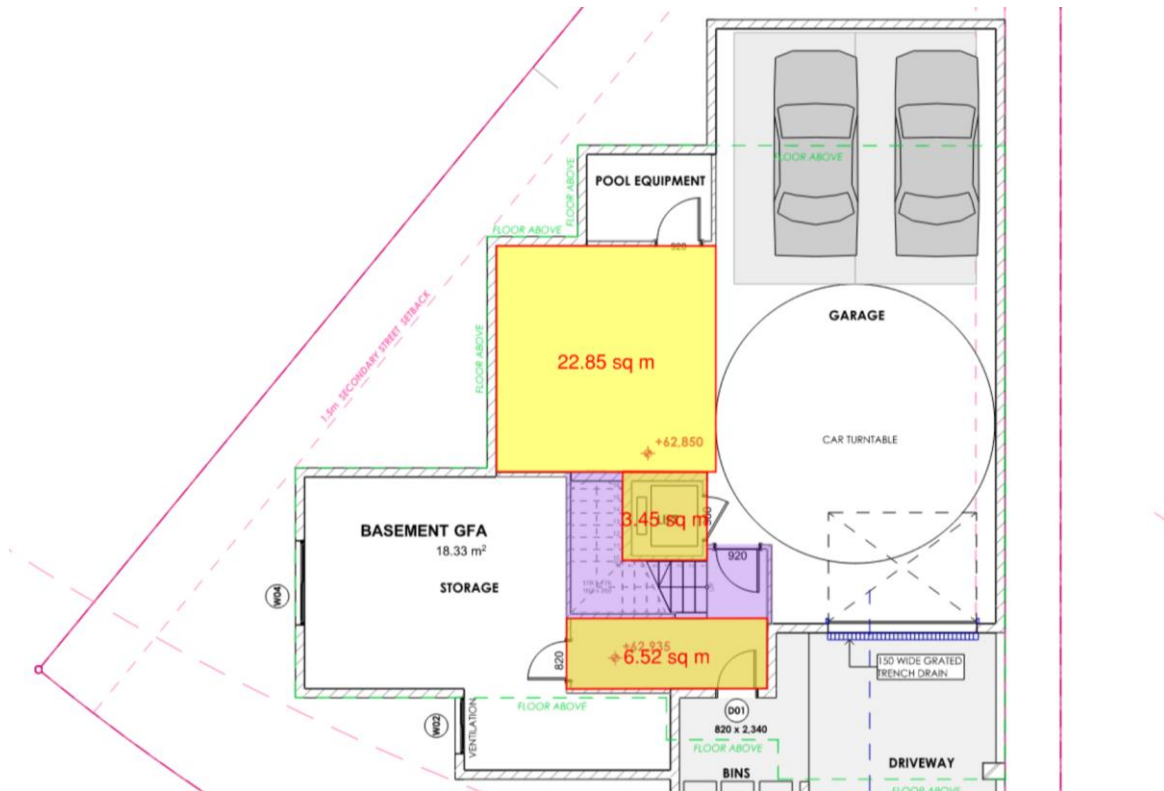
**6.5.1. Clause 4.4A – Floor Space Ratio**

Council is not satisfied that the submitted gross floor area (GFA) plans are correct for the basement level. The area to the north of the car turntable does not constitute access to car parking and so should be included as GFA. The submitted swept path diagrams demonstrate that this area is not required for manoeuvring cars in/out of the basement in a forward direction.

Notwithstanding, the area of the internal stair and landing can be excluded at basement level as it constitutes access to car parking. Based on Council’s calculations (refer yellow highlight at Figure 10), 32.82m<sup>2</sup> of GFA is proposed at basement level.

The proposed total GFA of 302.81m<sup>2</sup> equates to a floor space ratio (FSR) of 0.739:1, which complies with the maximum 0.75:1 development standard.





**Figure 10:** Council markup of GFA basement plan (Source: Fyffe Design with Council markup)

6.5.2. Clause 5.10 – Heritage conservation

Clause 5.10(4) of RLEP 2012 requires Council to consider the effect of development on the heritage significance of a heritage item or heritage conservation area.

The site is not listed as a heritage item and is not located within a heritage conservation area. However, as shown in Figure 11, the site is located in proximity to several heritage items and the Moira Crescent heritage conservation area.

Subject to conditions, Council’s Heritage Planner is satisfied that the proposed works comply with clause 5.10 of RLEP 2012. Refer to Appendix 1.



**Figure 11:** Extract of heritage map – subject site outlined green, heritage items shaded orange, and conservation area hatched red (Source: Randwick City Council)

6.5.3. *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 surrounding land.

The proposal involves excavation works of up to 2.6m in depth to accommodate a basement level for car parking, storage, bin storage, and pool equipment. In accordance with the DCP requirements, the basement footprint is suitably setback more than 0.9m from all boundaries.

The proposal satisfies clause 6.2(3) of RLEP 2012, as follows:

- Conditions of consent are imposed to minimise potential impacts on drainage patterns, soil stability, and adjoining structures;
- The proposed excavation is suitably scaled and does not have an adverse impact on the likely future use or redevelopment of the land;
- The site has historically been used for residential purposes and the possibility of contamination is considered unlikely;
- Conditions of consent are imposed to manage demolition and waste removal;
- The proposed excavation will not have an adverse impact on the amenity of adjoining properties;
- The proposal is unlikely to disturb relics; and
- The scale and siting of the proposal minimises impacts on waterways, water catchments, and environmentally sensitive areas.

**7. Development control plans and policies**

**7.1. Randwick Comprehensive DCP 2013**

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

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

**8. Environmental Assessment**

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

<b>Section 4.15 ‘Matters for Consideration’</b>	<b>Comments</b>
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	Refer to Section 6 of this report.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
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. Refer to Appendix 2.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the dominant residential character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

**8.1. Key Issues**

Building Height

Part C1, Section 3.2 of RDCP 2013 states that any habitable space located above the first floor level must be integrated into the building roofline. Any basement or semi-basement protruding less than 1.2m above finished ground level is not counted as a building storey.

Noting that the proposed basement does not protrude more than 1.2m above ground level, it does not constitute a building storey. In this regard, the proposal complies with the maximum two (2) storey DCP control. The basement level is set down below the street level and has been specifically designed to reduce the bulk and scale of the dwelling.

The proposal complies with the building height and floor space ratio (FSR) development standards pursuant to RLEP 2012, as well as the DCP controls for site coverage and landscaped area. The proposal reflects the desired future character of the locality, which comprises a mix of one (1) to three (3) storey dwellings and residential flat buildings.

Importantly, the proposed building height (RL 74.32) is lower than that of the neighbouring building at 1A Mount Street (RL 77.78) – refer Figure 12.



**Figure 12:** Proposed street elevation (Source: Fyffe Design)



There is limited on-street parking available within the site’s locality. The basement garage seeks to provide sufficient on-site parking (2 x car spaces in accordance with RDCP 2013) for future residents to alleviate on-street parking demand. Relative to an at-grade garage, the basement level has been designed to integrate with the built form of the dwelling whilst reducing the visual prominence of the car parking facilities and balancing the extent of excavation.

The proposal is consistent with the objectives of Part C1, Section 3.2, as detailed below:

- The proposal has been designed to minimise the bulk, scale, and visual impact of the dwelling as viewed from the street and from neighbouring dwellings.
- The dwelling generally maintains a two (2) storey height plus a visually recessive basement level.
- The proposed development does not cause unreasonable impacts upon the neighbouring dwellings in terms of overshadowing, view loss, privacy, and visual amenity.
- The form and massing of the development is generally respectful of the site’s topography and provides for an onsite parking configuration that is consistent with adjoining dwellings.

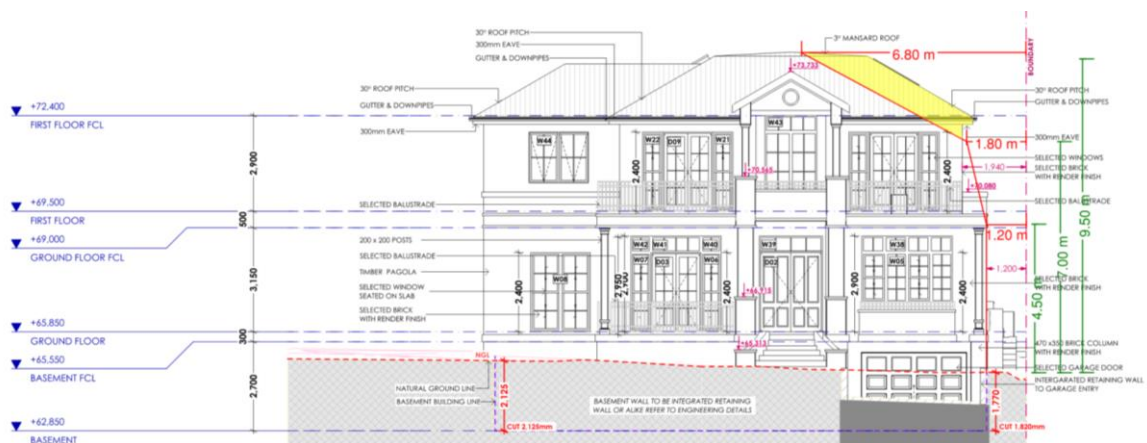
**Side Setbacks**

Pursuant to Part C1, Section 3.3.2 of RDCP 2013, the following side setbacks apply to the site:

- Up to 4.5m building height: 1.2m
- 4.5m - 7m building height: 1.8m
- 7m - 9.5m building height: 6.8m

As shown in Figures 13-14, the proposal generally complies with the minimum setback distances. Whilst a minor portion of the roof form encroaches within the setback area (refer yellow highlight), numeric non-compliance is acceptable in this instance as it is partly due to the irregular shape of the site. The non-compliant portion of the building does not contain any window openings which would result in overlooking impacts to neighbouring properties.

Insistence on strict compliance with the DCP controls would result in an irregular roof form which would be incompatible with the ‘French Provincial’ architectural style of the dwelling. Additionally, it is considered that a fully compliant dwelling would not result in any substantially improved solar access outcomes for neighbouring properties.



**Figure 13:** Council markup of west (front) elevation plan (Source: Fyffe Design with Council markup)

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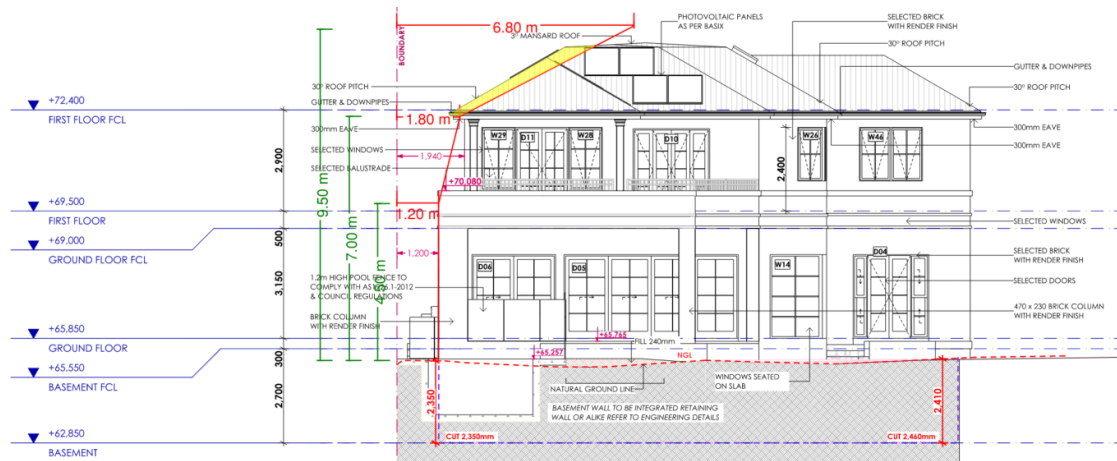


Figure 14: Council markup of east (rear) elevation plan (Source: Fyffe Design with Council markup)

Notwithstanding minor numeric non-compliance, the proposal is consistent with the objectives of Part C1, Section 3.3 of RDCP 2013, as follows:

- A consistent rhythm of street setbacks and front gardens is maintained to Mount Street to contribute to the character of the neighbourhood.
- The form and massing of the proposed development is compatible with the streetscape character and maintains a two (2) storey street frontage.
- Subject to conditions, adequate separation is provided between neighbouring buildings for visual and acoustic privacy and solar access.
- Adequate areas are provided for private open space and deep soil planting.
- As demonstrated in this report, a reasonable level of view sharing is maintained between the subject site, neighbouring dwellings, and the public domain.

Solar Access

Pursuant to Part C1, Section 5.1 of RDCP 2013, a portion of the north-facing living room windows and private open space (POS) areas of neighbouring dwellings must receive a minimum of three (3) hours of direct sunlight between 8am and 4pm on 21 June.

Relative to the existing built form, the proposal will result in some minor additional overshadowing of the property at No. 3 Mount Street. However, overshadowing to the northern elevation of the property at No. 3 Mount Street is limited to bedroom and bathroom windows only. There are no north-facing openings to living rooms at No. 3 Mount Street.

Notwithstanding, at least three (3) hours of solar access will be provided to the north-facing windows at first floor level (to master bedroom, ensuite, and retreat) between 9am and 1pm, which complies with the minimum DCP requirements. Additionally, more than three (3) hours of solar access will be provided to the rear POS area between 9am and 12noon, which complies with the minimum DCP requirements.

The proposed dwelling complies with the maximum building height and FSR development standards as required by RLEP 2012, as well as the maximum site coverage and minimum deep soil area controls as required by RDCP 2013. The extent of overshadowing resulting from the development is consistent with that which is envisaged under the relevant planning controls for the site. The extent of proposed overshadowing is largely dictated by the orientation of the subject and adjoining sites and the subdivision pattern of the urban block. On this basis, the proposal is consistent with Part C1, Section 5.1 of RDCP 2013.

Excavation

Part C1, Section 4.7 of RDCP 2013 prescribes a set of objectives and controls relating to earthworks. Excavation and backfilling are limited to 1m, unless it is demonstrated that the site gradient is too steep to reasonably construct a dwelling within this extent of site modification.

The proposal involves excavation works of up to 2.6m in depth to accommodate a basement level for car parking, storage, bin storage, and pool equipment.

The dwelling has been designed to integrate with the natural topography of the site whilst not resulting in adverse impacts to neighbouring properties. The excavation works seek to reduce the overall height of the dwelling and minimise adverse impacts to neighbouring properties.

There is limited on-street parking available within the site's locality. The proposed basement garage seeks to provide sufficient on-site parking (2 x car spaces in accordance with RDCP 2013) for future residents to alleviate on-street parking demand.

The proposal complies with the minimum required 900mm setback from the outer edge of excavation to the site boundaries. Suitable conditions of consent are included to ensure that excavation works will not result in any adverse impact to the structural integrity of adjoining properties.

The application is supported by a Geotechnical Report which provides suitable recommendations to ensure the stability of the subject site and adjoining properties. A condition is included to ensure that the recommended measures are undertaken.

The submitted Traffic Report provides the following justification in support of the basement:

- *Reduction in Congestion: The basement car park helps alleviate traffic congestion on Mount Street by providing sufficient off-street space for vehicles to fully stop and stand within the site. This prevents vehicles from partially stopping or standing on the carriageway or footpath along Mount Street, thereby enhancing accessibility and traffic flow.*
- *Safe and Efficient Vehicle Movement: The design of the basement car park allows for forward-only vehicle exit from the property, minimising the risk of collisions with pedestrians, cyclists, and other vehicles on Mount Street. This improves safety and reduces the likelihood of accidents.*
- *Improved Road Safety: The basement car park mitigates safety risks associated with the bend on Mount Street by facilitating forward-in, forward-out vehicle movements. This design reduces the potential for hazardous manoeuvres and enhances overall road safety.*
- *Concealed Infrastructure: Essential services and machinery can be housed underground in the basement car park, which not only preserves the site's aesthetic appeal but also optimises the functionality of the property.*
- *Enhanced Security: The underground or lower-level nature of the basement car park provides a more isolated and secure environment for vehicles, owners, and tenants. This seclusion reduces the risk of opportunistic crime by limiting the visibility and access to the area.*
- *Optimised Space Usage: The basement car park maximises the available space on a small corner lot, allowing for greater landscaping opportunities and a more efficient use of land.*

Despite the exceedance to the depth of excavation requirements, the proposed basement level is considered an appropriate car parking solution for the site, as outlined above.

The proposal is consistent with the objectives of Part C1, Section 4.7 of RDCP 2013 as it:

- Generally minimises change to natural ground levels;
- Does not result in unreasonable structural, visual, overshadowing and privacy impacts to adjoining dwellings;
- Provides usable private open space with an appropriate gradient;
- Subject to conditions, will not result in adverse stormwater impacts to adjoining properties;
- Achieves suitable deep soil permeability surface areas and canopy tree planting in accordance with DCP controls; and
- Does not allow for the use of subterranean spaces as habitable areas.

On this basis, the proposal is generally consistent with Part C1, Section 4.7 of RDCP 2013 and is considered suitable.



Visual Privacy

Pursuant to Part C1, Section 5.3 of RDCP 2013, windows and balconies are to be designed to minimise overlooking.

Noting that there are no south-facing window or balcony openings at No. 1A Mount Street, the proposed north-facing window and balcony openings are unlikely to result in any direct overlooking impacts to this building.

Concern is raised regarding potential overlooking from the proposed south-facing windows (at first floor level) to the property at No. 3 Mount Street. In accordance with the DCP requirements, a condition is included to ensure that raised sill heights (1.6m above FFL) or privacy glazing/screening is provided to Windows W30, W31, W32, W33, and W34.

Concern is raised regarding potential overlooking from the rear deck at ground floor level, which is raised above existing ground level. As such, a condition is included to ensure that the southern wall is raised from 1.3m (as proposed) to a minimum of 1.6m above FFL (refer to Figure 15).

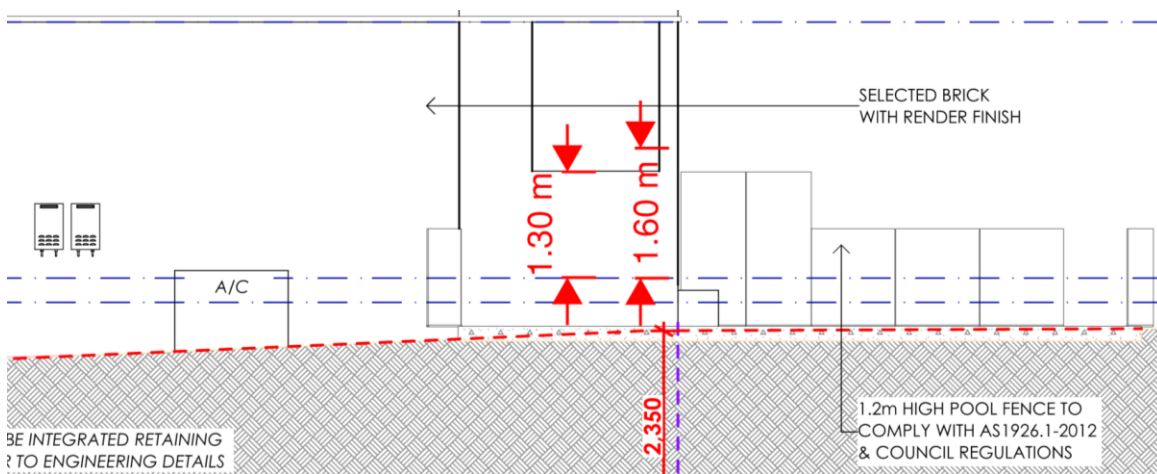


Figure 15: Mark-up of south elevation plan (Source: Fyffe Design)

As shown in Figure 16, the rear pool (and associated decking) directly adjoins a garage at No. 3 Mount Street. The existing garage will suitably screen the pool and deck from the rear yard at No. 3 Mount Street.

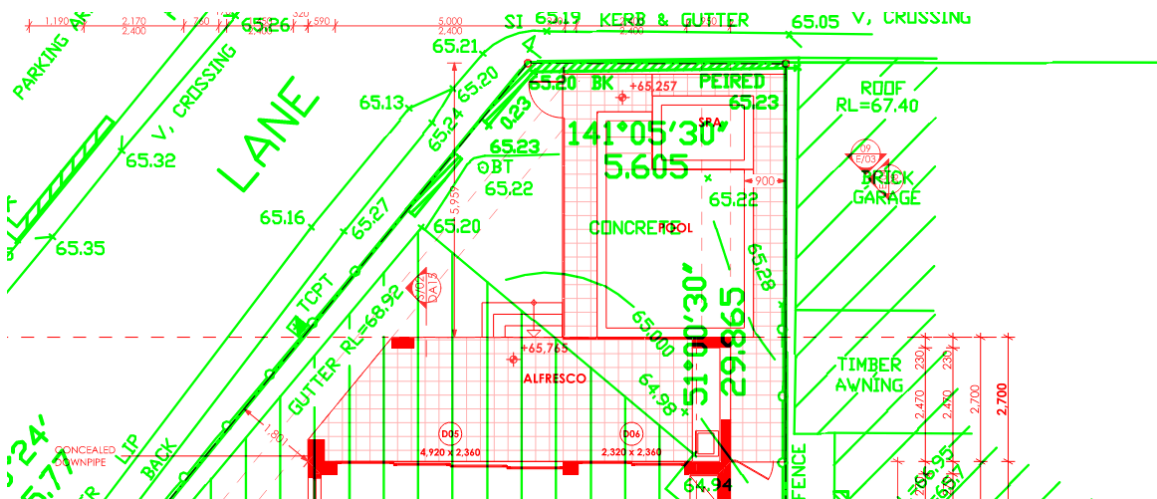


Figure 16: Overlay of ground floor plan (red) and survey plan (green) (Source: Fyffe Design and G&R Surveying Services)

At first floor level, the proposed front balconies are acceptable in terms of visual privacy as they are small 'Juliette' style balconies located off a bedroom. Noting that the balconies are a minor extension of the glazing line, it is not considered that they will result in any significant additional privacy

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impacts. Noting that the balconies are accessed via bedrooms (i.e. not living rooms), it is unlikely that they will be used for entertaining purposes, or the like.

However, concern is raised regarding potential overlooking from the proposed rear balcony at first floor level. To prevent overlooking to the rear yard at No. 3 Mount Street, a condition is included to ensure that a privacy screen is provided to the southern side of the balcony.

Noting that the rear balcony is located more than 30m away from the rear balcony/window openings of the properties to the north-east of the subject site, additional privacy screening to the rear of the balcony is not deemed necessary.

Subject to conditions, the proposal is consistent with Part C1, Section 5.3 of RDCP 2013 and is considered suitable.

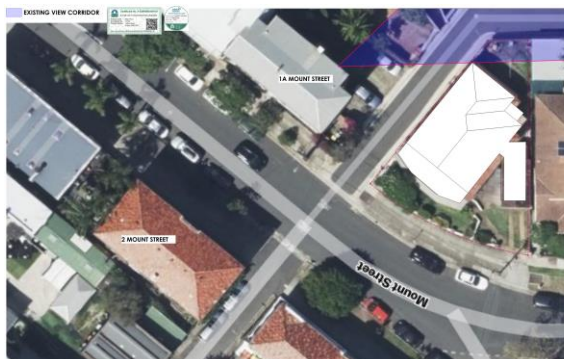
View Sharing

Part C1, Section 5.6 of RDCP 2013 requires view sharing to be considered where there is a potential for view loss impacts to ensure the equitable distribution of views between new development, neighbouring properties, and the public domain.

The proposed alterations and additions have been designed to protect existing views of the ocean and headland from neighbouring properties. The properties at Nos. 1A and 2 Mount Street benefit from views of the ocean and headland. The owners of these properties raised concerns regarding view loss impacts.

As shown in Figures 17-18, existing views from apartments at No. 1A Mount Street will be uninterrupted by the proposed development. In fact, noting that the proposed dwelling provides an increased rear setback (relative to the existing dwelling), additional view corridors may be afforded to these apartments.

Additionally, it is noted that there are no south-facing window or balcony openings at No. 1A Mount Street which directly overlook the subject site. The east-facing openings are generally oriented away from the subject site.



**Figure 17:** Existing view corridor from No. 1A Mount Street (Source: Fyffe Design)



**Figure 18:** Proposed view corridor from No. 1A Mount Street (Source: Fyffe Design)

As shown in Figures 19-24, whilst a minor portion of water views may be lost from the upper level apartments at No. 2 Mount Street, expansive ocean and headland views will be retained from these apartments.

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Figure 19: Existing view from dining room at 5/2 Mount St – subject site outlined in red (Source: Domain)



Figure 20: Existing view from bedroom at 5/2 Mount St – subject site outlined in red (Source: Domain)



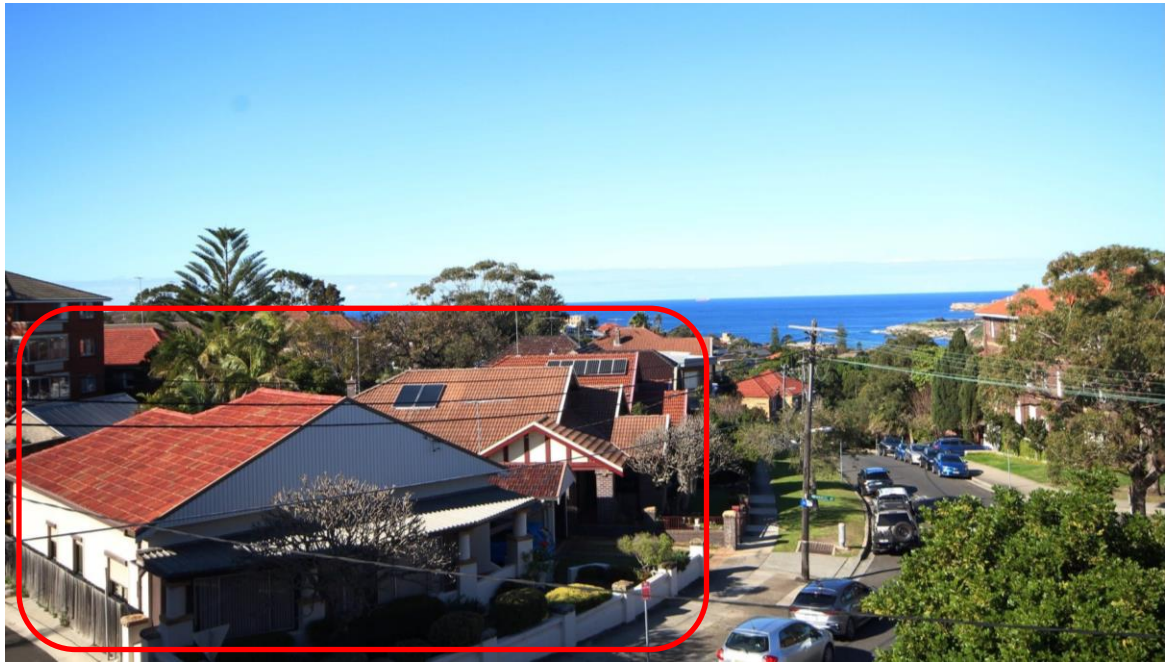


Figure 21: Existing view from 5/2 Mount St – subject site outlined in red (Source: Domain)

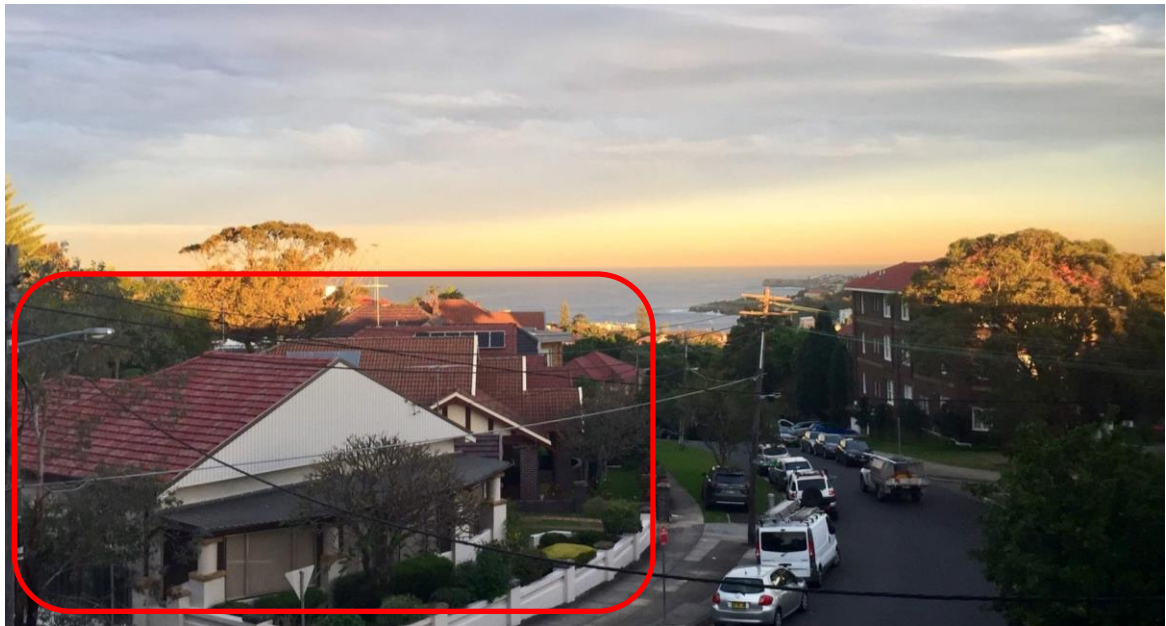


Figure 22: Existing view from 6/2 Mount St – subject site outlined in red (Source: Domain)

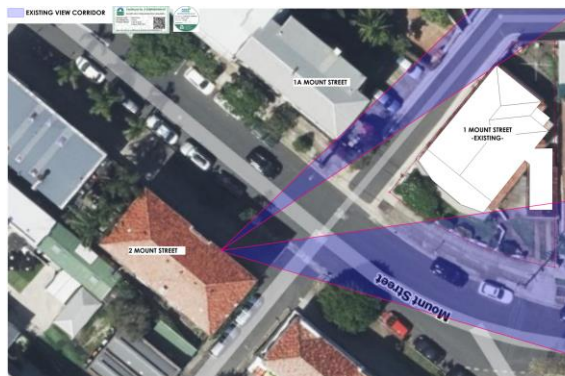


Figure 23: Existing view corridor from No. 2 Mount Street (Source: Fyffe Design)

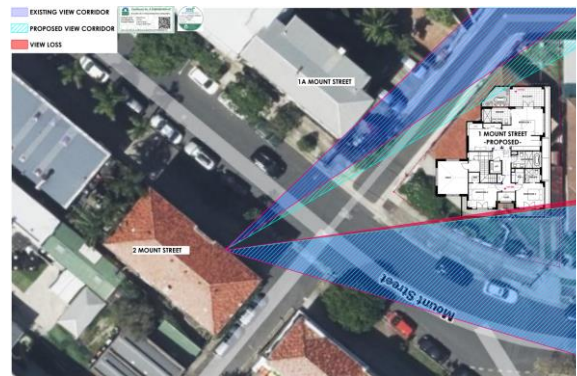


Figure 24: Proposed view corridor from No. 2 Mount Street (Source: Fyffe Design)



The Court poses two (2) questions in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* at paragraphs 23-33. The first question relates to whether a non-compliance with one (1) or more planning controls results in view loss. The second question relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

The following comments are made with regard to the reasonableness of the proposal:

- The proposal will have a negligible to minor impact on views obtained from neighbouring properties. Refer to detailed assessment at Step 3 above.
- The proposal presents as a two (2) storey (plus basement) dwelling which complies with the FSR and building height development standards.
- The proposal reflects the existing desired future character of the locality and is compatible with the scale of neighbouring development. Surrounding development comprises a mix of one (1) and two (2) storey dwellings and three (3) storey residential flat buildings.
- The height, bulk, and scale of the proposed built form is considered to be reasonable. The proposal demonstrates a suitable height transition between the existing buildings at Nos. 1A and 3 Mount Street.
- Whilst a minor portion of ocean views may be lost from the upper level apartments at No. 2 Mount Street, this property will retain expansive ocean and headland views further towards the south-east.
- It is considered that the proposal represents a skillful design that minimises the impacts of the development to the neighbouring properties. A more skillful design would be unlikely to reduce view impacts without compromising the intent of the redevelopment of the site.

In conclusion, the proposal satisfies the aims and objectives for view sharing pursuant to Part C1, Section 5.6 of RDCP 2013, as well as the case law established by *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

## 9. Conclusion

That the application for demolition of existing building/structures and construction of a 2-storey dwelling house with basement level, in-ground swimming pool, ancillary and landscaping works, at No. 1 Mount Street, Coogee 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 Low Density Residential zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The 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 and streetscape.

## Appendix 1: Referrals

### 1. Development Engineer

Council's Development Engineer has reviewed the application and raises no concern, subject to conditions, as detailed below:

#### **Splayed Corner Fencing Issue**

*Development Engineering requires a splayed corner at the Mount St / Division Lane intersection for sight lines between pedestrians and vehicles exiting Division Lane, a relevant condition has been included to amend the plans prior to the issuing of the CC.*

#### **Driveway Entrance Location Issue**

*The submitted plans show the new driveway entrance being located approximately 1.20m of the side boundary. Development Engineering does not support this proposal and has conditioned that the driveway entrance and the Council driveway to remain at the existing location due to the location of an Ausgrid Power Pole.*

#### **Parking Comments**

*Under Part B7 of Council's DCP 2013 the proposed 5-bedroom residence is required to provide a minimum of 2 off-street carspaces. The submitted plans **do** demonstrate compliance with this requirement.*

#### **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 (or underground drainage system) in Mount Street;*

#### **Landscape Comments**

*There are no existing trees, covered by Part B5 (Preservation of Trees and Vegetation) in Council's DCP 2013, that will be affected by this proposal.*

#### **Undergrounding of power lines to site**

*At the ordinary Council meeting on the 27<sup>th</sup> May 2014 it was resolved that;*

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

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

### 2. Heritage Planner

Council's Heritage Planner has reviewed the application and raises no concern, subject to conditions, as detailed below:

*The subject site is not a heritage item however, it is located in the vicinity of the following listed items and sites:*

- *'Art Deco residential flat building' at 1A Mount Street (222–226 Clovelly Road) (Item no. 92);*
- *"Don Ramon", inter-war Spanish Mission residential flat building' at 44 Marcel Avenue (Item no. 528);*
- *'Residential flat building with neo-classical entry' at 31 Marcel Avenue (Item no. 405);*

- *Moira Crescent Heritage Conservation Area (C11); and*
- *'Original roadway and turning circle' at Moira Crescent and Western end of Marcel Avenue, Coogee (Item no. A2).*

The architectural drawings are to be amended to reflect the following recommendations:

- *Roof colour - the proposed Dulux paint colour 'Monument' is not supported. Consider a lighter roof colour that is consistent with the character of the area, neighbouring Heritage Conservation Area, and heritage items in the vicinity. Earth tones are recommended. Lighter shades of grey are an acceptable alternative, subject to Council approval.*
- *Dwelling materials and colours - materials that are more appropriate in the context are preferred, such as face brick or off-white colour schemes.*

### 3. Ausgrid

The application was referred to Ausgrid and no concern was raised, subject to conditions, as detailed below:

TELEPHONE: 13 13 65  
EMAIL: [development@ausgrid.com.au](mailto:development@ausgrid.com.au)



24-28 Campbell St  
Sydney NSW 2000  
All mail to  
GPO Box 4009  
Sydney NSW 2001  
T +61 2 131 525  
[ausgrid.com.au](http://ausgrid.com.au)

**This letter is Ausgrid's response under section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.**

Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid's Network Standards can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:  
[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

Should you have any enquiries, please contact Ausgrid at [Development@ausgrid.com.au](mailto:Development@ausgrid.com.au)

Regards,  
Ausgrid Development Team

## Appendix 2: DCP Compliance Table

### 1. Part B2 – Heritage

Subject to conditions, Council is satisfied that the proposed development meets the heritage requirements in accordance with Part B2 of RDCP 2013. Refer to Appendix 1.

### 2. Part B7 – Transport, Traffic, Parking and Access

Council is satisfied that the proposed development meets the parking requirements in accordance with Part B7 of RDCP 2013. Refer to detailed assessment by Council’s Development Engineer at Appendix 1.


### 3. Part C1 – Low Density Residential

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	
<b>2</b>	<b>Site planning</b>	Site = 409.4m <sup>2</sup>	
<b>2.4</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% <b>301 to 450 sqm = 55%</b> 451 to 600 sqm = 50% 601 sqm or above = 45% *Site area is measured on the overall site area (not proposed allotment areas)	Proposed = 190.37m <sup>2</sup> (46.4%)	Yes
<b>2.5</b>	<b>Deep soil permeable surfaces</b>		
	Up to 300 sqm = 30% <b>301 to 450 sqm = 35%</b> 451 to 600 sqm = 40% 601 sqm or above = 45% i) Deep soil minimum width 900mm i) Retain existing significant trees ii) Minimum 25% front setback area permeable surfaces	Proposed = 143.47m <sup>2</sup> (35%)  A condition is included to ensure that all areas indicated as ‘deep soil area’ on the submitted site calculations plan is provided as a suitably permeable surface.	Yes
<b>2.6</b>	<b>Landscaping and tree canopy cover</b>		
	Minimum 25% canopy coverage Up to 300 sqm = 2 large trees <b>301 to 450 sqm = 3 large trees</b> 451 to 600 sqm = 4 large trees i) Minimum 25% front setback area permeable surfaces ii) 60% native species	Proposed = three (3) canopy trees  A condition is included to ensure that the submitted landscape plan is revised to reflect the amended architectural plans.	Yes
<b>2.7</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	Up to 300 sqm = 5m x 5m <b>301 to 450 sqm = 6m x 6m</b> 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Proposed = > 6m x 6m	Yes
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1</b>	0.739:1 (302.81m <sup>2</sup> )	Yes
<b>3.2</b>	<b>Building height</b>		
	<b>Building height LEP 2012 = 9.5m</b>	Proposed = 9.461m	Yes



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DCP Clause	Controls	Proposal	Compliance
	i) Habitable space above 1st floor level must be integrated into roofline ii) Minimum ceiling height = 2.7m 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"> <li>- Topography</li> <li>- Site orientation</li> <li>- Lot configuration</li> <li>- Flooding</li> <li>- Lot dimensions</li> <li>- Impacts on visual amenity, solar access, privacy and views of adjoining properties.</li> </ul>	Proposed = two (2) storey dwelling with basement level. The basement does not protrude more than 1.2m above ground level and so does not constitute an additional storey. The basement level would not be readily visible from the street and/or public domain.  The proposed ceiling heights (2.7m at basement, 3.15m at ground, and 2.9m at first floor) comply with the minimum 2.7m requirements.	Yes
<b>3.3 Setbacks</b>			
<b>3.3.1</b>	<b>Front setbacks</b> i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> <li>- 900mm for allotments with primary frontage width of less than 7m</li> <li>- 1500mm for all other sites</li> <li>- Should align with setbacks of adjoining dwellings</li> </ul> iii) Do not locate swimming pools, above-ground rainwater tanks and outbuildings in front.	Proposed (to Mount Street) = generally consistent with average of adjoining properties. Minor encroachment of the porch (at ground floor) and balconies (at first floor) within the front setback area is acceptable noting that the site is constrained by its irregular shape and configuration. As shown below (refer yellow highlight), the non-compliant portion of the building is minor and inconsequential.  Proposed (to Division Lane) = 1.5m.	On merit

DCP Clause	Controls	Proposal	Compliance																								
3.3.2	<p><b>Side setbacks</b></p> <table border="1" data-bbox="389 264 946 528"> <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 &gt;4.5m to 7m</th> <th>Building heights &gt;7m</th> </tr> </thead> <tbody> <tr> <td>Less than 6m</td> <td colspan="3"><i>Merit assessment</i></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><math>0.9m + \frac{\text{building height} - 4.5m}{4}</math></td> <td><math>1.5m + 2 \times (\text{building height} - 7m)</math></td> </tr> <tr> <td>12m and above</td> <td>1.2m</td> <td><math>1.2m + \frac{\text{building height} - 4.5m}{4}</math></td> <td><math>1.8m + 2 \times (\text{building height} - 7m)</math></td> </tr> </tbody> </table>	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	<i>Merit assessment</i>			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	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$	Refer to discussion at Key Issues section of this report.	On merit, refer to Key Issues
Minimum side setbacks																											
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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	<p><b>Rear setbacks</b></p> <ul style="list-style-type: none"> <li>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</li> <li>ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> <li>- Existing predominant rear setback line</li> <li>- Reasonable view sharing (public and private)</li> <li>- Protect the privacy and solar access</li> </ul> </li> <li>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.</li> <li>iv) For irregularly shaped lots = merit assessment on basis of:- <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> </li> </ul>	<p>Not applicable to corner allotments.</p> <p>Notwithstanding, the proposed 5.9m rear setback is considered suitable as the proposed dwelling generally aligns with the rear setback of the adjacent dwelling (No. 3 Mount Street) and the predominant rear setback alignment – refer below.</p>	Yes																								
																											
4	<b>Building design</b>																										
4.1	<b>General</b>																										

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DCP Clause	Controls	Proposal	Compliance
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> <li>• balconies appropriately sized</li> <li>• Minimum bedroom sizes: 10sqm master bedroom (3m dimension), 9sqm bedroom (3m dimension).</li> </ul>	The proposed development is consistent with the characteristics of the streetscape and surrounding natural and built environment.  The building elevations are suitably articulated by way of varying materials and recessed elements. Compliant dimensions are provided for all bedrooms.	Yes
<b>4.4</b>	<b>Roof terraces and balconies</b>		
	i) Locate on stepped buildings only (not on uppermost or main roof) ii) Where provided, roof terraces must: <ul style="list-style-type: none"> <li>• Prevent overlooking</li> <li>• Size minimised</li> <li>• Secondary POS – no kitchens, BBQs or the like</li> <li>• Maintain view sharing, minimise structures and roof top elements</li> <li>• Be uncovered and comply with maximum height</li> </ul> iii) Locate above garages on sloping sites (where garage is on low side)	The proposal has been amended to delete the originally proposed roof terraces.	N/A
<b>4.5</b>	<b>Roof design and features</b>		
	<i>Dormers</i> i) Dormer windows do not dominate ii) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. iii) Multiple dormers consistent iv) Suitable for existing <i>Clerestory windows and skylights</i> v) Sympathetic to design of dwelling <i>Mechanical equipment</i> vi) Contained within roof form and not visible from street and surrounding properties.	The proposed roof design is considered suitable.	Yes
<b>4.6</b>	<b>Colours, Materials and Finishes</b>		
	i) Schedule of materials and finishes. ii) Finishing is durable and non-reflective and uses lighter colours. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climate to withstand natural weathering, ageing and deterioration. vi) Recycle and re-use sandstone	Concern was raised by Council’s Heritage Planner regarding the proposed material schedule. A condition is included to ensure that an amended material schedule is submitted to and approved by Council.	Subject to conditions
<b>4.7</b>	<b>Earthworks</b>		

DCP Clause	Controls	Proposal	Compliance
	i) Excavation and backfilling limited to 1m, unless gradient too steep ii) Minimum 900mm side and rear setback iii) Subterranean spaces must not be habitable iv) Step retaining walls. v) If site conditions require setbacks < 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm. vi) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vii) cut and fill for POS is terraced <i>where site has significant slope:</i> viii) adopt a split-level design ix) Minimise height and extent of any exposed under-croft areas.	Refer to discussion at Key Issues section of this report.	On merit, refer to Key Issues
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	Suitable solar access will be provided to the proposed dwelling.	Yes
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) Solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may be acceptable subject to a merits assessment with regard to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	Refer to discussion at Key Issues section of this report.	On merit, refer to Key Issues
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide day light to internalised areas within	Internal habitable	Yes



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DCP Clause	Controls	Proposal	Compliance
	<p>the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as:</p> <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> </ul> <p>i) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries</p> <p>ii) 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>	<p>spaces will achieve adequate natural lighting and ventilation.</p>	
<b>5.3</b>	<b>Visual Privacy</b>		
	<p><b>Windows</b></p> <p>i) Proposed habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures:</p> <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up to 1600mm minimum.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> <p>ii) Orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)</p>	<p>Refer to discussion at Key Issues section of this report.</p>	<p>On merit, refer to Key Issues</p>
	<p><b>Balcony</b></p> <p>iii) Upper floor balconies to street or rear yard of the site (wrap around balcony to have a narrow width at side)</p> <p>iv) Minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers)</p> <p>v) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure)</p> <p>vi) For sloping sites, step down any ground floor terraces and avoid large areas of elevated outdoor recreation space.</p>	<p>Refer to discussion at Key Issues section of this report.</p>	<p>On merit, refer to Key Issues</p>
<b>5.4</b>	<b>Acoustic Privacy</b>		
	<p>i) Noise sources not located adjacent to adjoining dwellings bedroom windows</p> <p><i>Attached dual occupancies</i></p> <p>ii) Reduce noise transmission between dwellings by:</p> <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each other.</li> <li>- Locate less sensitive areas adjacent to the party wall to serve as noise buffer.</li> </ul>	<p>The proposed development, being for a single dwelling, is unlikely to result in significant adverse acoustic privacy impacts.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
<b>5.5</b>	<b>Safety and Security</b>		
	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 to obstruct casual surveillance (maintain safe access)	The proposed main entry is located on the front elevation (to Mount Street). The dwelling is provided with habitable room windows and balconies which overlook the street and allow for passive surveillance.	Yes
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) Retaining existing views from the living areas are a priority over low use rooms iii) Retaining views for the public domain takes priority over views for the private properties iv) Fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA.	Refer to discussion at Key Issues section of this report.	On merit, refer to Key Issues
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	<b>All dwellings</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m; and - Consistent with pattern in the street; and - Landscaping provided in the front yard. v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces)	Proposed = basement garage for two (2) cars, with a single width driveway to Mount Street.	Yes
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	Proposed = 3m (at street boundary). The driveway widens to 4m towards the dwelling, which is considered acceptable.	Yes
<b>6.5</b>	<b>Garage Configuration</b>		
	i) Recessed behind front of dwelling ii) Maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) Min. 5.4m length of garage	The basement garage door is recessed behind the front dwelling façade.  Council's Development	Yes

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>iv) Max. 2.6m wall height and 3m building height (for pitched roof) for detached garages</li> <li>v) Recess garage door 200mm to 300mm behind walls (articulation)</li> <li>vi) 600mm max. parapet wall or bulkhead</li> <li>vii) Minimum clearance 2.2m (AS2890.1)</li> </ul>	Engineer has reviewed the proposed basement design and does not raise any concerns – refer to Appendix 1.	
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General – Fencing</b>		
	<ul style="list-style-type: none"> <li>i) Use durable materials</li> <li>ii) Sandstone not rendered or painted</li> <li>iii) Do not use steel post and chain wire, barbed wire or dangerous materials</li> <li>iv) Avoid expansive surfaces of blank rendered masonry to street</li> </ul>	Proposed = rendered and painted masonry piers and dwarf wall with aluminium finishes.	Yes
<b>7.2</b>	<b>Front Fencing</b>		
	<ul style="list-style-type: none"> <li>i) 1200mm max. (solid portion not exceeding 600mm), except for piers.                             <ul style="list-style-type: none"> <li>- 1800mm max. provided upper two-thirds partially open (30% min), except for piers.</li> </ul> </li> <li>ii) Light weight materials used for open design and evenly distributed</li> <li>iii) 1800mm max solid front fence permitted in the following scenarios:                             <ul style="list-style-type: none"> <li>- Site faces arterial road</li> <li>- Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment).</li> </ul> <p><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></p> </li> <li>iv) 150mm allowance (above max fence height) for stepped sites</li> <li>v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible</li> <li>vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes.</li> <li>vii) Gates must not open over public land.</li> <li>viii) The fence must align with the front property boundary or the predominant fence setback line along the street.</li> <li>ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.</li> </ul>	Proposed = 1.4m - 1.2m. Minor numeric non-compliance is limited to a small portion of the fence and is acceptable noting that the fence has been designed to step with the slope of the site.	On merit
<b>7.3</b>	<b>Side and rear fencing</b>		
	<ul style="list-style-type: none"> <li>i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m).</li> <li>ii) Fence may exceed max. if level difference between sites</li> <li>iii) Taper down to front fence height once past the front façade alignment.</li> <li>iv) Both sides treated and finished.</li> </ul>	Proposed = 1.2m - 1.8m lapped and capped boundary fence	Yes
<b>7.5</b>	<b>Swimming pools and Spas</b>		

DCP Clause	Controls	Proposal	Compliance
	i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject and adjoining sites. iii) Locate to minimise noise impacts on the adjoining dwellings. i) Pool and coping level related to site topography (max 1m over lower side of site). 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. 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. iv) Incorporate screening or planting for privacy as above, unless need to retain view corridors. v) Position decking to minimise privacy impacts. vi) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.	The proposed swimming pool and spa is suitably located in the rear yard.  The proposed side fencing (1.8m height) will provide suitable privacy screening to/from the property at No. 3 Mount Street. The proposed pool (and associated deck) adjoins a garage (i.e. not a private open space area).  Pool pump equipment is suitably located in the basement garage.	Yes
<b>7.6</b>	<b>Air conditioning equipment</b>		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	The AC unit is located towards the rear of the site on the southern building elevation and will not be readily visible from the street. A condition is included to ensure that the AC unit is acoustically treated.	Yes
<b>7.8</b>	<b>Clothes Drying Facilities</b>		
	i) Located behind the front alignment and not be prominently visible from the street	Clothes drying facilities can be suitably located in the rear yard.	Yes

D18/25

**Responsible officer:** Julia Warren, Senior Environmental Planning Officer

**File Reference:** DA/59/2025



## Development Consent Conditions



<b>Folder /DA No:</b>	DA/59/2025
<b>Property:</b>	1 Mount Street, COOGEE NSW 2034
<b>Proposal:</b>	Demolition of existing building/structures and construction of a 2-storey dwelling house with basement level, in-ground swimming pool, ancillary and landscaping works.
<b>Recommendation:</b>	Approval

## GENERAL CONDITIONS

Condition
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1. **Approved plans and documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA05, Demolition Plan, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA06, Site Plan, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA09, Basement Plan, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA10, Ground Floor Plan, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA11, First Floor Plan, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA12, Elevations, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA13, Elevations, Rev. 18	Fyffe Design	02/04/2025	03/04/2025
DA14, Roof Plan, Rev. 17	Fyffe Design	02/04/2025	03/04/2025
DA15, Sections, Rev. 17	Fyffe Design	02/04/2025	03/04/2025
DA17, Window, Door Schedule & Pool Details, Rev. 17	Fyffe Design	02/04/2025	03/04/2025

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
1772439S_05	02/04/2025	03/04/2025

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. A privacy screen having a height of 1.6m (measured above finished floor level) shall be provided to the southern side of the rear balcony at first floor level.

Privacy screen/s must be constructed with either:

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- Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable);
  - Fixed lattice/slats with individual openings not more than 30mm wide;
  - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
- b. Windows W30, W31, W32, W33, and W34 (all on south elevations) must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted, or sandblasted glazing below this height.
- c. The southern wall to the rear alfresco area at ground floor level shall be raised to a minimum height of 1.6m (measured above finished floor level).
- d. All areas indicated as 'deep soil area' on the submitted site calculations plan (Dwg. DA07, Rev. 18, dated 02/04/2025) shall be provided as areas for the growing of plants (lawn, grasses, shrubs and trees) and/or areas with loose gravels (or the like) upon soil that water can easily penetrate.
- e. The submitted landscape plan (Revision E, dated 21/03/2024) shall be revised to reflect the approved architectural plans and shall provide for at least three (3) canopy trees on the site.
- f. The AC unit shall be contained within an acoustically treated enclosure.

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

3. **Ausgrid Requirements**

The development must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Condition Reason: To ensure compliance with Ausgrid requirements.

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

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Condition

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4. **Consent Requirements**

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

Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.

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

The proposed Dulux paint colour 'Monument' shall be replaced with a lighter roof colour that is consistent with the character of the area, neighbouring Heritage Conservation Area, and heritage items in the vicinity. Earth tones are

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recommended. Alternatively, lighter shades of grey may be acceptable.

The proposed external wall materials and colours shall be replaced with contextually appropriate materials, such as face brick or off-white colours.

**An amended schedule of colours, materials and finishes shall be submitted to and approved by Council's Manager Development Assessment prior to issue of a Construction Certificate.**

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

6. **Section 7.12 Development Contributions**

Development Contributions are required in accordance with the applicable Randwick City Council Development Contributions Plan, based on the development cost of \$2,392,146.34, the following applicable monetary levy must be paid to Council: **\$23,921.46**.

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:

$$\text{IDC} = \text{ODC} \times \text{CP2}/\text{CP1}$$

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](http://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**

Condition
<p>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 <i>Environmental Planning and Assessment Act 1979</i>:</p> <ul style="list-style-type: none"> <li>• \$3,000.00 - Damage / Civil Works Security Deposit</li> </ul> <p>Security deposits 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 <i>Security Deposit Refund Form</i> 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> <p>9. <b>Sydney Water</b> All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> <li>• Building plan approvals</li> <li>• Connection and disconnection approvals</li> <li>• Diagrams</li> <li>• Trade waste approvals</li> <li>• Pressure information</li> <li>• Water meter installations</li> <li>• Pressure boosting and pump approvals</li> <li>• Change to an existing service or asset, e.g. relocating or moving an asset.</li> </ul> <p>Sydney Water's Tap in™ online service is available at: <a href="https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm">https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</a></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> <p>10. <b>Building Code of Australia</b> 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</i></p>



	Condition
	<p><i>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>
11.	<p><b>BASIX Requirements</b></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>
12.	<p><b>Excavation Earthworks and Support of Adjoining Land</b></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>
13.	<p><b>Excavation, Earthworks and Support of Adjoining Land</b></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"> <li>• 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;</li> <li>• 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);</li> <li>• when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land; and</li> <li>• as otherwise may be required by the Certifier for the development.</li> </ul> <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>
14.	<p><b>Design Alignment Levels</b></p>

Condition
<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:</p> <ul style="list-style-type: none"> <li>• <b>Match the back of the existing footpath along the full site frontage.</b></li> </ul> <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 (<u>a construction note on the construction certificate plans is considered satisfactory</u>). The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.</p> <p>Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.</p> <p>Condition Reason: To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.</p>
<p>15. <b>Design Alignment Levels</b></p> <p>The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of <b>\$1,563.00</b> calculated at <b>\$63.00</b> 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>
<p>16. <b>Splayed Corner Boundary Fencing (Mount Street &amp; Division Lane)</b></p> <p>Prior to the issuing of a Construction Certificate the plans are to be amended to show the new boundary fencing at the northwest corner of the site (Mount St / Division Lane intersection) being constructed with a 1.00m x 1.00m splay for any portion of the fence that is greater than 400mm above the existing Council footpath level at this location.</p> <p>The Principal Certifier is to ensure compliance with this requirement.</p> <p>Condition Reason: To improve sight lines between pedestrians and vehicles at the intersection of Mount Street &amp; Division Lane.</p>
<p>17. <b>Internal Driveway Design</b></p> <p>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.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
<p>18. <b>Internal Driveway Opening Location at Front Boundary</b></p> <p>Prior to the issuing of a Construction Certificate the plans for the driveway entrance <u>at the front boundary</u> are to be amended to show the driveway entrance remaining at its existing location, adjacent to the southern side boundary, <b>and NOT with a 1.20m offset</b> from the side boundary as proposed in the application</p> <p>Note: The driveway entrance is not to encroach past the line of the Ausgrid Power Pole. The Council driveway will not be extended and will remain at its existing location.</p> <p>The Principal Certifier is to ensure compliant with the above requirements.</p>

	Condition
19.	<p>Condition Reason: Due to the location of the Ausgrid Power Pole and to ensure driveway works are designed and constructed in accordance with the relevant requirements.</p> <p><b>Stormwater Drainage</b> 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.</p> <p>The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.</p> <p>Condition Reason: To control and manage stormwater run-off.</p>
20.	<p><b>Stormwater Drainage</b> A site stormwater drainage system is to be provided in accordance with the following requirements (as applicable):</p> <ul style="list-style-type: none"> <li>a) The stormwater drainage system must be designed and constructed to satisfy the relevant requirements in the Building Code of Australia,</li> <li>b) Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling,</li> <li>c) The overflow from the rainwater tank and other surface stormwater must be directed to a suitably designed sediment/silt arrestor pit which drains to a suitably designed infiltration area having a minimum base area of 5m<sup>2</sup>,</li> <li>d) A stormwater overflow pipe (located a minimum 50mm above the outlet to the infiltration area) is to be provided from the sediment/silt arrestor pit to drain to Council's kerb and gutter in front of the site,</li> <li>e) The design and construction of the infiltration areas must be appropriate having regard to the site and ground characteristics.</li> </ul> <p><b><u>Should the site or ground conditions preclude the construction of an infiltration pit (i.e. due to rock being located within 300mm of the base of the infiltration area), an infiltration pit need not be provided and the stormwater is to be discharged directly to the kerb and gutter via a sediment/silt arrestor pit.</u></b></p> <ul style="list-style-type: none"> <li>f) Should a charged system be required to drain any portion of the site, the charged system must be designed such that; <ul style="list-style-type: none"> <li>i. There are suitable clear-outs/inspection points at pipe bends and junctions.</li> <li>ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.</li> </ul> </li> <li>g) 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.</li> </ul>

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Condition

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h) Details of the design and construction of the stormwater drainage system, sediment site arrestor pit/s and infiltration areas must be submitted to and approved by the Principal Certifier with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifier.

i) The design and construction of any infiltration areas must be appropriate having regard to the site and ground characteristics.

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) and 2.1 metres from any adjacent side or rear boundary.

If there is no formal overland escape route from the infiltration area to Council's kerb and gutter/street drainage system, a suitable investigation is required to be carried out by a *professional engineer* to determine the suitability of the ground for infiltration and the design of the proposed infiltration system.

Infiltration may not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the infiltration area, or the ground conditions comprise low permeability soils such as clay.

Should ground conditions preclude construction of an infiltration pit (i.e. rock and/or a high-water table be present on the site), consideration may be given to the use of a pump out system.

j) Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with Council's Stormwater Code.

Pump-out systems must be provided with two pumps and be installed, connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100-year, 2-hour storm assuming both pumps are not working,

k) Any pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

l) Details of the design and construction of the stormwater drainage system, sediment silt arrestor pit/s and infiltration area/s must be submitted to and approved by the Principal Certifier with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifier.

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

21. **Stormwater Drainage**

Sediment/silt arrestor pit/s are to be provided within the site at or near the street boundary prior to stormwater being discharged from the site or into any infiltration areas. The sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements, to the satisfaction of the Principal Certifier:

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The grate is to be a galvanised heavy-duty grate that has a provision



Condition
<p>for a child proof fastening system.</p> <ul style="list-style-type: none"> <li>• A minimum of 4 x 90 mm diameter weep holes 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.</li> <li>• A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)</li> <li>• A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).</li> <li>• The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.</li> </ul>

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

22. **Stormwater Drainage**

The Infiltration area, if ground conditions suit its installation, is required to be constructed generally in accordance with the following requirements:

- Provision of a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaped area).
- Located a minimum of 3.0 metres from any structures (note: this set back requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
- Having a minimum base infiltration area of 5.0 m<sup>2</sup> with a suitable means of dispersing stormwater over the area of infiltration.
- Locating the outlet from the silt arrestor pit to the infiltration area at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.

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

23. **Building Code of Australia – Swimming Pools**

Swimming Pools and Spa Pools are to be designed and installed in accordance with the requirements of the *Building Code of Australia* and be provided with a child-resistant barrier in accordance with the *Swimming Pools Act 1992*; the *Swimming Pools Regulation 2018* and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Details of compliance are to be provided in the Construction Certificate.

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.

*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.*

Condition Reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area.

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Condition

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24. **Swimming Pool Safety**

Swimming pools are to be designed, installed and operated in accordance with the following general requirements:

- Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.
- Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed with a building to minimise noise emissions or result in a noise nuisance.
- Water recirculation and filtrations systems are required to comply with AS 1926.3 (2010) Swimming Pool Safety – Water Recirculation and Filtration Systems.
- Paving and ground surfaces adjacent to swimming pools are to be graded and so as to ensure that any pool overflow water is drained away from buildings and adjoining premises, so as not to result in a nuisance or damage to premises.

Condition Reason: To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area.

25. **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 relevant utility and service providers' requirements are provided to the certifier and adhered to.

26. **Undergrounding of Site Power from Ausgrid**

Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Mount Street. 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 minimise the use of private poles in accordance with Council's resolution and protect street amenity.

**BEFORE BUILDING WORK COMMENCES**

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Condition

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27. **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*.

Condition
<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 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>
<p>28. <b>Home Building Act 1989</b> In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and sections 69 &amp; 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 &amp; 71 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>29. <b>Dilapidation Reports</b> 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>
<p>30. <b>Construction Site Management Plan</b> A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must</p>

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Condition

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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.

31. **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.

32. **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**

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Condition

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33. **Site Signage**

It is a condition of the development consent that a sign must be erected in a



Condition
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prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:

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

The sign must be—

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

This section does not apply in relation to—

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

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

34. **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"> <li>Monday to Friday - 7.00am to 5.00pm</li> <li>Saturday - 8.00am to 5.00pm</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Excavations in rock, sawing of rock, use of jack-hammers, driven-type piling/shoring or the like	<ul style="list-style-type: none"> <li>Monday to Friday - 8.00am to 3.00pm</li> <li>(maximum)</li> <li>Saturday - No work permitted</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>

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

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

35. **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.

**Condition**

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

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

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

*Notes:*

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

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

**36. 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) 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.

Condition	
	<p>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.</p> <p>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> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
37.	<p><b>Excavations and Support of Adjoining Land</b> 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>
38.	<p><b>Building Encroachments</b> 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>
39.	<p><b>Survey Report</b> 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"> <li>• prior to construction (pouring of concrete) of footings for the building and boundary retaining structures,</li> <li>• prior to construction (pouring of concrete) of new floor levels,</li> <li>• prior to issuing an Occupation Certificate, and</li> <li>• as otherwise may be required by the Principal Certifier.</li> </ul> <p>The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.</p> <p>Condition Reason: To ensure compliance with approved plans.</p>
40.	<p><b>Road/Asset Opening Permit</b> 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> <ul style="list-style-type: none"> <li>• A <i>Road / Asset Opening Permit</i> 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</li> </ul>















