

Randwick Local Planning Panel (Public) Meeting

Thursday 12 June 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, 12 June 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. D22/25

Subject: 482 Bunnerong Road, Matraville (DA/26/2025)

Executive Summary

Proposal:	Integrated development for demolition of the existing dwelling and ancillary structures to enable the construction of a part 4 and 6 storey shop top housing development with 11 dwellings, including 2 affordable housing dwellings, ground floor commercial space, basement parking and associated landscaping.
Ward:	South Ward
Applicant:	Arkivis Pty Ltd
Owner:	Ms R Grammat, Mr R Veltman, Mr A C Richard, Ms R Grammat
Cost of works:	\$6,413,873
Reason for referral:	The development contravenes the development standard for landscaped area by more than 10%, the development is subject to Chapter 4 of the Housing SEPP, and more than 10 unique submissions by way of objection were received

Recommendation

- A. That the RLPP is satisfied that the applicant's written requests to vary the development standard relating to minimum lot size and minimum landscaped area development standards in sections 19(2)(a) and 19(2)(b) of State Environmental Planning Policy (Housing) 2021 have demonstrated that;
- i. Compliance with the relevant development standard is unnecessary and unreasonable in the circumstances of the case; and
 - ii. There are sufficient environmental planning grounds to justify the contravention of the relevant development standards.
- B. That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/26/2025 for integrated development for demolition of the existing dwelling and ancillary structures to enable the construction of a part 4 and 6 storey shop top housing development with 11 dwellings, including 2 affordable housing, ground floor commercial space, basement parking and associated landscaping, at No. 482 Bunnerong Road, Matraville, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1.  RLPP Dev Consent Conditions - DA/26/2025 - 482 Bunnerong Road, Matraville

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1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the development contravenes the development standard for landscaped area by more than 10%, the development is subject to Chapter 4 of the Housing SEPP, and more than 10 unique submissions by way of objection were received.

The proposal seeks development consent for demolition of the existing dwelling and ancillary structures and construction of a part four (4) and part six (6) storey shop top housing development comprising eleven (11) apartments, including two (2) affordable housing apartments, ground floor commercial space, basement parking, and associated landscaping.

The application is identified as being integrated development pursuant to section 4.46 of the Environmental Planning and Assessment Act (EP&A Act) 1979, and approval from WaterNSW is required under the Water Management Act 2000. WaterNSW granted concurrence to the proposed development, subject to general terms of approval.

The key issues associated with the proposal relate to non-compliance with the development standards for lot size and landscaped area pursuant to the Housing SEPP.

The proposed variations are supported as the proposal is consistent with the objectives of the E1 Local Centre zone and the objectives of the Housing SEPP. The applicant's written requests have adequately addressed the matters for consideration pursuant to clause 4.6 of RLEP 2012.

The proposal is recommended for approval subject to conditions.

2. Site Description and Locality

The subject site is located at 482 Bunnerong Road, Matraville and is legally described as Lot A in DP 355175. The site has an area of 443.5m² and is rectangular in shape. The site has a 13.57m frontage to Bunnerong Road and a 13.515m frontage to Baird Lane. The topography of the site is relatively flat.

As shown in Figures 1-2, the site is currently occupied by a single storey dwelling. Surrounding development comprises a mix of shop top housing, residential flat buildings, and dwellings of varying architectural style and era (refer Figures 3-9). Surrounding development ranges in height from one (1) to seven (7) storeys.



Figure 1: Existing development at subject site, viewed to west from Bunnerong Rd (Source: Council officer)



Figure 2: Existing development at subject site, viewed to east from Baird Lane (Source: Domain)

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Figure 3: Development directly south of subject site (Source: Council officer)



Figure 4: Development directly north of subject site (Source: Council officer)



Figure 5: Development to east of subject site, on opposite side of Bunnerong Rd (Source: Council officer)



Figure 6: Development to south-east of subject site, on opposite side of Bunnerong Rd (Source: Council officer)

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Figure 7: Development to west of subject site, fronting Baird Lane (Source: Council officer)



Figure 8: Baird Lane, viewed towards north (Source: Council officer)



Figure 9: Oblique view of locality, showing multi-storey contemporary development in vicinity of subject site
(Source: Near Map)

3. Relevant history

The land 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

As shown in Figures 10-12, the proposal seeks consent for demolition of the existing dwelling (and ancillary structures) and construction of a part four (4) and part six (6) storey shop top housing development comprising:

- Two (2) basement levels accommodating 11 x car parking spaces, services, and storage, and a car lift.
- Ground floor level accommodating two (2) commercial units, one (1) accessible car parking space, car lift, three (3) bicycle parking spaces, services, bathroom, bin storage, services, and residential entry.
- Internal communal courtyard at first floor level separating the front and rear buildings.
- Six (6) storey building (to Bunnerong Road) accommodating 2 x one (1) bed affordable housing units, 4 x one (1) bed units, and 2 x two (2) bed units.
- Four (4) storey building (to Baird Lane) accommodating 2 x two (2) bed units and 1 x one (1) bed unit.

Amended Plans

In response to Council's Request for Information dated 04 March 2025, amended plans were submitted by the Applicant on 07 April 2025. The originally proposed rooftop terraces have been deleted, a second basement level has been added, and a second commercial tenancy (at ground floor level) has been added. Internal and external design changes have also been made in response to comments from Council's Design Excellence Advisory Panel.

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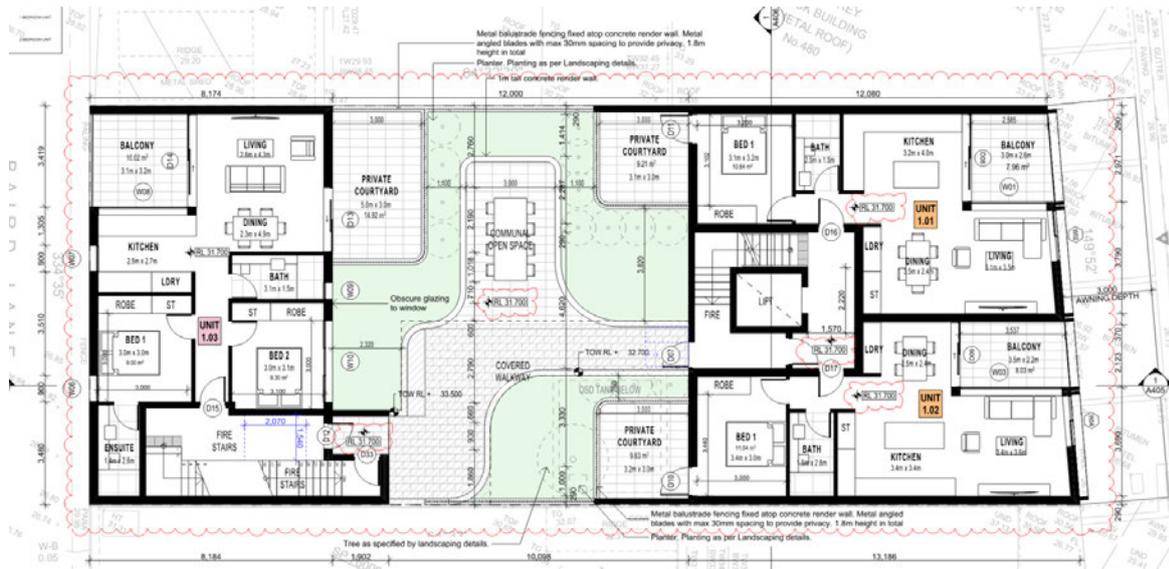


Figure 10: Proposed first floor plan (Source: Arkhaus)



Figure 11: Proposed section plan (Source: Arkhaus)



Figure 12: Photomontage of proposed development (Source: Arkhaus)

5. Notification

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

- 2 Baird Ave (2 x submissions)
- 20 Baird Ave
- 62 Baird Ave
- 6/62 Baird Ave
- 10 Baird Ave
- 28 Baird Ave
- 26 Baird Ave
- 22 Baird Ave
- 7/33 Baird Ave
- 19 Baird Ave
- 52 Baird Ave
- 31 Baird Ave (2 x submissions)
- Unknown address
- 6/35 Baird Ave (2 x submissions)
- 403/448 Bunnerong Rd
- 1/51 Baird Ave
- 490 Bunnerong Rd (2 x submissions)
- 484 Bunnerong Rd
- 23 Baird Ave
- 27 Baird Ave
- 29 Baird Ave
- 25/49 Baird Ave
- 18 Baird Ave
- 50 Baird Ave
- 11 Baird Ave (2 x submissions)
- 8A McGowen Ave, Malabar (on behalf of SP 10319 – 33 Baird Ave)
- 13 Baird Ave
- 506 Bunnerong Rd (on behalf of 488 Bunnerong Rd)

- 5/484 Bunnerong Rd (on behalf of strata body of 484 Bunnerong Rd, and Nos. 24, 25, 27, 30, 31, 32 Baird Ave)
- 489 Bunnerong Rd
- 3/51 Baird Ave (2 x submissions)
- 6/33 Baird Ave

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Issue	Comment
On-street parking, traffic, and safety impacts	<p>Council's Development Engineer has reviewed the proposed traffic and parking arrangement and raises no concerns, subject to conditions.</p> <p>The proposal provides 12 on-site car parking spaces, in excess of the minimum requirement for 11 car parking spaces.</p>
Restricted access to Baird Lane	The proposal does not seek to restrict access to Baird Lane. Suitable conditions are included to manage construction traffic impacts.
Excessive building height, bulk, and scale	Refer to Key Issues section of this report.
Solar access impacts	Refer to Key Issues section of this report.
Visual privacy impacts	Refer to Key Issues section of this report.
Construction impacts, including traffic, parking, vibration, dust, pollution, noise, and structural damage	Suitable conditions are included to minimise the impact of construction works on neighbouring properties.
Acoustic impacts	The originally proposed rooftop terraces have been deleted from the plans. Council's Environmental Health Officer has reviewed the submitted Acoustic Report and raises no concerns, subject to conditions.
Inconsistent with local character	The proposal, being for shop top housing, is consistent with the objectives of the E1 Local Centre zone. The proposed building design is compatible with surrounding development and the wider Matraville town centre, which is undergoing transition in accordance with Part D5 of RDCP 2013.
Commercial development in residential zone	The proposed land use, being for shop top housing, is permissible with consent in the E1 Local Centre zone.
Impacts to nearby heritage items	Council's Heritage Planner has reviewed the proposal and raises no concerns, subject to conditions.
View loss impacts	Refer to Key Issues section of this report.
Non-compliant FSR	There is no FSR control applying to the site.
Non-compliant basement design	Council's Development Engineer has reviewed the proposed basement design and raises no concerns, subject to conditions.

Issue	Comment
Stormwater drainage concerns	Council's Development Engineer has reviewed the proposed stormwater design and raises no concerns, subject to conditions.
No site notice sign	In accordance with Council's Community Engagement Strategy, the application was publicly notified by way of a website notice, written notice to affected properties, and a site notice. The site notice was erected by Council officers on 30 January 2025.

5.1. Renotification

Amended plans were submitted by the Applicant on 07 April 2025. The amended plans were re-notified for a period of 28 days between 17 April 2025 and 20 May 2025.

The following submissions were received as a result of the re-notification process:

- 31 Baird Ave (2 x submissions)
- 2/490 Bunnerong Rd (2 x submissions)
- 25/49 Baird Ave
- 29 Baird Ave
- 403/448 Bunnerong Rd
- 27 Baird Ave
- 8A McGowen Ave, Malabar (on behalf of SP 10319 – 33 Baird Ave)

Issue	Comment
Excessive building height	Refer to Key Issues section of this report.
Solar access impacts	Refer to Key Issues section of this report.
Visual privacy impacts	Refer to Key Issues section of this report.
Construction impacts, including traffic, parking, vibration, dust, pollution, noise, and structural damage	Suitable conditions are included to minimise the impact of construction works on neighbouring properties. Conditions relating to dilapidation reporting and damage to adjoining property are included.
No site notice sign	<p>In accordance with Council's Community Engagement Strategy, the amended application was publicly notified by way of a website notice, written notice to affected properties, and a site notice.</p> <p>The site notice was erected by Council officers on 17 April 2025. On 22 April 2025, the Applicant advised Council that an unknown individual had removed the site notice. A replacement site notice was erected by Council officers on 22 April 2025.</p>
Impacts to on-street car parking and access to nearby properties	Council's Development Engineer has reviewed the proposed traffic and parking arrangement and raises no concerns, subject to conditions.

Issue	Comment
	The proposal provides 12 on-site car parking spaces, in excess of the minimum requirement for 11 car parking spaces.
Excavation depth	Refer to discussion at Section 7.6 of this report.
Acoustic impacts arising from parties	The proposed development, being for 2 x commercial tenancies and 11 x residential apartments is not considered to result in significant adverse acoustic impacts. No consent is granted for any entertainment, live music, or the like.
Inappropriate metal cladding material	Council's Heritage Planner has confirmed that the proposed schedule of materials and finishes is considered suitable, subject to conditions.

6. Water Management Act 2000

The proposed development is nominated by the applicant and classified as integrated development pursuant to Chapter 3, Part 3 of the Water Management Act 2000. WaterNSW granted concurrence to the proposed development, subject to general terms of approval.

7. Relevant Environment Planning Instruments

7.1. 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.

7.2. SEPP (Housing) 2021

Chapter 2 – Affordable Housing – Infill Affordable Housing

Chapter 2, Division 1 of the Housing SEPP relates to development for the purpose of in-fill affordable housing. An assessment of the proposal against the relevant standards is provided in the table below.

Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
15C Development to which division applies		
(1) This division applies to development that includes residential development if—		
(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and	The proposed development is permitted with consent under RLEP.	Yes
(b) the affordable housing component is at least 10%, and	The affordable housing component is 11.52% of the total proposed GFA.	Yes
(c) all or part of the development is carried out—	The subject site is located in the Six Cities Region and	Yes

Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	is located in an accessible area, being within 400m walking distance of a bus stop used by a regular bus service.	
(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.	Noted.	N/A
18 Affordable housing requirements for additional building height		
(1) This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16.	The proposed development is for shop top housing. The proposal does not seek to use the additional floor space ratio permitted under section 16.	Yes
(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).	Base LEP control = 19m (refer clause 4.3A(2)(b)) With an 11.52% affordable housing component, a 23.04% bonus is applicable. This equates to 4.37m additional height and a maximum building height of 23.37m. The proposed building height (21m) complies with the maximum 23.37m control.	Yes
(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$	Noted.	N/A
19 Non-discretionary development standards—the Act, s 4.15		
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—		
(a) a minimum site area of 450m ² ,	443.5m ² – refer to Clause 4.6 assessment at Section 8 of this report.	No
(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	Control = 30% (133.05m ²) Proposed = 25% (110.69m ²) – refer	No

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Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
	to Clause 4.6 assessment at Section 8 of this report.	
(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Not applicable – refer subsection (3).	N/A
(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Not applicable – refer subsection (3).	N/A
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	Control = 0.8 (1 x car space) Proposed = total 12 car parking spaces	Yes
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	Control = 6.5 (7 x car space) Proposed = total 12 car parking spaces	Yes
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Refer to Apartment Design Guide assessment.	Yes
(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	Not applicable.	N/A
(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m ² , (ii) for each dwelling containing 2 bedrooms—90m ² , (iii) for each dwelling containing at least 3 bedrooms— 115m ² plus 12m ² for each bedroom in addition to 3 bedrooms.	Not applicable.	N/A
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted.	N/A
20 Design requirements		
(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	Not applicable – refer subsection (2).	N/A
(2) Subsection (1) does not apply to development to which Chapter 4 applies.	Noted.	N/A
(3) Development consent must not be granted to development under this division unless the consent	As demonstrated in this report, Council is satisfied	Yes

Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	that the proposed development is compatible with the desired future character of the Matraville precinct, which is undergoing transition.	
21 Must be used for affordable housing for at least 15 years		
(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	A condition is included to ensure that the apartments nominated for the affordable housing component remain as affordable housing for at least 15 years. A letter has been submitted by the Applicant to confirm that Common Equity NSW (a registered community housing provider) will be engaged to manage the affordable housing component.	Yes
22 Subdivision permitted with consent		
Land on which development has been carried out under this division may be subdivided with development consent.	No consent is sought for any subdivision.	N/A

Chapter 4 – Design of Residential Apartment Developments

Chapter 4 of the Housing SEPP seeks to improve the design of residential apartment development. The proposed development is subject to Chapter 4 of the Housing SEPP as it for shop top housing containing more than four (4) dwellings and more than three (3) storeys.

Section 147 of the Housing SEPP requires the consent authority to consider:

- a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- b) the Apartment Design Guide,
- c) any advice (if any) obtained from the design review panel.

Design Excellence Advisory Panel

The Design Excellence Advisory Panel functions as a design review panel for the purposes of Chapter 4 of the Housing SEPP.

The application was referred to the Panel for advice concerning the design quality of the development. Detailed comments provided by the Panel are provided at Appendix 1.

Council is satisfied that the amended plans adequately respond to issues raised by the Panel. The Applicant has provided the following written response to the Panel's recommendations:

“Context and Neighbourhood Character

- *Incorporated the use of brick to the ground floor.*
- *Increased the commercial component to be nearly 30% of the site area.*

Built Form and Scale

- *Sunlight access has been maintained to windows of southern building for at least 2 hours between 9am – 3pm. Please refer to the eye of the sun in the architectural package.*
- *The ground floor of the amended proposal has been amended to provide straight passageways with more direct sight lines to ease safety concerns*
- *Commercial space has been increased to provide better amenity and a greater commercial presence on the ground level at the street interface. The proposal achieves nearly 30% commercial GFA in relation to the overall GFA.*
- *The fire egress from the upper floors is supported by a performance solution. Please refer to BCA report*
- *Fire egress from the basement has been reconfigured as to not impact the available frontage to Bunnerong Road.*
- *Dark metal cladding for the upper mansard levels has been replaced with a lighter grey colour to try and reduce visual bulk compared to a dark colour.*
- *A solid balustrade to level 4 has been incorporated to visually obscure level 4 from the street as recommended by the Panel.*

Density

- *We believe that comments relating to density are related to the LEP, DCP and SEPP controls and not Panel opinion.*
- *Compliance with the relevant planning controls have been demonstrated. Where necessary, any non-compliances are supported by relevant documents such as the Clause 4.6 and SEE.*

Sustainability

- *The amended plans have significantly reduced the glazing facing the east. Thus dramatically reducing heat gain issues the the apartments*
- *The amended plans have also incorporated solar panels to the rooftop.*
- *Rainwater reuse to the large planter boxes on level 1 will also be included.*

Landscape

- *The planter boxes to level 1 have been significantly increased to provide a greater privacy to the private courtyards on level 1.*
- *Note regarding the privacy screens to the communal open areas have been amended. Privacy screens will be maximum 1.8m tall with a 1m tall solid portion which create the planter boxes.*

Amenity

- *Glazing to the east facing apartments have been reduced by 50% therefore creating greater privacy and reducing heat load on the windows.*
- *Any windows in this location which are to be used as fire spandrels will be the same thickness as the walls which contains the windows which will not reduce the space available in the apartments.*
- *All living rooms have been amended to meet or come as close as possible to the minimum width of 3.6m. Please refer to dimensions provided in the amended architectural plans.*
- *Large window to the common fire stairs of the eastern building has been removed which should ease privacy concerns to the western apartments.*
- *Additional acoustic measures have been implemented in the revised acoustic report in regards to the windows facing Bunnerong Road.*

Safety

- The grounded floor of the amended proposal has been reconfigured to provide straight passageways and direct sightlines to ease safety concerns.
- Car turntable has been removed from the basement ramp. A car lift has been incorporated as recommended by the Panel in order to simplify the basement layout.
- The fire egress stairs have been amended to separate the floors so that there is not more than 2 storeys connected at a time. The general egress strategy of the proposal has also been amended to be more simplified and streamlined.

Aesthetics

- The large panels of glazing along Bunnerong Road has been reduced to provide a more solid finish on the façade. The solid walls are proposed to be a light concrete look render to match other parts of the building.
- Brick has been introduced into the material palette of the proposal so that render is not the single material used within the colour scheme.
- The upper setback floors have been amended to a light grey colour to reduce the visual dominance of the previously selected dark cladding.
- Articulation joints have been provided to the two side facades to provide some form of articulation to the walls in case they remain visible for an extended period of time.
- The Baird Lane façade has been updated to incorporate additional materials into the façade to provide greater articulation.”

Design Quality Principles

The comments provided by the Panel (refer to Appendix 1) and the Applicant (refer above) detail how each of the nine (9) quality design principals have been considered in the proposal.

Apartment Design Guide

The table below provides an assessment of the proposal against the relevant design criteria contained in Parts 3 and 4 of the Apartment Design Guide (ADG). In cases where the development does not satisfy the relevant criteria, the design guidance has been used to determine whether the proposal still meets the relevant objectives.

Clause	Design Criteria	Proposal	Compliance
Part 3: Siting the Development			
3D-1	Communal and Public Open Space		
	Communal open space has a minimum area equal to 25% of the site.	Control = 110.87m ² Proposed = 110.7m ² Numeric non-compliance is acceptable noting the minor extent of variation, being only 0.17m ² .	On merit
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	A portion of the communal open space area will receive more than two (2) hours of solar access between 9am and 3pm midwinter.	Yes
3E-1	Deep Soil Zones		
	Deep soil zones are to meet the following requirements: 3m dimension, 7% site area	Nil proposed – refer to discussion at Key Issues section of this report	On merit
3F-1	Visual Privacy		
	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required	Nil side setbacks are acceptable noting that there are no window	On merit

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Clause	Design Criteria	Proposal	Compliance												
	<p>separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>openings to the side elevations.</p> <p>Suitable separation (12m) is provided between the front and rear buildings.</p> <p>Refer to discussion at Key Issues section of this report relating to the nil rear setbacks (to Baird Lane).</p>	
Building Height	Habitable Rooms and Balconies	Non-habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
Over 25m (9+ storeys)	12m	6m													
3J-1	Bicycle and Car Parking														
	<p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>Required = 11 spaces Proposed = 12 spaces</p>	Yes												
Part 4: Designing the Building															
4A	Solar and Daylight Access														
	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter.</p>	<p>100% of apartments will receive at least two (2) hours of solar access between 9am and 3pm midwinter.</p>	Yes												
	<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>All apartments will receive solar access</p>	Yes												

Clause	Design Criteria	Proposal	Compliance
		between 9am and 3pm midwinter.	
4B	Natural Ventilation		
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	100% of apartments will be naturally cross ventilated.	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Apartment depths do not exceed 18m.	Yes
4C	Ceiling Heights		
	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> • Habitable Rooms – 2.7m • Non-habitable – 2.4m • Attic spaces – 1.8m at edge with min 30 degree ceiling slope • Mixed use areas – 3.3m for ground and first floor 	Ground floor = 4.4m Upper floors = 2.9m	Yes
4D	Apartment Size and Layout		
	Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none"> • Studio - 35m² • 1 bedroom - 50m² • 2 bedroom - 70m² • 3 bedroom - 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m ² each.	1 bedroom = 53.29m ² (minimum) 2 bedroom = 67.96m ² (minimum)	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Complies	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Complies	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Complies	Yes

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Clause	Design Criteria	Proposal	Compliance															
	<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	Complies	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Complies	Yes															
4E	Private open space and balconies																	
	<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8 m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10 m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12 m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Minimum area	Minimum depth	Studio	4 m ²	-	1 bedroom	8 m ²	2m	2 bedroom	10 m ²	2m	3+ bedroom	12 m ²	2.4m	<p>1 bedroom = 8m² with 2m dimension (minimum) 2 bedroom = 10.3m² with 2m dimension (minimum)</p>	Yes
Dwelling type	Minimum area	Minimum depth																
Studio	4 m ²	-																
1 bedroom	8 m ²	2m																
2 bedroom	10 m ²	2m																
3+ bedroom	12 m ²	2.4m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	The apartments at first floor (podium) level are provided with both a courtyard and a balcony. The combined private open space areas comply with the minimum 15m ² requirement.	Yes															
4F	Common Circulation and Spaces																	
	The maximum number of apartments off a circulation core on a single level is eight.	Complies	Yes															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Not applicable.	N/A															
4G	Storage																	
	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio apartments - 4m³ • 1 bedroom apartments - 6m³ • 2 bedroom apartments - 8m³ • 3+ bedroom apartments - 10m³ <p>At least 50% of the required storage is to be located within the apartment.</p>	Complies	Yes															

Non-discretionary Development Standards

Section 148 of the Housing SEPP provides standards that cannot be used as grounds to refuse development consent, which include:

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

Assessing officer's comment: Compliant car parking is provided. Refer to comments by Council's Development Engineer at Appendix 1.

- (b) *the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide*

Assessing officer's comment: Each apartment is provided with compliant internal areas.

- (c) *the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide*

Assessing officer's comment: Compliant ceiling heights are provided.

7.3. SEPP (Biodiversity and Conservation) 2021

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

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

The proposed development does not involve the removal of any vegetation (including any trees). As such, the proposal achieves the relevant objectives and provisions under Chapter 2.

7.4. SEPP (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP requires Council to consider the likelihood that the site has 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.

7.5. SEPP (Transport and Infrastructure)

Clause 2.119 of the Transport and Infrastructure SEPP states that the consent authority must not grant development consent on land that has a frontage to a classified road unless it is satisfied with the following matters:

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 (i) *the design of the vehicular access to the land, or*
 (ii) *the emission of smoke or dust from the development, or*
 (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site has a frontage to Bunnerong Road, which is a classified road. Consistent with the SEPP requirements, the proposed vehicular access is provided via the rear lane (Baird Lane). Council is satisfied that the safety, efficiency and ongoing operation of the classified road will not

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be adversely affected by the development. The proposal has been suitably designed to ameliorate potential traffic noise or vehicle emissions.

Transport for NSW has confirmed that referral under clause 2.121 of the Transport and Infrastructure SEPP and/or section 138 of the Roads Acts 1993 is not required.

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 no concerns were raised – refer to Appendix 1.

7.6. Randwick Local Environmental Plan (RLEP) 2012

The site is zoned E1 Local Centre under Randwick Local Environmental Plan 2012 and the proposal, being for shop top housing, is permissible with consent.

The proposal is consistent with the specific objectives of the zone, as follows:

- The proposed two (2) commercial tenancies will provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- The proposal encourages investment in local commercial development that generates employment opportunities and economic growth.
- The proposed residential component will contribute to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the Matraville centre.
- Two (2) commercial tenancies are provided at ground floor to provide for business, retail, community and other non-residential land uses.
- The site is located adjacent to a bus stop. This may maximise public transport patronage and encourage walking and cycling.
- The proposal provides a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
- The proposal has been designed to protect the amenity of residents in the E1 zone and in the adjoining and nearby residential zones.
- The proposal has been designed to ensure a safe public domain.
- The proposed two (2) commercial tenancies may be used to support a diverse, safe and inclusive day and night-time economy.

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

Clause	Development Standard	Proposal	Compliance

CI 4.3: Building height (max)	Base LEP control = 19m (refer clause 4.3A(2)(b) of RLEP 2012) Maximum control with affordable housing bonus = 23.37m (refer section 18 of Housing SEPP)	21m (RL 48.00 roof over RL 27.00 existing ground level)	Yes (complies with bonus height under Housing SEPP)
CI 4.4: Floor space ratio (max)	No FSR control for the site.	941.72m ² GFA (2.12:1 FSR)	N/A

7.6.1. Clause 4.6 – Exceptions to development standards

The non-compliances with the development standards are discussed in Section 8 of this report.

7.6.2. Clause 5.10 – Heritage conservation

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

The subject site is not a heritage item and is not located in a heritage conservation area. However, the site is in proximity to heritage items at Nos. 27, 29, and 31 Baird Avenue.

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

7.6.3. Clause 6.2 – Earthworks

The objective of clause 6.2 of RLEP 2012 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.

The proposal involves excavation works of up to 8.8m in depth to accommodate two (2) basement levels. The basement footprint is setback approximately 5m from the front boundary (to Bunnerong Road). Nil setbacks are provided to the rear and side boundaries.

The extent of excavation is considered acceptable on merit. The basement levels are necessary to accommodate off-street car parking, storage, bin storage, and mechanical services. The basement levels are located below ground, and as such, do not contribute to any additional building bulk.

It is noted that Part D5 of RDCP 2013 requires that car parking is provided at basement level. As such, the proposed basement is consistent with that anticipated for development within the locality. Insistence on reduced excavation depth would inhibit the ability for compliant car parking to be provided on-site.

A condition is included to ensure that all works will be undertaken in accordance with the submitted Geotechnical Report.

The development satisfies clause 6.2(3) in that:

- Conditions of consent are imposed to minimise impact on drainage patterns, soil stability, and adjoining structures;
- The proposed excavation area is suitably scaled for the subject site and is unlikely to have an adverse impact on the likely future use or redevelopment of the land;
- The site has been used for residential purposes for an extended period of time and is unlikely to contain contaminated soil;
- Subject to conditions, the proposed excavation will not result in any adverse impact on the amenity of adjoining properties;
- Conditions of consent are imposed to manage the removal of demolition and excavation waste;

- The proposal is unlikely to disturb relics – the site is not in a heritage conservation area nor is listed as a heritage item; and
- The scale and siting of the proposal minimises impact on waterways, water catchments, and environmentally sensitive areas.

7.6.4. *Clause 6.11 – Design Excellence*

Clause 6.11 of RLEP 2012 seeks to deliver the highest standard of architectural and urban design, and applies to the following development:

- (a) *on a site that has an area of 10,000 square metres or greater, or*
- (b) *on land for which a development control plan is required to be prepared under clause 6.12, or*
- (c) *that is, or will be, at least 15 metres in height.*

Noting that the proposed building height is greater than 15m, the consent authority must be satisfied that the proposed development exhibits design excellence.

Council is satisfied that the proposed development exhibits design excellence, as follows:

- The proposal comprises a high standard of architectural design, material, and detailing which are appropriate to the building type and location.
- The form and external appearance of the development will improve the quality and amenity of the public domain.
- The proposed development responds to the environmental and built characteristics of the site and achieves an acceptable relationship with other buildings on the same site and on neighbouring sites.
- The proposed building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security, resource, energy and water efficiency, renewable energy sources, and urban heat island effect mitigation.
- The proposed development will not detrimentally impact on view corridors or landmarks.

7.6.5. *Clause 6.14 – Certain Residential Accommodation in Zones E1 and E2*

Pursuant to clause 6.14 of RLEP 2012, consent must not be granted to a dwelling house or a residential flat building in the E1 or E2 zone unless:

- (a) *The development relates to a building that existed when this Plan commenced and was designed or constructed for the purposes of a dwelling house or a residential flat building, and*
- (b) *The consent authority is satisfied that:*
 - (i) *The development will not detrimentally impact on the desired future character of the locality, and*
 - (ii) *The development will result in satisfactory residential amenity for its residents, and*
 - (iii) *The degree of modification to the footprint and facade of the building is minor.*

The proposed development is for shop top housing. As such, clause 6.14 is not applicable.

7.6.6. *Clause 6.22 – Development in Local Centres*

Pursuant to clause 6.22 of RLEP 2012, consent must not be granted to development on land zoned E1 Local Centre unless the consent authority has considered:

- (a) *the impact of the development on—*
 - (i) *the amenity of surrounding residential areas, and*
 - (ii) *the desired future character of the local centre, and*
- (b) *whether the development is consistent with the hierarchy of centres.*

As demonstrated in this report, the proposed development will not detrimentally impact on the amenity of surrounding residential areas. Suitable solar access, visual and acoustic privacy, and view sharing will be afforded to neighbouring residential properties.

Additionally, the proposed development will not detrimentally impact on the desired future character of the local centre. As demonstrated in this report, the proposal is generally consistent with the objectives and controls for the Matraville centre contained in Part D5 of RDCP 2013. In this regard, Council is also satisfied that the proposed development is consistent with the hierarchy of centres.

8. Clause 4.6 exception to a development standard

The proposal seeks to vary the following non-discretionary development standards contained within the Housing SEPP:

Clause	Development Standard	Proposal	Proposed variation	Proposed variation(%)
Minimum site area: clause 19(2)(a)	450m ²	443.5m ²	6.5m ²	1.4%
Minimum landscaped area: clause 19(2)(b)	133.05m ² (30% site area)	110.69m ² (25% site area)	22.36m ²	16.8%

The NSW Department of Planning and Environment (DPE) made amendments to clause 4.6 of the Standard Instrument which commenced on 1 November 2023. The changes aim to simplify clause 4.6 and provide certainty about when and how development standards can be varied.

Clause 4.6 of RLEP 2012: Exception to a Development Standard relevantly states:

3. *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard*

Pursuant to section 35B(2) of the *Environmental Planning and Assessment Regulation 2021*, a development application for development that proposes to contravene a development standard must be accompanied by a document (also known as a written request) that sets out the grounds on which the applicant seeks to demonstrate the matters of clause 4.6(3).

As part of the clause 4.6 reform the requirement to obtain the Planning Secretary's concurrence for a variation to a development standard was removed from the provisions of clause 4.6, and therefore the concurrence of the Planning Secretary is no longer required. Furthermore, clause 4.6 of the Standard Instrument no longer requires the consent authority to be satisfied that the proposed development shall be in the public interest and consistent with the zone objectives as consideration of these matters are required under sections 4.15(1)(a) and (e) of the *Environmental Planning and Assessment Act 1979*, and clause 2.3 of RLEP 2012 accordingly.

Clause 4.6(3) establishes the preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.

1. *The applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 reinforces his previous decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827 where he identified five commonly invoked ways of establishing that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The most common is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

2. *The applicant has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.*

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 reinforces the previous decision in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 regarding how to determine whether the applicant's written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

The grounds relied on by the applicant in their written request must be "environmental planning grounds" by their nature. Chief Justice Preston at [23] notes the adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s1.3 of the EPA Act.

Chief Justice Preston at [24] notes that there here are two respects in which the written request needs to be "sufficient".

1. The written request must focus on the aspect or element of the development that contravenes the development standard, not the development as a whole (i.e. The written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole); and
2. The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31] Judge Pain confirmed that the term 'sufficient' did not suggest a low bar, rather on the contrary, the written report must address sufficient environmental planning grounds to satisfy the consent authority.

Additionally, in *WZSydney Pty Ltd v Ku-ring-gai Municipal Council* [2023] NSWLEC 1065, Commissioner Dickson at [78] notes that the avoidance of impacts may constitute sufficient environmental planning grounds "as it promotes "good design and amenity of the built environment", one of the objectives of the EPA Act." However, the lack of impact must be specific to the non-compliance to justify the breach (*WZSydney Pty Ltd* at [78]).

The approach to determining a clause 4.6 request as summarised by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, has been used in the following assessment of whether the matters in Clause 4.6(3) have been satisfied for each contravention of a development standard. The assessment and consideration of the applicant's request is also documented below in accordance with clause 4.6(4) of RLEP 2012.

8.1. Exception to the minimum site area development standard

The applicant's written justification for the departure from the minimum site area standard is contained in Appendix 2.

1. **Has the applicant's written request demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?**

The applicant's written request seeks to justify the contravention of the minimum site area development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case because the following matters are satisfied:

- *The relevant principles of the Housing SEPP are satisfied.*
- *The desired future character is achieved notwithstanding the variation.*
- *Absence of unreasonable impact from the variation.*
- *Consistency with the E1 zone objectives.*

Assessing officer's comment: Whilst there are no specific objectives for the minimum site area development standard, the applicant's written request has demonstrated that the

proposal is consistent with the principles of the Housing SEPP, which are outlined at section 3 of the SEPP.

Importantly, the variation facilitates the provision of diverse housing in the Matraville town centre, including affordable housing. The variation does not compromise the ability to provide a high level of amenity for future residents and does not result in any adverse impacts to neighbouring properties, the streetscape, or the public domain.

In this regard, it is considered that the applicant's written request has adequately demonstrated that compliance with the site area development standard is unreasonable or unnecessary in the circumstances of the case.

2. Has the applicant's written request demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the minimum site area development standard as follows:

Minor and indiscernible nature of the variation

The minor extent of the variation (a mere 6.5m²/1.44%) is considered to be a negligible variation to the minimum lot size. Such extent of variation is akin to the provision of an extra 11 centimetres of site depth, which would make no practical difference to the ability of the site to facilitate the proposed development. On this basis, variation is considered to be of an indiscernible nature.

Provision of affordable housing is facilitated by endorsement of the variation.

It is reiterated that the variation in the lot size will facilitate the provision of 2 high-quality, affordable housing units. This will assist with the provision of housing in an area where affordable housing is in high demand.

Assessing officer's comment: For the reasons outlined in the applicant's written request, it is considered that there are sufficient environmental planning grounds to justify contravening the site area development standard.

Conclusion

On the basis of the above assessment, it is considered that the requirements of clause 4.6(3) have been satisfied and that development consent may be granted for development that contravenes the minimum site area development standard.

8.2. Exception to the minimum landscaped area development standard

The applicant's written justification for the departure from the minimum landscaped area standard is contained in Appendix 3.

1. Has the applicant's written request demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The applicant's written request seeks to justify the contravention of the minimum site area development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case because the following matters are satisfied:

- *The relevant principles of the Housing SEPP are satisfied.*
- *Compliance with the ADG deep soil objectives.*
- *Consistency with the E1 zone objectives.*

Assessing officer's comment: Whilst there are no specific objectives for the landscaped area development standard, the applicant's written request has demonstrated that the proposal is consistent with the principles of the Housing SEPP, which are outlined at section 3 of the SEPP.

Importantly, the variation facilitates the provision of diverse housing in the Matraville town centre, including affordable housing. The variation does not compromise the ability to provide a high level of amenity for future residents and does not result in any adverse impacts to neighbouring properties, the streetscape, or the public domain.

The proposal includes 110.69m² of landscaped area, comprising raised garden beds in the central courtyard and planters located on balconies. These areas will provide suitable space for groundcover, shrub, climber, and tree planting, which will improve drainage and increase the amenity and environmental aspects of the building.

In this regard, it is considered that the applicant's written request has adequately demonstrated that compliance with the site area development standard is unreasonable or unnecessary in the circumstances of the case.

2. Has the applicant's written request demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the minimum landscaped area development standard as follows:

Consistency with ADG requirement for deep soil area for perimeter buildings and the Randwick DCP controls for mixed-used development Matraville Town Centre.

The Housing SEPP controls provide no design guidance for sites with different characteristics, noting that affordable infill housing is permissible for a range of development types and in a range of zones, all with varying built-form contexts.

The proposal is compliant with the building envelope controls in the Randwick LEP and DCP, which set area-specific controls for the Matraville Town Centre. These controls envisage a perimeter building with ground-floor commercial and residential above split into two built forms separated by a 12m landscaped courtyard and basement parking.

As outlined above, the ADG promotes site-specific deep soil and landscaping provisions for town centre sites, such as the subject site. The proposed provision of on-structure landscaping, which includes deep soil-like planter beds in the communal courtyard, is considered to be an appropriate design response to the subject site context, which is a suitable solution as outlined in the Apartment Design Guide (ADG).

Compliance with the LEP and DCP built form controls for the Matraville Town Centre and ADG provision of deep soil planting is considered to constitute sufficient environmental ground to support the variation.

Assessing officer's comment: For the reasons outlined in the applicant's written request, it is considered that there are sufficient environmental planning grounds to justify contravening the landscaped area development standard.

Conclusion

On the basis of the above assessment, it is considered that the requirements of clause 4.6(3) have been satisfied and that development consent may be granted for development that contravenes the minimum landscaped area development standard.

9. Development control plans and policies

9.1. 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 4.

10. Environmental Assessment

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	Refer to discussion above.
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 4.
Section 4.15(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development is consistent with the dominant character of the locality. The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social, or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

10.1. Discussion of key issues

Landscaped and Deep Soil Area

Pursuant to Part C2, Section 2.2 of RDCP 2013, at least 50% landscaped area and 25% deep soil area should be provided.

Consistent with the built form controls at Part D5 of RDCP 2013 (relating to the Matraville town centre), the proposal does not include any deep soil area. The proposal provides 110.69m² of landscaped area, which equates to 25% of the site area.

The proposed landscaped scheme (refer Figure 13) comprises raised garden beds in the central courtyard and planters located on balconies. These areas will provide suitable space for groundcover, shrub, climber, and tree planting, which will improve drainage and increase the amenity and environmental aspects of the building.



Figure 13: Concept landscape plan – level 1 (Source: Place Design Group)

The proposal generally complies with the built form controls contained in RLEP 2012 and RDCP 2013, which establish area-specific controls for the Matraville town centre. These controls envisage a perimeter building split into two (2) built forms which are separated by a 12m landscaped courtyard, and basement parking. As outlined in the ADG, the provision of on-structure landscaping is considered to be an appropriate design response to the context of the subject site, which is located in a dense urban area.

Notwithstanding numeric non-compliance, the proposal is consistent with the objectives of Part C2, Section 2.2 of RDCP 2013, as follows:

- The proposal provides landscaped open space of sufficient size to enable the space to be used for recreational activities or be capable of growing substantial vegetation.
- The proposal has been designed to reduce impermeable surface cover including hard paving.
- The proposal has been designed to improve stormwater quality and reduce runoff.
- The proposed landscape scheme improves the amenity of open space for future residents.

Visual Privacy

Objective 3F-1 of the ADG prescribes building separation distances to achieve reasonable levels of external and internal visual privacy, as follows:

- Up to four (4) storeys: 6m to habitable rooms, 3m to non-habitable rooms.
- Up to eight (8) storeys: 9m to habitable rooms, 4.5m to non-habitable rooms.

The proposed nil side setbacks are acceptable noting that there are no window openings to these side elevations. To prevent cross-viewing from the west-facing windows of the front building to neighbouring properties at Nos. 480 and 484, privacy screens are provided to the side edges of the windows.

Suitable separation (12m) is provided between the front and rear buildings. In this regard, additional privacy measures are not necessary. To ensure privacy for future occupants, 1.8m high privacy screens are provided to the edges of the private courtyards at Level 1.

Suitable separation (approx. 30m) is provided between the eastern façade of the front building and the neighbouring properties on the opposite side of Bunnerong Road. In this regard, additional privacy measures are not necessary.

The proposed nil setbacks to the rear lane (Baird Lane) are acceptable noting that the proposed balconies are generally located above the ridge height of the existing dwellings to the rear. Any overlooking would fall to roofs areas only. Additionally, as shown in Figures 14-16, there is a precedent for rear facing balconies and terraces with a nil setback, which are oriented towards Baird Lane.

The site is constrained by the built form requirements of Part D5 of RDCP 2013. As such, there is no suitable alternative location for the balconies. The addition of privacy screening is not considered suitable in this instance as this would completely enclose the balconies. Notwithstanding, it is consider appropriate to impose a condition that requires the balcony balustrade for Units 1.03 and B2.03 to be constructed of obscured glazing to minimise potential privacy impact to the rear neighbours.

The proposed west-facing windows are designed to prevent overlooking to properties on the other side of Baird Lane. The operable portion of the windows W18 and W19 have a sill height of 1.6m above finished floor level, which is considered to be an acceptable solution. A condition is included to ensure that the operable portion of windows W06 and W07 are also provided with a raised sill height.



Figure 14: Existing building at No. 484 Bunnerong Rd, viewed from Baird Lane (Source: Council officer)

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Figure 15: Existing building at No. 478 Bunnerong Rd, viewed from Baird Lane (Source: Council officer)



Figure 16: Existing building at No. 446-448 Bunnerong Rd, viewed from Baird Lane (Source: Council officer)

Noting the above, the proposal is consistent with the objectives of Part C2, Section 5.3 of RDCP 2013 and Part D5, Section 7.4 of RDCP 2013, as follows:

- A high level of amenity is achieved by providing for reasonable level of visual privacy for future occupants and neighbouring properties.
- The proposal has been designed to ensure visual and acoustic privacy for future occupants, whilst maintaining suitable privacy for adjoining and nearby properties.
- Reasonable levels of visual privacy are provided to external and internal spaces, during the day and night.
- The proposal has been designed to maximise outlook and views from principal rooms and private open spaces without compromising visual privacy.

Solar Access and Overshadowing

Pursuant to Objective 4A-1 of the ADG, at least two (2) hours of direct sunlight should be provided to living areas and private open space areas between 9am and 3pm. The submitted shadow diagrams (refer Figure 17) demonstrate that 100% of units will receive the required two (2) hours.

Unit	Room Name	9:00	10:00	11:00	12:00	1:00	2:00	3:00	Total Hours	≥ 2 hours sun to HABITABLE & P.O.S
1.01	LIVING SPACES								3	Y
	P.O.S								3	
1.02	LIVING SPACES								3	Y
	P.O.S								6	
1.03	LIVING SPACES								3	Y
	P.O.S								6	
2.01	LIVING SPACES								3	Y
	P.O.S								3	
2.02	LIVING SPACES								3	Y
	P.O.S								3	
2.03	LIVING SPACES								3	Y
	P.O.S								2	
3.01	LIVING SPACES								3	Y
	P.O.S								3	
3.02	LIVING SPACES								3	Y
	P.O.S								3	
3.03	LIVING SPACES								3	Y
	P.O.S								6	
4.01	LIVING SPACES								4	Y
	P.O.S								6	
4.02	LIVING SPACES								4	Y
	P.O.S								6	
									TOTAL UNITS	100.00%

Figure 17: Extract of submitted shadow plans (Source: Arkhaus)

Pursuant to Part C2, Section 5.1 of RDCP 2013, at least three (3) hours of solar access should be provided to a portion of living room windows and private open space (POS) areas at neighbouring properties between 8am and 4pm (midwinter).

Relative to the existing situation, the proposal will result in some minor additional overshadowing of the property at 484 Bunnerong Rd. Notwithstanding, suitable solar access will be retained to a portion of the north-facing window openings and POS areas of this property in the afternoon.

As shown in Figures 18-20, at least three (3) hours of solar access will be provided to the north-facing living room windows of the uppermost two (2) apartments. A typical apartment layout of 484 Bunnerong Rd is provided at Figure 21.

Whilst it is noted that direct solar access will not be provided to the north-facing living room window of the lowermost apartment at 484 Bunnerong Rd, a fully compliant built form would result in the same extent of overshadowing to this apartment. The additional overshadowing is resultant of the raised internal courtyard, which is consistent with the built form controls at Part D5 of RDCP 2013.

The submitted shadow diagrams also demonstrate that more than three (3) hours of solar access will be retained to the communal terrace at roof level of the property at 484 Bunnerong Rd.

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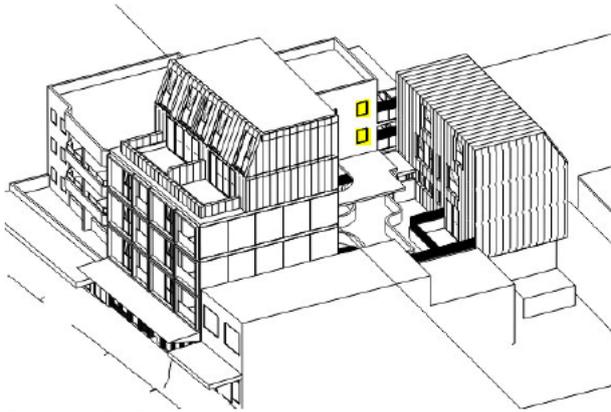


Figure 18: Proposed 11am view from sun diagram – NB: north-facing living room windows highlighted yellow (Source: Arkhaus)

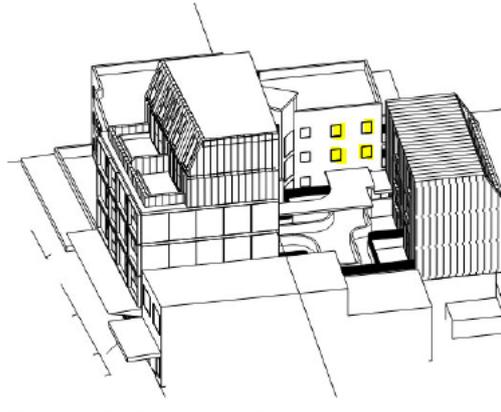


Figure 19: Proposed 12 noon view from sun diagram – NB: north-facing living room windows highlighted yellow (Source: Arkhaus)

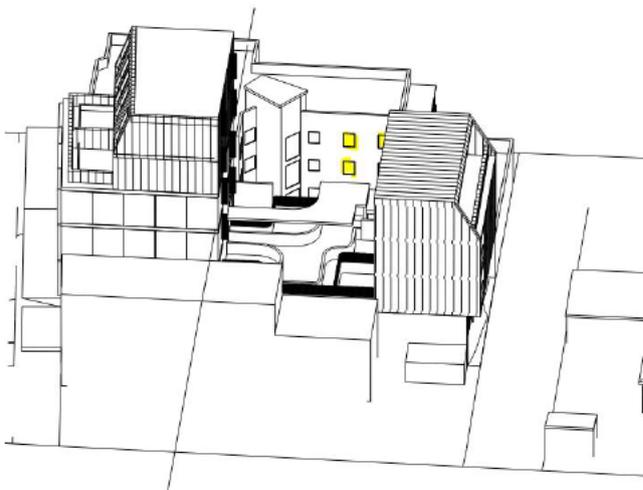


Figure 20: Proposed 1pm view from sun diagram – NB: north-facing living room windows highlighted yellow (Source: Arkhaus)



Figure 21: Typical apartment layout of 484 Bunnerong Rd – NB: north-facing living room windows highlighted yellow (Source: Domain)

Relative to the existing situation, the proposal will result in some minor additional overshadowing of the properties at 29 and 31 Baird Ave in the morning. Notwithstanding, suitable solar access will be provided to a portion of the north-facing windows and POS areas (i.e. rear yards) of these properties in the afternoon (i.e. from 12 noon onwards) – refer Figures 22-24.

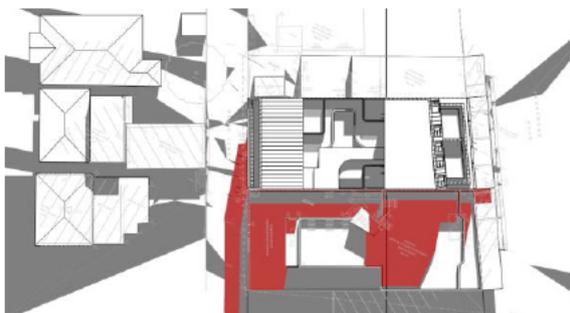


Figure 22: Proposed shadow diagram – 12 noon (Source: Arkhaus)



Figure 23: Proposed shadow diagram – 1pm (Source: Arkhaus)

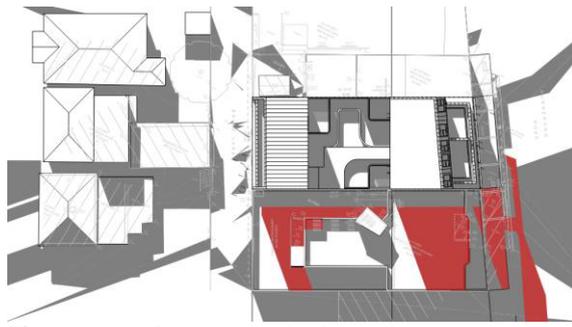


Figure 24: Proposed shadow diagram – 2pm
(Source: Arkhaus)

As demonstrated in this report, the proposed development complies with the maximum 23.37m development standard (i.e. 19m LEP standard plus bonus height for provision of affordable housing). It is noted that under the provisions of the Housing SEPP, a building height of up to 24.7m (i.e. 19m LEP standard plus 30% affordable housing bonus) could potentially be achieved on the site.

The extent of overshadowing resulting from the development is consistent with that which is envisaged under the relevant planning controls for the site. The proposal reflects the desired future character of the locality (which is currently undergoing built form transition) and is compatible with the scale of development in the wider locality. 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.

The proposal is consistent with the objectives of Part C2, Section 5.1 of RDCP 2013, as follows:

- The design, orientation and siting of development maximises solar access to the living areas of dwellings and open spaces, as well as other areas of the development.
- The development retains reasonable levels of solar access to the neighbouring properties and the public domain.
- Adequate ambient lighting is provided to minimise the need for artificial lighting during daylight hours.

View Sharing

View sharing is 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 development has been designed to maintain existing views from neighbouring residential properties.

In assessing the reasonableness or otherwise of the degree of view loss, this report has had regard to the Planning Principle for view sharing established by *Tenacity Consulting v Warringah [2004] NSWLEC 140* which establishes a four (4) step assessment of view sharing.

1. The assessment of the views affected

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The property at 489 Bunnerong Road benefits from distant views of Port Botany.

2. From what part of the property are views obtained?

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from

front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views from 489 Bunnerong Road are obtained from the upper balcony.

3. What is the extent of the impact?

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

As shown in Figures 25-26, the proposed development will result in a minor loss of views of Port Botany from the upper balcony 489 Bunnerong Road. However, it is noted that a substantial portion of existing views will be retained.

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Figure 25: Existing view from upper balcony at 489 Bunnerong Rd (Source: Submission)



Figure 26: Proposed view from upper balcony at 489 Bunnerong Rd (Source: Arkhaus)

4. What is the reasonableness of the proposal that is causing the impact?

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

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 or more planning controls results in view loss. The second question posed by the Court 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 minor impact on views obtained from 489 Bunnerong Road. Refer to detailed assessment at Step 3 above.
- The proposal is for a four (4) to six (6) storey residential flat building. As detailed in this report, the proposal reflects the desired future character of the locality (which is currently undergoing built form transition) and is compatible with the scale of development in the wider locality.
- The height, bulk, and scale of the proposed built form is acceptable and generally complies with the relevant development controls. Importantly, the proposed building height (21m) complies with the maximum 23.37m development standard (i.e. 19m LEP standard plus bonus height for provision of affordable housing). It is noted that under the provisions of the Housing SEPP, a building height of up to 24.7m (i.e. 19m LEP standard plus 30% affordable housing bonus) could potentially be achieved on the site.
- The upper levels of 489 Bunnerong Road benefit from expansive district views and outlook towards Port Botany. Whilst there will be a minor loss of views, a substantial portion of existing views will be retained.
- It is considered that the proposal represents a skilful design that minimises the impacts of the development to the neighbouring properties. A more skilful design would be unlikely to reduce view impacts without compromising the intent of the redevelopment of the site, which benefits from bonus height due to the provision of affordable housing.

In conclusion, the proposal satisfies the aims and objectives for view sharing pursuant to Part C2, Section 5.5 of RDCP 2013, as well as the case law established by *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

Building Height

The built form controls at Part D5 of RDCP 2013 envisage a four (4) storey height to Bunnerong Road, with an additional storey which is setback 4m from the street frontage. The controls also envisage a three (3) storey height to Baird Lane.

The proposed development comprises a four (4) storey street wall to Bunnerong Road with an additional two (2) storeys above which are setback 4m from the street frontage. To Baird Lane, the proposal comprises a three (3) storey street wall with an additional one (1) storey above.

Whilst it is acknowledged that the proposal exceeds the DCP controls by one (1) storey, the proposed building height (21m) complies with the maximum 23.37m development standard (i.e. 19m LEP standard plus bonus height for provision of affordable housing).

The additional storey is suitably setback 4m from Bunnerong Road and is generally contained within an attic form. In this regard, the additional storey will not be readily visible from the surrounding public domain and/or neighbouring properties. To the rear, the additional storey is generally contained within an attic form, which suitably minimises the perceived bulk and scale of the additional storey.

The proposal reflects the desired future character of the locality (which is currently undergoing transition) and is compatible with the scale of contemporary development within the locality, including (refer Figures 27-30):

- 495-503 Bunnerong Rd – seven (7) storeys to Bunnerong Rd.
- 483-485 Bunnerong Rd – six (6) storeys to Bunnerong Rd.
- 448 Bunnerong Rd – six (6) storeys to Bunnerong Rd and four (4) storeys to Baird Lane.
- 489 Bunnerong Rd – six (6) storeys to Bunnerong Rd.



Figure 27: No. 495-503 – approved west (Bunnerong Rd) elevation – DA/67/2009/F (Source: RCC)

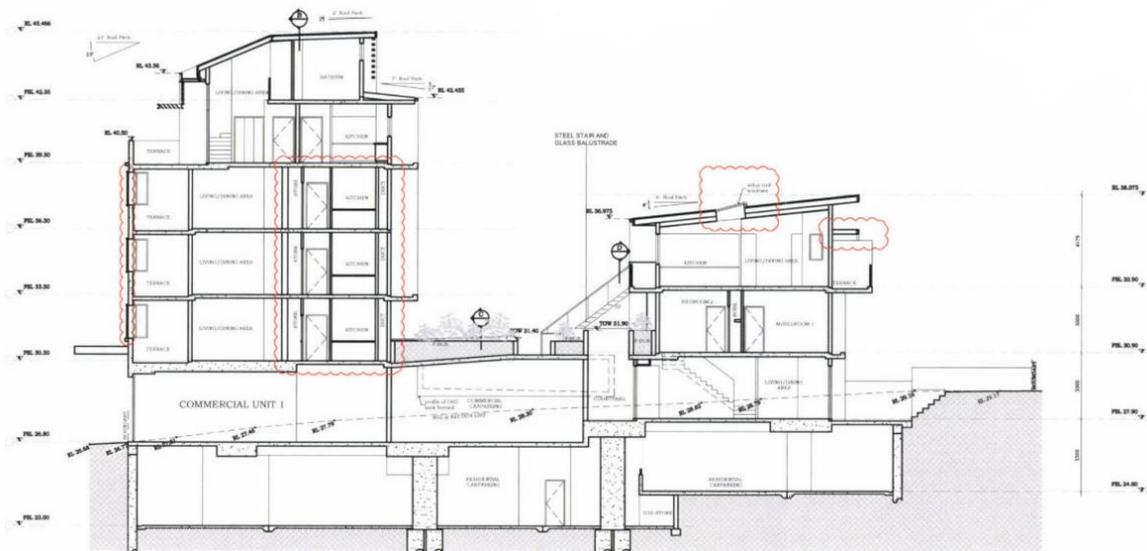


Figure 28: No. 483-485 – approved section plan – DA/732/2010/A (Source: RCC)



Figure 29: No. 448 – approved west (Baird Lane) and east (Bunnerong Rd) elevations – DA/685/2014/D (Source: RCC)

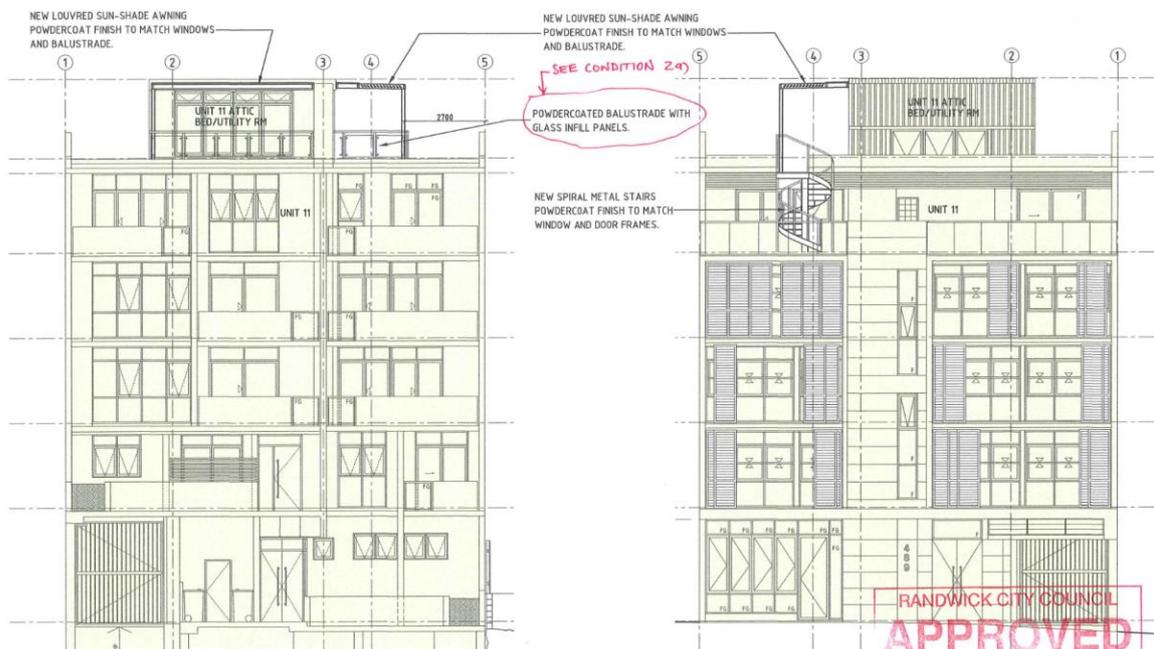


Figure 30: No. 489 – approved east and west (Bunnerong Rd) elevations – DA/873/2015 (Source: RCC)

11. Conclusion

That the application for integrated development for demolition of the existing dwelling and ancillary structures to enable the construction of a part 4 and 6 storey shop top housing development with 11 apartments, including affordable housing, ground floor commercial space, basement parking and associated landscaping, at 482 Bunnerong Road, Matraville, 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 E1 zone in that it will contribute to a vibrant and active local centre and is consistent with the Council’s strategic planning for the Matraville centre.
- 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.

- The proposed development will make a positive contribution to the local centre.

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Appendix 1: Referrals

1. Design Excellence Advisory Panel

Context and Neighbourhood Character

The proposed building is located along Bunnerong Road in Matraville. The adjacent buildings both new and old generally incorporate retail at ground floor, and some form of shoptop housing above the street awning. Bunnerong Road is in transition from a “traditional” two storey neighbourhood centre to a predominantly four storey street scape with retail at ground floor, zero lot alignment for the first four storeys, and setbacks of 4meters to any upper floors.

Although the building generally complies with these transitioning character traits of Bunnerong Road, the proposed building expression is out of character with the new buildings, and does not employ any of the contextual material or height datum cues from the surrounding buildings.

In addition to the above the proposal only provides minimal commercial / retail space at ground floor – Plans of the proposal indicate that only 15% of the site area is active retail, and the configuration of the retail space is sub optimal for commercial fitout with curved “L” shaped spaces creating narrow areas that are difficult to use.

Built Form and Scale

The Panel understand that the chosen built form typology composed of two residential building forms above a podium, separated by a communal courtyard is based on the current DCP. However the Panel believe that the applicant should interrogate this built form and test it against other approaches. In particular the applicant should test the sunlight amenity of the proposed apartments, and the communal space if the neighbouring sites to the north redevelop with the same typology and if sunlight access will be maintained to the subject site.

In addition to the above the applicant must demonstrate that they have maintained sunlight access to the neighbouring development to the south. In particular to the living room windows and any communal open space of the southern neighbour. The ADG has a number of requirements for sunlight access and sharing with neighbouring apartment buildings and this must be demonstrated in the applicants proposal.

The ground floor arrangement is not supported by the Panel.

- The entry sequence has limited sight lines and creates a number of safety concerns.
- The quantum of commercial space is very small compared to the site size, and the spatial layout is sub optimal for commercial fitout.
- The fire egress from upper floors is noted as non-compliant in the BCA report, and may require significant alteration further reducing available space.
- The fire egress from the basement discharging onto Bunnerong Road is limiting the available frontage.

The choice of dark metal cladding for the upper mansard levels does not form a recessive element, and therefore adds to the overall bulk and scale of the proposal. The Panel recommend exploring alternative options that appear more recessive. The proposal may choose to employ some of the strategies used by neighbouring buildings to achieve this in any future redesign such as:

- Solid balustrade / parapet to level 4 will visually obscure level 4 from the street and give the appearance of only a single set back mansard level.
- Alternative material choice that is not as visually dominant as the very dark cladding shown.

Density

The Panel believe that the proposal represents an overdevelopment of the subject site and the swollen density of the proposal is resulting in a number of sub optimal outcomes including: minimal active frontage, poor quality commercial space provision at ground floor, safety concerns for the parking egress, a number of BCA fire egress concerns, poor quality address and wayfinding, limited amenity within the apartments, potential overshadowing of neighbours, limited housing diversity, etc.

Sustainability

The proposed facades do not incorporate any significant sun shading to the east or the west. The Panel notes that there does not appear to be any provision of solar panels, or rainwater reuse on the site. It is recommended that the applicant explore options for their inclusion in any future redesign.

Landscape

The usability of the communal open space appears to be very challenged by the contorted spatial arrangement, and privacy interfaces with first floor and higher level apartments. The proposed 600mm wide planters will have limited impact in softening the proposed privacy screens or in assisting with providing privacy to the private courtyards. The screens are noted as 1.8m high located on top of 1.0m high planter walls resulting in a total height of 2.8m which will result in poor amenity for both private courtyards and the adjacent communal space. The planter walls could be lowered where no tree planting is being provided to provide a less dominant interface with the communal and private courtyards.

Amenity

The proposal includes large panels of fixed glass to the street with minimal shading. The Panel have concerns for privacy for lower level apartments, and heat load on the large fixed planes of glass. The plans note a low fixed wall on the inside of the glass for fire spandrel separation, but do not nominate the materiality of the low wall. In order for the low walls to function as fire rated spandrels they may need to grow in thickness and reduce the available space in the already restricted living room areas.

The size and width of the living rooms for all one bedroom apartments in the eastern building is of concern to the Panel. The living rooms do not appear to meet the minimum width for a 1 bedroom apartment in the ADG (3.6m required).

The Panel has concerns for the privacy of the western apartments given that the windows of the living room, bathroom, and bedroom appear to be significantly overlooked by the common fire stair in the eastern building.

The Proposal does not appear to employ any acoustic attenuation from traffic noise for the habitable rooms along Bunnerong Road.

Safety

The Panel does not believe that the entry arrangement and wayfinding from street address to lift core and onwards to all front doors represents a safe and dignified experience. There are no direct sight lines from the front doors to the lift, and multiple corners, and turns along the entrance passage represent safety concerns.

The Panel has serious safety concerns regarding the vehicular ramp and the inclusion of a car turntable as part of the ramp down to the lower basement floor. The entire layout of the basement, ramps, and egress is significantly impeded by the quantum of carparking that is being provided. The layout may benefit from a car stacker rather than a turntable, however the challenges are more likely a result of the swollen density of the proposal.

The Panel has serious safety concerns regarding the egress strategy for the building given that the eastern fire stair wraps around the lift core, is not fire isolated, converges with the exit from the basement in a non fire isolated compartment, and passes through more than three storeys. The BCA report provided notes that there are multiple non compliances with this stair configuration, and mentions a performance solution that is not elaborated upon, but could have significant impacts on the layout and available space for lobby, and the apartments.

Housing Diversity and Social Interaction

The Panel notes that the proposal appears to provide 1 affordable housing apartment which constitutes 9% of the total number of dwellings, however the proposal seeks to access a 23% increase in height. Council should review the proposed bonus to confirm that this is acceptable.

The proposal does not include any three bedroom apartments and a very high percentage of one bedroom apartments only:

- 1 bedroom = 7 apartments = 63.6%
- 2 bedroom = 4 apartments = 36.4%
- 3 bedroom = 0 apartments

Aesthetics

The Panel do not support the articulation of the dominant four storey component along Bunnerong Road. The large panels of fixed glazing have minimal shading, and the eccentric / irregular grid does not relate to any other part of the building.

The proposal does not appear to take any contextual height datum cues from the surrounding building forms.

The Panel do not support the selection of render as the single material, and notes that many of the surrounding buildings, new and old, use brick at times economically as a feature material.

The Panel do not support the choice of dark material for the upper setback floors, and believe that these upper floors should appear more recessive in character.

Greater detail should be provided on the exposed side walls as these may be highly visible for an extended length of time.

The Panel does not support the reduced level of articulation along the Baird Lane façade. The proposal does not introduce any privacy screening, sun shading to west facing windows, or any significant articulation along this west facing façade.

Council officer note: As detailed in this report, the amended plans suitably address the matters raised by the Panel. As such, re-referral to the Panel was not considered necessary.

2. Heritage Planner

The subject site is not identified as a heritage item or located within a heritage conservation area. The site is located in the vicinity of heritage item no. 233, known as 'Group of 3 bungalows' located at 27–31 Baird Avenue, Matraville.

Recommended condition:

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

The materials identified on Dwg. A408 as 'MC-1 Sheet Metal Cladding' shall be grey colour.

An amended schedule of colours, materials and textures must be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

3. Strategic Planning Officer

Heritage

The property is not heritage listed or in a HCA. Three heritage properties occur in proximity to the site at 27-31 Baird Avenue (I233), to the west of Baird Lane. The proposed built form appears adequate to provide a suitable backdrop to the rear gardens of these three properties. Maximising the landscaping on this building frontage, through planters on balconies, climbers and roof gardens is recommended to integrate the design as a backdrop to the rear gardens.

Density

No density control applies to the property – building scale/bulk is addressed with envelope controls.

Building height

Under the Housing SEPP Affordable Housing Bonus legislation, the applicant is seeking a 20% (3.795m) increase in height to 22.795m and would provide 10% of the residential area as affordable

housing, being Unit 1.03, a 2 bed, 75.12m² apartment, indicated in the plans. The proposal appears to meet the Housing SEPP bonus height (20%) and affordable housing provisions (10%).

Built form/setbacks

Randwick DCP 2013, section D5 Matraville Centre applies to the site. As the frontage width is greater than 12m (13.57m), Table 4 applies to the site. The controls include:

- Zero setback required to Bunnerong Road
- 1m setback required from Baird Lane
- Four storey frontage to Bunnerong Road
- Above four storeys (16m – LEP Cl.4.3A), any additional height must be set back 4m
- Three storey frontage to Baird Lane
- Maximum building depth is 16m (front) and 8m (rear)
- There needs to be a 12m building-to-building separation between front and rear buildings
- An active frontage is required to Bunnerong Road
- Basement parking is to be provided

The design proposal complies with most of the above planning controls. The exceptions are:

- Most of the ground floor level (except for two common walls on the boundaries) is set back 1m from Baird Lane. The two levels above have zero setback, and there is a 4.25m clearance to the building overhang. The existing laneway is approx. 6m wide. The laneway setback would provide additional manoeuvring width, a footpath for pedestrians, potential for a small, landscaped area and help to mitigate the scale and bulk of the development on the laneway and on the low-density residential area to the west of the lane. The 1m ground level setback should be unimpeded by common party walls. The proposed overhang of the 2nd and 3rd level is acceptable, as the proposal achieves the 12m courtyard depth and the front building depth is significantly less than the maximum 16m (13.186m) and the rear building only slightly exceeds the maximum depth of 8m (8.174m).
- DCP D5 requires the Bunnerong Road frontage to be 12.8m maximum height to the underside of topmost ceiling of the fourth level. The proposal exceeds this height control. This exceedance is assessed to be acceptable as the floor-to-floor heights whilst generous are not excessive, and the overall height at the frontage does not exceed the LEP 16m height limit (being proposed at 14.3m).

Deep soil area

The Apartment Design Guide (ADG) (SEPP 65) applies to residential apartment development in NSW, including this site. The ADG requires a deep soil zone of at least 7% of the site area. Randwick DCP section C2 Medium Density Residential section 2.2.2 requires a minimum of 25% of the site area to be deep soil area. The deep soil area requirement is not met in the proposed design. It is accepted that the development is in an urban setting and that the DCP D5 Matraville Centre requires a typology that has a generous landscaped COS podium level (on structure).

In this type of development an extra effort is required in the landscape courtyard design to address the lack of true deep soil area, replacing it with generous sized and deep planter beds on structure that can accommodate many trees/palms, shrubs, grasses, climbers, green walls, etc. to reduce acoustic reverberation, to cool the heat island effect, to provide privacy and to provide an attractive shared green space/sanctuary. The current landscape plans (Place Design Group (9 Dec 2024) are disappointing in this regard, with a design with a single tree and a series of narrow planter boxes, and significant hard paved ground and wall surfaces.

The proposed planting of the COS, needs to comply with the requirements of the ADG section 4P Planting on structure, with regards to soil volume, depth and area, for the proposed plant types.

Landscaped open space

Randwick DCP section C2 Medium Density Residential section 2.2.1 requires a minimum of 50% of the site area to be landscaped open space. The schedules indicate that the proposed landscaped area is 25% of the site area (110.69m²). The landscaped open space requirement is not met in the proposed design - at only 50% of what is required. The landscape design should be amended to

incorporate 50% landscape area, with a significant proportion being soft landscaping, as distinct from hard paved surfaces.

Communal Open Space (COS)

The Apartment Design Guide (ADG) (SEPP 65) requires a Communal Open Space (COS) with an area equal to 25% of the site area, with 50% direct sunlight to the principal useable part for 2 hours between 9am and 3pm (mid winter). The proposed COS is located at First Floor Level and is indicated as being 110.69m² (approx. 25% of the site), being compliant in terms of size. Please provide shadow diagrams that establish the extent of compliance with the 2 hour solar access requirement.

As previously mentioned the First Floor Level COS has very little soft landscaping and only one tree is proposed. The very limited landscaping proposed, as illustrated in the Place Design Group report (9 Dec 2024) is not adequate and does not fulfil the requirements of the ADG Objective 3D-1.

Canopy cover

Increasing the tree canopy cover in the Randwick LGA is an important goal of Council, as it brings advantages of mitigating the urban heat island effect, reducing flooding impacts and improving localise air quality. For urban centres such as Matraville, Council considers a 15% canopy cover to be appropriate. The single proposed Tuckaroo tree is inadequate in this regard.

Vehicular access/parking

The need for the proposed turn table is raised as a question – can the ramp be reconfigured to remove the need for this? Dedicated car share spaces should be considered (reduced parking rates would be considered by Council as a result).

The adequacy of the motorcycle and bicycle parking provision is questioned. Parking rates are to comply with Randwick DCP 2023 part B7 Transport, Traffic, Parking and Access. Consideration of provision of dedicated Car Share parking spaces and providing EV charging facilities/infrastructure for residents is required.

Shadow analysis

Please provide evidence of the calculation of minimum 2 hours solar access to the COS at First Floor Level for the hours of 12 noon, 1pm and 2pm, for Council review.

Materials and finishes

The proposed material and finishes palette is generally supported. Recent examples have shown that exterior paint and render finishes can deteriorate if not appropriately detailed, specified and constructed. Attention to this detail is requested.

Environmental sustainability

The proposed sustainability design initiatives were not able to be identified in the DA documentation. Randwick DCP 2013 section B3 Ecologically Sustainable Development sets out the relevant Objectives and Controls that should be met.

4. Environmental Health Officer

Acoustic Amenity

An acoustic report was submitted with the Development Application by West and Associates, Revision Issue C, dated March 27, 2025. The report assessed the noise from the surrounding area as well as noise emissions from proposed plant and equipment from the proposed development.

It is noted in the report that the detailed mechanical plant selection and location has not been undertaken at this stage. The report outlines that any internal noise level produced by the mechanical services plant should comply with the levels in Table 1 of the report.

It is recommended that an acoustic assessment is undertaken prior to the construction certificate being issued for the development to address this.

The acoustic report concludes that if the recommendations within the report are followed then acoustic criteria would be achieved.

Relevant conditions have been included in this referral to address these concerns.

Use of commercial tenancies

Specific plans and operational details for the commercial tenancies have not been included.

It is recommended to include a condition to require a separate development application or Complying Development Certificate for the use of the commercial units.

Land Contamination

A preliminary site investigation (PSI) was undertaken and a report submitted by EI Australia dated 4 April, 2025.

A review of the site discloses that between 1928 – current that the ownership of the property has alternated between individuals and companies, which reflects the use of the site for both residential and commercial activities.

Directly surrounding the site, there has been gradual development, with low-density residential properties, a small carpark to the south and warehouses to the southeast. Over the observed period, the warehouses were replaced by medium to high-density residential, and additional residential houses were constructed.

The site is not reported as being subject to regulation or management as documented in the NSW EPA public land contamination registers.

The report identified that there were potential contamination sources including former and current on-site commercial / industrial activities, including the storage of medical waste, imported fill on unknown origin and quality, hazardous building materials and off-site migration from neighbouring properties (dry cleaners, motor garages and fire station nearby)

The report concluded that based on the findings within the PSI, and with consideration given to EI's Statement of Limitations, it was concluded that there is potential for contamination to exist on the site., however the report also states that the site can be made suitable for the proposed development subject to the implementation of the recommendations based on the report.

It was emphasised in the report that these recommendations can be managed as part of conditions of consent. As such appropriate conditions have been included in this referral to address these concerns.

5. Development Engineer

General Comments

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

Drainage Comments

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

The stormwater must be discharged (by gravity) either:

- i. Directly to the kerb and gutter in front of the subject site in Bunnerong Road; or

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

Transport for NSW Comments

Bunnerong Road is classified as a state road at this location and consequently a referral to Transport for NSW was undertaken.

As the application is not proposing any excavation, vehicle access, drainage or civil works on Bunnerong Rd (other than any repairs) Transport for NSW provided no comment other than a request to ensure any works do not interfere with the operation of the bus stop on Bunnerong Road in front of the subject site and the awning be setback a minimum of 600mm from the kerb line. Suitable conditions have been included in this report.

Flooding Comments

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

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

Parking Comments

Residential Component

Parking Requirements for the proposed development have been assessed as per the following applicable parking rates specified in Part 2 Division 1 Clause 19 of the SEPP(Housing) 2021 being non-discretionary standards

- (e) the following number of parking spaces for dwellings used for affordable housing
 - (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,
 - (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,
 - (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,
- (f) the following number of parking spaces for dwellings not used for affordable housing—
 - (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,
 - (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,
 - (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,

The proposed residential component of the development is for 11 residential dwellings comprising of 7 x 1-bedroom and 4 x 2 bedroom units. Two of the 1-bedroom units are proposed to be dedicated as affordable housing thereby triggering the reduced parking rates.

$$\begin{aligned}
 \text{Parking required under SEPP} &= (2 \times 0.4)1B + (5 \times 0.5)1B + (4 \times 1.0)2B \\
 &= 0.8 + 2.5 + 4 \\
 &= 7.3 \text{ spaces}
 \end{aligned}$$

NOTE - The SEPP does not specify any requirements for visitor parking

Commercial Component

Parking Requirements for the commercial component has been assessed as per the following applicable parking rate specified in Part B7 of Randwick Council's Development Control Plan 2013.

- 1 space per 40m² Gross Floor Area (GFA)

The proposal comprises of 2 commercial tenancies with a total of 129.87m² GFA

$$\text{Commercial Parking Required} = 129.87/40 = 3.2 \text{ spaces}$$

$$\begin{aligned}
 \text{TOTAL PARKING REQUIRED} &= 7.3 \text{ (Residential)} + 3.2 \text{ (Commercial)} \\
 &= 10.5 \\
 &= \text{say 11 spaces when rounded}
 \end{aligned}$$

TOTAL PARKING PROVIDED = 12 spaces (complies)

The parking provision is satisfactory however the proposed tandem spaces on Basement Level 2 (spaces 9 & 12) are only supported if they are dedicated to a single 2 bedroom unit. This has been conditioned in this report.

Parking Layout Comments

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

Service Authority Comments**Undergrounding of site feed power lines**

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

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

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

Waste Management Comments

The Waste Management Plan submitted with the application shall not be approved as part of this consent as it does not meet Council requirements. Development Engineering has included waste management conditions in this report requiring a new waste management plan to be approved prior to commencement of any works.

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

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

Comments on the number of Waste Bins

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

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

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

Total Number of BINS required = 6 (normal) + 6 (recycling) + 1 (FOGO)
= 13 x 240L BINS

Total Number of BINS Provided = 13 Residential and 4 Commercial (satisfactory)

Geotechnical Comments

The application is proposing 2 levels of basement parking which will likely intrude into the water table and its is noted the application is seeking integrated development in conjunction with Water NSW. Conditions have been include in this report which address the management of Groundwater which should be consistent with Water NSW requirements.

6. Landscape Officer

There is no vegetation at all within this development site, on the public domain or adjoining private properties that requires comment for this application, and while the two Basement Levels (dwg's A101 rev C and A102 rev D) indicate deep soil of between 4879 – 5985mm in width being provided in the front setback facing Bunnerong Road, as well as a narrow strip (1001mm wide) along the western boundary, fronting Baird Lane, the Ground Floor Plan (dwg A103) then shows the two Commercial tenancies at the front, as well as the new layback and footpath at the rear, extending out into these respective areas, meaning that the footprint would occupy the entire site, right up onto all four site boundaries.

This then means that any landscape treatment and planting will be restricted purely to the Ground Level central courtyard between the two separate buildings, on podium, with the submitted Landscape Plans detailing one evergreen native coastal canopy tree, together with mass planted, under-story feature species for this area.

It is also noted that while the Fourth-Floor architectural plans (dwg A107) propose narrow planters around the perimeter of the balconies for Units 4.01 & 4.02, these are then not included on the Landscape Plans, so conditions now require their inclusion.

Whilst this proposal does not achieve strict numerical compliance with Council's controls for Landscape Area, as a minimum 30% of site area is required with 25% being proposed, which equates to a 16.8% variation; the assessing officer has expressed a view that it is acceptable in these circumstances, so no objections are raised.

As Bunnerong Road is listed as a 'State Road', combined with the presence of the bus stop described earlier, means that a works zone will not be possible on the main frontage, so all access and deliveries will be restricted to Baird Lane at the rear which would appear to necessitate the need for clearance pruning of numerous trees that are located on private properties to avoid damage from trucks during access, deliveries and similar, with a condition approving this, subject to a joint site meeting to confirm the extent required, and then being completed prior to the commencement of demolition.

The Public Domain was previously upgraded in coloured concrete, saw cuts and feature banding as part of suburb wide civic improvements and also includes public bench seats, being one each towards both the southern and northern site boundaries, as well as a bin and bin enclosure just to the north of the centrally located pedestrian gate, all of which will remain in situ as part of this application.

An overhead awning is now also proposed above the public footpath, all the way out to the kerb, and combined with the fact that a bus stop also extends across the full width of the site, means there would be insufficient space to establish street trees both above and below ground, so a further Public Domain upgrade is not warranted.

7. Regulatory Building Officer

A BCA and Access 2022 Indicative Compliance Report for DA Lodgement has been prepared by Building Innovations Australia, dated 2 April 2025 (Project No PRO – 09246- C3H7) that indicates that the proposed mixed use building is comply with the "Deemed to Satisfy (DtS) provisions of the National Construction Code (NCC) 2022.

The following matters may require a performance solution (PS);

- a. Fire isolated stairways and ramps do not comply with Clause D2D4 and that compliance can be achieved by a fire engineering performance solution prior the issue of the Construction Certificate (See Page 32 of 114 of the NCC Report).*
- b. The widths of exits and paths of travel for the basement does not comply with Clause D2D8 and that compliance can be achieved by a fire engineering performance solution prior the issue of the Construction Certificate (See Page 33 34 of the Report).*

- c. *The travel via fire isolated exits does not comply with D2D12 and that compliance can be achieved by a fire engineering performance solution prior the issue of the Construction Certificate (See Page 35 of the Report).*
- d. *The travel by non – fire isolated stairways and ramps does not comply with D2D14 and that compliance can be achieved by a fire engineering performance solution prior the issue of the Construction Certificate (See Page 36 of the Report).*
- e. *Handrails does not comply with D3D22 and that compliance can be achieved by a BCA fire engineering performance solution prior the issue of the Construction Certificate (See Page 42 of the Report).*
- f. *General building access requirements to comply with D4D2, D3, D4, D6. D7 and final details of wheelchair access to this part are to be provided at the Construction Certificate stage (Page 50 of the report).*
- g. *Fire hydrants do not comply with E1D2 and that compliance can be achieved by a fire engineering performance solution prior the issue of the Construction Certificate (See Page 62 of the Report).*
- h. *Sprinklers do not comply with E1D4 and that compliance can be achieved by a fire engineering performance solution prior the issue of the Construction Certificate (See Page 67 of the Report).*
- i. *Provisions for special hazards do not comply with E1D17 and compliance can be achieved by a performance solution prior the issue of the Construction Certificate (See Page 70 of the Report).*

8. Sydney Water



D22/25

4 February 2025

Our reference: N/A

Julia Warren
 Randwick City Council
julia.warren@randwick.nsw.gov.au

RE: Development Application DA/26/2025 at 482 Bunnerong Road, Matraville

Thank you for notifying Sydney Water of DA/26/2025 at 482 Bunnerong Road, Matraville, which proposes demolition of the existing dwelling and erection of a part 5, part 6 storey shop top housing development with affordable housing (11 units), ground floor commercial space, basement parking and associated landscaping (GFA – 748.7m²). Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in understanding the servicing needs of the proposed development.

Sydney Water position:	Condition of Consent applies
Condition of Consent which applies:	Section 73 and Building Plan Approval required See Attachment 1 for recommended wording for Sydney Water conditions to be included in the consent letter.
Additional comments:	Adjustments/deviations to the 225mm wastewater main traversing the site may be required. More information can be found in Sydney Water's Technical Guidelines – Building over and adjacent to pipe assets . We recommend the proponent contact Sydney Water as early as possible to prevent development delays where significant adjustments or design variations are required.
Other information:	This advice is not formal approval of our servicing requirements. Detailed requirements will be provided once the development is referred to Sydney Water for further applications. The <i>Sydney Water Development Application Information Sheet (for proponent)</i> enclosed contains details on how to make further applications to Sydney Water and further information on Infrastructure Contributions. A copy of this should be provided to the proponent in conjunction with the development consent.

Additional requirements for commercial and industrial developments including the proposed development item can be found in **Attachment 2**. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Planning Team
 Growth and Development, Water and Environment Services
 Sydney Water, 1 Smith Street, Parramatta NSW 2150
 Sydney Water Corporation ABN 49 776 225 038
 1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
 Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Attachment 1 – Recommended Development Conditions

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in@](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Attachment 2 – Sydney Water Requirements for Commercial and Industrial Developments (for proponent's information)

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



9. Sydney Airport Corporation

SYD

D22/25

Reg No.: 25/0062
Your Reference: DA/26/2025
To: RANDWICK CITY COUNCIL & NSW PLANNING
PORTAL

Monday, 3 February 2025

Notice to Proponent of Property Development

Dear Sir / Madam,

Application for approval of a controlled activity pursuant to:

s.183 Airports Act - Notification of decision under Reg 15A (2) of the Airports (Protection of Airspace) Reg's 1996

Proposed Activity: PROPERTY DEVELOPMENT
Location: 482 BUNNERONG ROAD MATRAVILLE
Proponent: RANDWICK CITY COUNCIL & NSW
PLANNING PORTAL
Date: 20/01/2025

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 45.72 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 50.70 metres Australian Height Datum (AHD).

In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 50.70 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Sydney Airport

Sydney Airport Corporation Limited ACN 052 578 809 — The Nigel Love Building, 10 Arrivals Court, Locked Bag 5000
Sydney International Airport NSW 2020 Australia — Telephone +61 2 9667 8111 — sydneyairport.com.au

SYD Classification: Confidential

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 51.00 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones:

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

10. Ausgrid



TELEPHONE: 13 13 65
EMAIL: development@ausgrid.com.au

24-28 Campbell St
Sydney NSW 2000
All mail to
GPO Box 4009
Sydney NSW 2001
T +61 2 13 13 65
ausgrid.com.au

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

Ausgrid consents to the development subject to the following conditions: -

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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D22/25

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

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

Should you require further information please contact Ausgrid via email to Development@ausgrid.com.au

Regards,
Ausgrid Development Team

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Water NSW

Contact: Wendy Thai
Phone: 1300 662 077
Email: wendy.thai@waternsw.com.au

Randwick City Council
Julia Warren
julia.warren@randwick.nsw.gov.au
0290936904

Our ref: IDAS1161080
Your ref: DA/26/2025

16 May 2025

Dear Applicant,

RE: Integrated Development Referral – General Terms of Approval
Proposed Development DA/26/2025
Lot A DP355175
482 Bunnerong Road Matraville NSW 2036

I refer to your recent request regarding an integrated Development Application (DA) proposed for the above location. Please find attached the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer. WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.
- if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

Dewatering activity cannot commence before the applicant applies for and obtains an approval. WaterNSW recommends the following condition be included in the development consent:

Level 14, 169 Macquarie Street, Parramatta, NSW 2150 | PO Box 398, Parramatta, NSW 2124
customer.helpdesk@waternsw.com.au | www.waternsw.com.au



D22/25

The attached GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any dewatering activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found [here](#).

WaterNSW requests that Council provides a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (d) of the EP&A Act.

Information to the proponent:

- An extraction limit will be determined by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.
- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The [Minimum requirements for building site groundwater investigations and reporting](#) (DPE Oct 2022) identify what data needs to be collected and supplied.
- The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.



General Terms of Approval
for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

D22/25

Reference Number:	IDAS1161080
Issue date of GTA:	16 May 2025
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	482 Bunnerong Road Matraville NSW 2036
DA Number:	DA/26/2025
LGA:	Randwick City Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2023

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Dewatering	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@watnsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to

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	ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report

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Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2023
	for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report
GT0174-00001	Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
GT0241-00001	A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required,

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unless the use of the water is for a purpose for which a development consent is in force.

Appendix 2: Applicant's written request seeking to justify the contravention of the site area development standard

Clause 4.6 – Lot Size

482 Bunnerong Road, Matraville

WITHOUT PREJUDICE

CLAUSE 4.6 TO CLAUSE 19.2(a) OF STATE ENVIRONMENTAL PLANNING
POLICY(SEPP) (HOUSING) 2021

EXCEPTIONS TO DEVELOPMENT STANDARDS – **MINIMUM SITE AREA**

*Demolition of the existing dwelling and erection of a part 4, part 6 storey shop top housing
building comprising ground floor commercial space, 11 units (2 affordable rental units),
basement parking and associated landscaping (Infill Affordable Housing).*

482 Bunnerong Road, Matraville

PREPARED BY

ABC PLANNING PTY LTD

March 2025

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ABC Planning Pty Ltd

March 2025

D22/25

CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 variation request has been prepared to accompany the development application for demolition of the existing dwelling and erection of part 4, part 6 storey shop top housing building comprising ground floor commercial space, 11 units (2 affordable rental units), basement parking and associated landscaping (Infill Affordable Housing).

Clause 4.6 allows the consent authority to grant consent for development even though the development contravenes a non-discretionary development standard imposed by SEPP Housing 2021. The clause aims to provide appropriate flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement in *Initial Action Pty Ltd v Woollahra Council* [2017] NSWLEC 1734, as revised by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, and more recently the decision of *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112.

In the SJD decision, the Court at [73] held that "*it should be noted cl 4.6 of [LEP] is as much a part of [LEP] as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome.*" The court statement is considered to apply to the non-discretionary standards within the SEPP Housing 2021.

Clause 4.6 is reproduced in full immediately below, and each aspect of the clause is addressed in this written request.

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular Standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Development Standard to be Varied

The proposal seeks a variation to the development standard contained within Clause 19.2 (a) of the SEPP (Housing) 2021 - a *minimum site area of 450m²*. The subject lot size is 443.5m², representing a 6.5m² or 1.44% variation from the 450m² standard.

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two primary aspects. Both aspects are addressed below:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Assessment: It is considered that strict compliance with the development standard for minimum site area is unreasonable and unnecessary in the circumstances for the following reasons:

Consistency with the Principles of the SEPP Housing 2021 Policy

<i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i>	The variation in site area facilitates the provision of affordable rental housing, noting that 2 of the 11 apartments will be dedicated to affordable housing for a 15-year period.
<i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	The variation will facilitate the provision of affordable housing. A registered housing provider will manage the affordable rental unit, which will provide housing to vulnerable members of the community.
<i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i>	<p>The variation to the minimum site area does not compromise the ability to provide a high level of amenity to the residents.</p> <p>A high level of amenity is afforded by providing Housing SEPP compliant unit sizes, private open space, solar access, cross ventilation, room sizes, and parking.</p> <p>The site is located in the Matraville Town Centre and has location-specific building envelope controls in the Randwick DCP that envisage a building entailing ground floor commercial with residential above split into two built forms separated by a 12m landscaped courtyard with zero setbacks on all sides and basement parking.</p> <p>The proposal complies with the layout and development patterns in the location, including the provision of Randwick DCP-compliant landscaping in the communal courtyard to add significant greenery, a landscaped outlook, and screening between the two built-form elements.</p> <p>The raised planters in this area allow deep soil-like planting that canopy trees, shrubs, and groundcovers, as outlined in the high-quality design by Place Design Group.</p>
<i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure</i>	The variation in the minimum lot size enables the provision of 11 high-quality units (2 affordable rental dwellings) located within walking distance of numerous

Clause 4.6 – Minimum site area

482 Bunnerong Road, Matraville

<p><i>and services,</i></p>	<p>bus services on Bunnerong Road, commercial services and recreation areas.</p> <p>On this basis, the variation in the site area will provide for the delivery of housing where established infrastructure and services are located.</p>
<p><i>(e) minimising adverse climate and environmental impacts of new housing development,</i></p>	<p>The appropriate nature of the development will not generate any adverse climate or environmental impacts. Compliant solar access is retained for the dwellings to the south, and the proposed units all have complying solar access and cross ventilation, reducing the mechanical heating and cooling demand. A range of other design elements have been incorporated into the building to improve its sustainability, including the inclusion of solar panels and sun shading elements.</p> <p>On this basis, the variation in site area will not be responsible for any adverse climate and environmental impacts.</p>
<p><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p>	<p>The site area variation does not compromise the presentation of the well-designed, part 4, part 6 storey shop-top housing building, which will sit comfortably within the renewing streetscape of Matraville Town Centre.</p> <p>The locality includes numerous redeveloped 6-storey buildings fronting Bunnerong Road and 4-storey buildings fronting Baird Lane. The proposal is highly compliant with the site's building envelope controls, demonstrating its compatibility with the locality.</p>
<p><i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i></p>	<p>N/A</p>
<p><i>(h) mitigating the loss of existing affordable rental housing.</i></p>	<p>N/A - the site currently has a single detached dwelling.</p>

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Desired future character is achieved notwithstanding the variation

Assessment: The part 4-storey, part 6-storey shop-top housing building is consistent with the scale of development associated with the State Policy and the Randwick LEP and DCP. The 6-storey form of the development fronting Bunnerong Road is consistent with the height and scale envisaged by the State Policy. When considering the maximum 30% additional height bonus, the maximum height generated is 24.7m (if 15% affordable housing is provided).

The proposal provides 11% affordable housing, which would permit a height up to 23.18m (22% bonus). However, the proposal has a maximum height of 20.5m, leaving an unused height bonus of 2.68m and demonstrating how the proposal has used the Housing SEPP height bonus to provide additional affordable housing while keeping the scale and density of the building aligned with and compatible with the prevailing character of the locality.

Such height will sit comfortably alongside the established 6-storey shop-top housing buildings that front Bunnerong Road and the 4-storey buildings that front Baird Lane in the transitioning and renewing Matraville Town Centre.

The proposal also demonstrates a high degree of compliance with the location-specific building envelope controls, which envisage a building with ground-floor commercial space and residential above split into two building forms separated by a 12m landscaped courtyard with zero setbacks on all sides and basement parking.

The site area variation does not prevent the desired built form outcome, including sufficient basement parking and two ground commercial spaces, from being achieved for the site, and therefore, the minor variation is deemed suitable for the site and proposal.

Absence of unreasonable impact from the variation

Assessment: The proposed lot size variation is not responsible for any unreasonable external impacts on the streetscape, public domain, or any adjoining property's amenity. In this regard, the siting and design of the built form on the subject site produces amenity impacts associated with a nil setback building in a town centre context, with no unreasonable adverse amenity impacts in relation to:

- Visual bulk
- Overshadowing
- Visual or acoustic privacy

Consistency with the zone objectives

Assessment: Despite the non-compliance, the proposal achieves the objectives of the zoning, as demonstrated in the following table:

Consistency with the objectives of the Standard	
Objectives	Assessment
Nil	N/A
Consistency with the objectives of the Zone – E1 Local Centre	
Objectives	Assessment
<ul style="list-style-type: none"> • <i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i> • <i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i> • <i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.</i> • <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> • <i>To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.</i> • <i>To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.</i> • <i>To facilitate a safe public domain.</i> • <i>To support a diverse, safe and inclusive day and night-time</i> 	<p>The proposed lot size variation does not conflict with the zone objectives, as it enables the provision of housing (including affordable housing) within a mixed-use, local centre context.</p> <p>The variation in the lot size and provision of two ground-floor commercial tenancies and 11 apartments (including two affordable rental housing units for 15 years) will provide for a range of uses within the centre that will encourage investment and generate employment opportunities.</p> <p>The ground-floor commercial spaces will activate the frontage, adding vibrancy and opportunities for a range of retail and community uses.</p> <p>The provision of housing and commercial uses in a location well-served by public transport and within walking distance of a range of services will assist in maximising the use of public transport whilst encouraging walking and cycling.</p> <p>The proposal includes a high-quality frontage to Bunnerong Road with a range of materials, clear visibility and defined entrances, which will provide significant amenity to pedestrian users of Bunnerong Road and subject site commercial spaces and residential units.</p> <p>The proposal is in keeping with the renewing built-form environment on Bunnerong Road and reasonably protects the amenity of surrounding dwellings to the south across Baird Lane.</p> <p>On this basis, the variation in the lot size will provide for</p>

Clause 4.6 – Minimum site area

482 Bunnerong Road, Matraville

economy	the delivery of a mixed-use development in a location with established infrastructure and services whilst activating Bunnerong Road with ground-floor commercial spaces.
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Based on the above assessment, it is considered that strict compliance with the minimum lot size standard is unreasonable and unnecessary in this instance.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Assessment:

Minor and indiscernible nature of the variation

The minor extent of the variation (a mere 6.5m²/1.44%) is considered to be a negligible variation to the minimum lot size. Such extent of variation is akin to the provision of an extra **11 centimetres of site depth**, which would make no practical difference to the ability of the site to facilitate the proposed development. On this basis, variation is considered to be of an indiscernible nature.

Provision of affordable housing is facilitated by endorsement of the variation.

It is reiterated that the variation in the lot size will facilitate the provision of 2 high-quality, affordable housing units. This will assist with the provision of housing in an area where affordable housing is in high demand.

Other Matters for Consideration

4(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular Standard and the objectives for development within the zone in which the development is proposed to be carried out

Assessment: The above assessment demonstrates that the proposed lot size does not conflict with the objectives of the E1 Local Centre zone.

*(5) In deciding whether to grant concurrence, the Director-General must consider:
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning*

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Clause 4.6 – Minimum site area

482 Bunnerong Road, Matraville

Concurrence

The Secretary's concurrence under clause 4.6(4) of the LEP has been delegated to the Council by written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018. That concurrence may also be assumed by the Court pursuant to s39(6) of the Land and Environment Court Act.

Nevertheless, the Council may wish to consider the concurrence requirements.

(b) the public benefit of maintaining the development standard

Assessment: Maintaining the development standard would not benefit the public, as the variation in the lot size standard enables the provision of affordable housing, market housing and commercial uses in a location convenient to services, transport, and recreation areas.

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Assessment: There are not any additional matters beyond those discussed above that need to be considered.

Generally, as to concurrence, for the reasons outlined above – and particularly having regard to the site-specific nature of this clause 4.6 variation request – there is nothing about this proposed lot size variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site. No other relevant matters are requested to be taken into consideration before granting concurrence.

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the development proposal at 482 Bunnerong Road, Matraville and is requested to be looked upon favourably by Council.

Appendix 3: Applicant's written request seeking to justify the contravention of the landscaped area development standard

Clause 4.6 – Landscaped Area

482 Bunnerong Road, Matraville

D22/25

WITHOUT PREJUDICE

CLAUSE 4.6 TO CLAUSE 19.2(b) OF STATE ENVIRONMENTAL PLANNING
POLICY(SEPP) (HOUSING) 2021

EXCEPTIONS TO DEVELOPMENT STANDARDS – **LANDSCAPED AREA**

*Demolition of the existing dwelling and erection of a part 4, part 6 storey shop top housing
building comprising ground floor commercial space, 11 units (2 affordable rental units),
basement parking and associated landscaping (Infill Affordable Housing).*

482 Bunnerong Road, Matraville

PREPARED BY

ABC PLANNING PTY LTD

March 2025

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ABC Planning Pty Ltd

March 2025

CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 variation request has been prepared to accompany the development application for the demolition of the existing dwelling and erection of a part 4, part 6 storey shop-top housing building comprising ground-floor commercial space, 11 units (2 affordable rental units), basement parking, and associated landscaping (Infill Affordable Housing).

Clause 4.6 allows the consent authority to grant consent for development even though the development contravenes a non-discretionary development standard imposed by SEPP Housing 2021. The clause aims to provide appropriate flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement in *Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734*, as revised by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*, and more recently the decision of *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112*.

It is noted in particular that in the SJD decision, the Court at [73] held that "*it should be noted cl 4.6 of [LEP] is as much a part of [LEP] as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome.*" It is considered that the court statement applies to the non-discretionary standards within the SEPP Housing 2021.

Clause 4.6 is reproduced in full immediately below, and each aspect of the clause is addressed in this written request.

D22/25

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular Standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Development Standard to be Varied

The proposal seeks a variation to the development standard contained within Clause 19.2 (b) of the SEPP (Housing) 2021 - a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area. The proposal includes 110m² / 25% as landscaped area, falling 5% short of the control.

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two primary aspects. Both aspects are addressed below:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Assessment: It is considered that strict compliance with the development standard for landscaped areas on the site is unreasonable and unnecessary in the circumstances for the following reasons:

Consistency with the Principles of the SEPP Housing 2021 Policy

Assessment: Despite the non-compliance, the proposal is consistent with the principles of the Housing SEPP, as demonstrated in the following table:

<p><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i></p>	<p>The variation in landscaped area facilitates the provision of affordable rental housing, noting that 2 of the 11 apartments will be dedicated to affordable housing for a 15-year period.</p>
<p><i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></p>	<p>The variation will facilitate the provision of affordable housing. A registered housing provider will manage the affordable rental unit, which will provide housing to vulnerable members of the community.</p>
<p><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i></p>	<p>The variation to the minimum landscaped area does not compromise the ability to provide a high level of amenity to the residents.</p> <p>A high level of amenity is afforded by providing Housing SEPP compliant unit sizes, private open space, solar access, cross ventilation, room sizes, and parking.</p> <p>The site is located in the Matraville Town Centre and has location specific building envelope controls in the Randwick DCP that envisage a building entailing ground floor commercial with residential above split into two built forms separated by a 12m landscaped courtyard with zero setbacks on all sides and basement parking.</p> <p>The proposal complies with the layout and development patterns in the location, including the provision of Randwick DCP-compliant landscaping in the communal courtyard to add significant greenery, a landscaped outlook, and screening between the two built-form elements.</p> <p>The raised planters in this area allow deep soil, like planting canopy trees and a range of shrubs and</p>

	groundcovers, as outlined in the high-quality design by Place Design Group.
<i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i>	<p>The variation in the landscaped area enables the provision of 11 high-quality units (2 affordable rental dwellings) located within walking distance of numerous bus services on Bunnerong Road, commercial services and recreation areas.</p> <p>On this basis, the variation in the landscaped area will provide for the delivery of housing where established infrastructure and services are located.</p>
<i>(e) minimising adverse climate and environmental impacts of new housing development,</i>	<p>The appropriate nature of the development will not generate any adverse climate or environmental impacts. Solar access is retained to the dwellings to the south, and the proposed units all comply with solar access and cross ventilation, reducing the mechanical heating and cooling demand. A range of other design elements have been incorporated into the building to improve its sustainability, including the inclusion of solar panels.</p> <p>On this basis, the variation in landscaped areas will not be responsible for any adverse climate and environmental impacts.</p>
<i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i>	<p>The landscaped area variation does not compromise the presentation of the well-designed part 4, part 6 storey shop top housing building, which will sit comfortably within the renewing streetscape of Matraville Town Centre, which includes numerous 6-storey buildings fronting Bunnerong Road and 4-storey building fronting Baird Lane. The proposal has a high degree of compliance with the building envelope controls for the site, demonstrating the proposal's compatibility with its locality.</p> <p>The 6-storey form of development is consistent with the height and scale envisaged by the State Policy when considering the maximum 30% additional height associated with the Policy, which generates a maximum height of 24.7m (if 15% affordable housing is provided).</p> <p>The proposal provides 11% affordable housing, which would permit a height up to 23.18m (22% bonus). However, the proposal has a maximum height of 20.5m, leaving an unused height bonus of 2.68m. This demonstrates how the proposal has used the SEPP bonus to provide additional affordable housing whilst keeping the scale and density of the building aligned with and compatible with the prevailing character of the locality.</p>

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482 Bunnerong Road, Matraville

<i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i>	N/A
<i>(h) mitigating the loss of existing affordable rental housing.</i>	N/A - the site currently has a single detached dwelling.

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Compliance with the ADG deep soil objectives

Objective 3E-1 – Deep Soil Zones

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

Assessment: It is noted that neither the Apartment Design Guide (ADG) nor the Randwick DCP has landscaping standards that can be used to guide the suitability of the landscaping provision for a development of this type, a mixed-use perimeter building in a town centre context.

The ADG has a minimum 7% deep soil area for the site. However, the ADG acknowledges that achieving the design criteria is not possible in town centre locations with perimeter buildings and proposes alternative solutions (Figure 1), such as structure planting that can create deep garden beds that have deep soil-like characteristics.

The proposal includes 25% of the area to be landscaped area, with 62.54m² / 14.10% to raised garden beds in the central courtyard and 7.48m² / 1.68%% located in planters on the Level 4 balconies. These areas will allow planting that adds significant greenery to the development, improves drainage, and increases the amenity and environmental aspects of the building, therefore meeting the objectives of the control.

Overall, the proposed landscaping is considered appropriate and responds to the site's perimeter building controls.

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Achieving the design criteria may not be possible on some sites including where:

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
- there is 100% site coverage or non-residential uses at ground floor level

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure

Figure 1: Excerpt of Part 3E of the Apartment Design Guide

High-quality landscape plan

Assessment: The proposed landscaped area variation is associated with a high-quality landscape plan prepared by Place Design Group, as demonstrated in Figure 2 below. The central courtyard planters are of a size that can facilitate a wide range of vertically layered planting that includes ground covers and climbers, numerous shrubs in the 0.5m - 2.5m height range, and one canopy tree with a mature height of 5m and spread of 3m. The plan effectively achieves a desirable landscape outcome that will add significant greenery and amenity to the site and is compatible with the extent of landscaping on the redeveloped shop-top housing buildings along Bunnerong Road in the Matraville Town Centre.



Figure 2: Extract of proposed Landscape Plan

Consistency with the zone objectives

Assessment: Despite the non-compliance, the proposal achieves the objectives of the zoning, as demonstrated in the following table:

Consistency with the objectives of the Standard	
Objectives	Assessment
Nil	N/A
Consistency with the objectives of the Zone – E1 Local Centre	
Objectives	Assessment
<ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. To encourage investment in local commercial development that generates employment opportunities and economic growth. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To maximise public transport patronage and encourage walking and cycling. To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community. To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones. To facilitate a safe public domain. To support a diverse, safe and inclusive day and night-time economy 	<p>The proposed landscaped area variation does not generate any inconsistency with the zone objectives as the variation enables the provision of housing (including affordable housing) within a mixed-use, local centre context.</p> <p>The variation in the landscaped area and provision of two ground-floor commercial tenancies and 11 apartments (including 2 affordable rental housing units for 15 years) will allow for a range of uses within the centre that will encourage investment and generate employment opportunities.</p> <p>The ground-floor commercial spaces will activate the frontage, adding vibrancy and opportunities for a range of retail and community uses.</p> <p>The provision of housing and commercial uses in a location well-serviced by public transport and within walking distance of a range of services will assist in maximising the use of public transport whilst encouraging walking and cycling.</p> <p>The proposal includes a high-quality frontage to Bunnerong Road with a range of materials, clear visibility, and defined entrances. This will provide significant amenity to pedestrian users of Bunnerong Road and subject site commercial spaces and residential units.</p> <p>The proposal is in keeping with the renewing built environment on Bunnerong Road and reasonably protects the amenity of surrounding dwellings to the south across Baird Lane.</p> <p>On this basis, the variation in the landscaped area will provide for the delivery of a mixed-use development in a location with established infrastructure and services while activating Bunnerong Road with ground-floor commercial.</p>

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Based on the above assessment, strict compliance with the minimum landscaped area standard is considered unreasonable and unnecessary in this instance.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Consistency with ADG requirement for deep soil area for perimeter buildings and the Randwick DCP controls for mixed-used development Matraville Town Centre.

The Housing SEPP controls provide no design guidance for sites with different characteristics, noting that affordable infill housing is permissible for a range of development types and in a range of zones, all with varying built-form contexts.

The proposal is compliant with the building envelope controls in the Randwick LEP and DCP, which set area-specific controls for the Matraville Town Centre. These controls envisage a perimeter building with ground-floor commercial and residential above split into two built forms separated by a 12m landscaped courtyard and basement parking.

As outlined above, the ADG promotes site-specific deep soil and landscaping provisions for town centre sites, such as the subject site. The proposed provision of on-structure landscaping, which includes deep soil-like planter beds in the communal courtyard, is considered to be an appropriate design response to the subject site context, which is a suitable solution as outlined in the Apartment Design Guide (ADG).

Compliance with the LEP and DCP built form controls for the Matraville Town Centre and ADG provision of deep soil planting is considered to constitute sufficient environmental ground to support the variation.

Other Matters for Consideration

4(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular Standard and the objectives for development within the zone in which the development is proposed to be carried out

Assessment: The above assessment demonstrates that the proposed extent of landscaping satisfies the objectives of the E1 Local Centre zone.

Clause 4.6 – Landscaped Area

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(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning

Concurrence

The Secretary's concurrence under clause 4.6(4) of the LEP has been delegated to the Council by written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018. The Court may also assume that concurrence pursuant to s39(6) of the Land and Environment Court Act.

Nevertheless, the Council may wish to consider the concurrence requirements.

(b) the public benefit of maintaining the development standard

Assessment: Maintaining the development standard would not benefit the public, as the variation in the landscaped area standard enables the provision of affordable housing in a location convenient to services, transport, and recreation areas.

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Assessment: There are no additional matters beyond those discussed above that need to be considered.

Generally, as to concurrence, for the reasons outlined above – and particularly having regard to the site-specific nature of this clause 4.6 variation request – there is nothing about this proposed landscaped area variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site. No other relevant matters are requested to be considered before granting concurrence.

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council to support the development proposal at 482 Bunnerong Road, Matraville and is requested to be looked upon favourably by Council.

Appendix 4: DCP Compliance Table

1. Part B2: Heritage

Council is satisfied that the proposed development meets the heritage requirements in accordance with Part B2 of RDCP 2013. Refer to comments by Council’s Heritage Planner at Referrals section of this report.

2. Part B4: Landscaping and Biodiversity

Council is satisfied that the proposed development meets the landscape requirements in accordance with Part B4 of RDCP 2013. Refer to detailed assessment by Council’s Landscape Officer at Referrals section of this report.

3. Part B5: Preservation of Trees and Vegetation

Council is satisfied that the proposed development meets the tree preservation requirements in accordance with Part B5 of RDCP 2013. Refer to detailed assessment by Council’s Landscape Officer at Referrals section of this report.

4. Part B6: Recycling and Waste Management

Council is satisfied that the proposed development meets the waste requirements in accordance with Part B6 of RDCP 2013. Refer to detailed assessment by Council’s Development Engineer at Referrals section of this report.

5. 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 Referrals section of this report.

6. Part B8: Water Management

Council is satisfied that the proposed development meets the water management requirements in accordance with Part B8 of RDCP 2013. Refer to detailed assessment by Council’s Development Engineer at Referrals section of this report.

7. Part C2: Medium Density Residential

DCP Clause	Control	Proposal	Compliance
2.	Site Planning		
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area is to be landscaped open space.	Proposed = 110.69m ² (25%) – refer to discussion at Key Issues section of this report.	On merit
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	Nil – refer to discussion at Key Issues section of this report.	On merit
2.3	Private and communal open space		
2.3.1	Private open space		

DCP Clause	Control	Proposal	Compliance
	<p>Private open space is to be:</p> <ul style="list-style-type: none"> (i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas. 	Each unit is provided with a suitable POS area, which complies with the relevant requirements.	Yes
	<p>For residential flat buildings:</p> <ul style="list-style-type: none"> (vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from within the dwelling. (vii) Private open space for apartments has a minimum area of 8m² and a minimum dimension of 2m. 	Complies	Yes
2.3.2	Communal open space		
	<p>Communal open space for residential flat buildings is to be:</p> <ul style="list-style-type: none"> (a) Of a sufficient contiguous area, and not divided up for allocation to individual units. (b) Designed for passive surveillance. (c) Well oriented with a preferred northerly aspect to maximise solar access. (d) adequately landscaped for privacy screening and visual amenity. (e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures. 	Suitable communal open space is provided in the internal courtyard. The relevant requirements are achieved.	Yes
3.	Building Envelope		
3.3	Building depth		
	<p>For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.</p>	Complies	Yes
3.4	Setbacks		
3.4.1	Front setback		
	<ul style="list-style-type: none"> (i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries. (ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis. 	Nil setback up to 4 storeys, with 4m setback above – consistent with Part D5 (Matraville Centre) DCP requirements	On merit

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DCP Clause	Control	Proposal	Compliance
	(iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings. (iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.		
3.4.2	Side setback		
	Residential flat building (i) Comply with the minimum side setback requirements stated below: - 12m ≤ site frontage width < 14m: 2m (ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to: - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. (iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.	Nil setbacks – consistent with Part D5 (Matraville Centre) DCP requirements	On merit
3.4.3	Rear setback		
	For residential flat buildings, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.	Nil setback – consistent with Part D5 (Matraville Centre) DCP requirements	On merit
4.	Building Design		
4.1	Building façade		
	(i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street.	The design of the building façades is acceptable and is suitably articulated by way of varying materials, planters, and window openings.	Yes

DCP Clause	Control	Proposal	Compliance
	(iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes. (vi) Conceal building services and pipes within the balcony slabs.		
4.2	Roof design		
	(i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building. (ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access. (iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape. (iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms. (v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape. (vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain.	The roof design is acceptable and is consistent with that of contemporary development within the Matraville town centre – refer image below.	Yes
			
4.3	Habitable roof space		

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DCP Clause	Control	Proposal	Compliance
	Habitable roof space may be considered, provided it meets the following: <ul style="list-style-type: none"> - Optimises dwelling mix and layout, and assists to achieve dual aspect or cross over units with good natural ventilation. - Has a maximum floor space of 65% of the storey immediately below. - Wholly contain habitable areas within the roof space. - When viewed from the surrounding public and private domain, the roof form has the appearance of a roof. A continuous flat roof with habitable space within it will not satisfy this requirement. - Design windows to habitable roof space as an integrated element of the roof. - Submit computer generated perspectives or photomontages showing the front and rear elevations of the development. 	No habitable roof space proposed.	N/A
4.4	External wall height and ceiling height		
	(ii) Where the site is subject to a 12m building height limit under the LEP, a maximum external wall height of 10.5m applies.	Not applicable as LEP height limit = 19m	N/A
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	Complies	Yes
4.5	Pedestrian Entry		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	Complies	Yes
	(ii) Present new development to the street in the following manner: <ul style="list-style-type: none"> - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible. - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary). - Provide weather protection for building entries. Postal services and mailboxes	Complies	Yes

DCP Clause	Control	Proposal	Compliance
	(i) Mailboxes are provided in accordance with the delivery requirements of Australia Post. (ii) A mailbox must clearly mark the street number of the dwelling that it serves. (iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street.		
4.6	Internal circulation		
	(i) Enhance the amenity and safety of circulation spaces by: <ul style="list-style-type: none"> - Providing natural lighting and ventilation where possible. - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors. - Allowing adequate space for the movement of furniture. - Minimising corridor lengths to give short, clear sightlines. - Avoiding tight corners. - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor. 	Complies	Yes
4.7	Apartment layout		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	Complies	Yes
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m ² and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	Complies	Yes
	(ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12m ² . All ground floor apartments are to have direct access to a terrace.	Complies	Yes

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DCP Clause	Control	Proposal	Compliance
4.9	Colours, materials and finishes		
	(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of light weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. (v) Avoid the following materials or treatment: <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sun shade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts (vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration. (vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.	Subject to conditions, the selected materials and finishes are considered acceptable.	Yes
4.12	Earthworks Excavation and backfilling		
	(i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification. (ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site. (iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.	Refer to discussion at Section 7.6 of this report.	On merit
5.	Amenity		
5.1	Solar access and overshadowing		
	Solar access for proposed development		
	(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.	Suitable solar access will be provided to living areas and private open space areas.	Yes
	(ii) Living areas and private open spaces for at least 70% of dwellings within a	Suitable solar access will be provided to	Yes

DCP Clause	Control	Proposal	Compliance
	residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.	living areas and private open space areas.	
Solar access for surrounding development			
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June. (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June. (iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.	Refer to discussion at Key Issues section of this report.	On merit
5.2	Natural ventilation and energy efficiency		
	Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	Suitable natural ventilation and daylight will be provided to dwellings.	Yes
5.3	Visual privacy		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance. (iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy. (v) Incorporate materials and design of privacy screens including: <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection 	Refer to discussion at Key Issues section of this report.	On merit
5.4	Acoustic privacy		
	(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.	The building has been designed to ensure acoustic privacy.	Yes

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DCP Clause	Control	Proposal	Compliance
	(ii) Separate “quiet areas” such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities. (iii) Utilise appropriate measures to maximise acoustic privacy such as: <ul style="list-style-type: none"> - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors 		
5.5	View sharing		
	(i) The location and design of buildings must reasonably maintain existing view corridors and vistas to significant elements from the streets, public open spaces and neighbouring dwellings. (ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas should be given a priority over those obtained from the bedrooms and non-habitable rooms. (iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain. (iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain. (v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain. (vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.	Refer to discussion at Key Issues section of this report.	On merit
5.6	Safety and security		
	(i) Design buildings and spaces for safe and secure access to and within the development.	Complies	Yes
	(iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.	Complies	Yes
	(iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed insufficient.	Complies	Yes
	(v) Avoid high walls and parking structures around buildings and open space areas	Complies	Yes

DCP Clause	Control	Proposal	Compliance
	which obstruct views into the development.		
	(vi) Resident car parking areas must be equipped with security grilles or doors.	Complies	Yes
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	Complies	Yes
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	Complies	Yes
	(ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies / foyers, hallways, open space and car parks.	Complies	Yes
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	Complies	Yes
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	Complies	Yes
6. Car parking and access			
6.1	Location		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	The basement carpark is accessed via the rear lane.	Yes
	(ii) The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.	Complies	Yes
	(iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.	Nil side setback is acceptable noting that site is located in a town centre area.	Yes
	(iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.	Proposed = 1m	Yes
	(v) For residential flat buildings, comply with the following: (a) Car parking must be provided underground in a basement or semi-basement for new development. (b) On grade car park may be considered for sites potentially affected by flooding. In this scenario, the car park must be located on the side or rear of the allotment away from the primary street frontage. (c) Where rear lane or secondary street access is not available, the car park entry must be recessed behind the front façade alignment. In addition, the entry and driveway must be located	The proposed basement car park complies with the relevant requirements.	Yes

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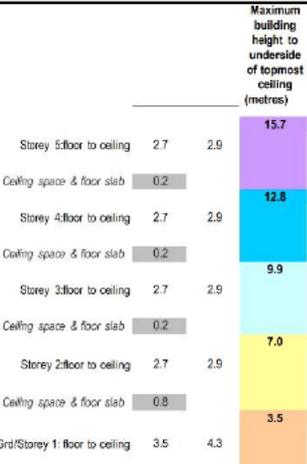
DCP Clause	Control	Proposal	Compliance
	towards the side and not centrally positioned across the street frontage.		
6.2	Configuration		
	(i) With the exception of hardstand car spaces and garages, all car parks must be designed to allow vehicles to enter and exit in a forward direction.	Complies	Yes
	(ii) For residential flat buildings, the maximum width of driveway is 6m. In addition, the width of driveway must be tapered towards the street boundary as much as possible.	Proposed = 6m	Yes
	(iv) Provide basement or semi-basement car parking consistent with the following requirements: (a) Provide natural ventilation. (b) Integrate ventilation grills into the façade composition and landscape design. (c) The external enclosing walls of car park must not protrude above ground level (existing) by more than 1.2m. This control does not apply to sites affected by potential flooding. (d) Use landscaping to soften or screen any car park enclosing walls. (e) Provide safe and secure access for building users, including direct access to dwellings where possible. (f) Improve the appearance of car park entries and avoid a 'back-of-house' appearance by measures such as: - Installing security doors to avoid 'black holes' in the facades. - Returning the façade finishing materials into the car park entry recess to the extent visible from the street as a minimum. - Concealing service pipes and ducts within those areas of the car park that are visible from the public domain.	The proposed basement car park complies with the relevant requirements.	Yes
7.	Fencing and Ancillary Development		
7.6	Storage		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: (a) Studio apartments – 6m3	Complies	Yes

DCP Clause	Control	Proposal	Compliance
	(b) 1-bedroom apartments – 6m3 (c) 2-bedroom apartments – 8m3 (d) 3 plus bedroom apartments – 10m3		
7.7	Laundry facilities		
	(i) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.	Suitable space is available for clothes drying.	Yes
	(ii) Provide internal laundry for each dwelling unit.	Each unit is provided with laundry facilities.	Yes
7.8	Air conditioning units:		
	<ul style="list-style-type: none"> Avoid installing within window frames. If installed in balconies, screen by suitable balustrades. Air conditioning units must not be installed within window frames. 	Capable of complying, subject to conditions.	Yes

8. Part D5: Matraville Centre

DCP Clause	Control	Proposal	Compliance										
3	Development Controls												
3.1.	Site Requirements/Amalgamation												
	i) Ensure that development/redevelopment/ amalgamation does not adversely affect or limit the future development potential of adjacent and adjoining sites.	The proposal will not result in site isolation.	Yes										
3.2	Building envelopes												
3.2.2	Heights												
	i) Comply with the following maximum building heights: <table border="1" style="margin-top: 5px;"> <thead> <tr> <th>Building height</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>Sites with a frontage of less than 7 metres</td> <td>3 storeys</td> </tr> <tr> <td>Building at a laneway edge</td> <td>3 storeys</td> </tr> <tr> <td>Building at the rear of a lot</td> <td>3 storeys</td> </tr> <tr> <td>Building at a street edge (minimum frontage 7 metres)</td> <td>4 storeys</td> </tr> </tbody> </table> ii) If all required parking is provided at basement level on sites with a minimum frontage of 12 metres, a 5th storey may be considered with a setback from the floor below of 4 metres. iii) If a supermarket or pedestrian connection is included in a development where nominated, a 6th storey may be considered with the 5th and 6th storeys setback from the street edge by 4 metres. iv) Reinforce street corners by concentrating the tallest part of the building at the corner. v) Comply with Table 1	Building height	Maximum	Sites with a frontage of less than 7 metres	3 storeys	Building at a laneway edge	3 storeys	Building at the rear of a lot	3 storeys	Building at a street edge (minimum frontage 7 metres)	4 storeys	Bunnerong Rd = 4 storey street wall with an additional 2 storeys above. Baird Lane = 3 storey street wall with an addition 1 storey above. Refer to discussion at Key Issues section of this report.	On merit
Building height	Maximum												
Sites with a frontage of less than 7 metres	3 storeys												
Building at a laneway edge	3 storeys												
Building at the rear of a lot	3 storeys												
Building at a street edge (minimum frontage 7 metres)	4 storeys												

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DCP Clause	Control	Proposal	Compliance										
	 <p data-bbox="357 712 914 801">vi) The maximum building height for a 6th storey is 18.6 metres to the underside of the topmost ceiling</p>												
3.2.3	Depth												
	<p data-bbox="357 837 914 898">i) Comply with the following building envelope depths:</p> <table border="1" data-bbox="395 898 914 1070"> <thead> <tr> <th>Description</th> <th>Envelope Depth</th> </tr> </thead> <tbody> <tr> <td>Development fronting Bunnerong Road, Beauchamp Road, Daunt Ave, Baird Ave, Perry Street, and Franklin Street</td> <td>Maximum 16 metres</td> </tr> <tr> <td>Development fronting a lane and development at the rear of a lot</td> <td>8 metres</td> </tr> </tbody> </table> <p data-bbox="357 1081 914 1205">ii) Within the maximum building envelope depths: articulate the building facade, and design apartments so that the maximum glass to glass dimension is 14 metres.</p> <p data-bbox="357 1211 914 1323">iii) Balconies may extend outside the maximum building envelope depth by up to 600mm but may not extend beyond the property boundary.</p>	Description	Envelope Depth	Development fronting Bunnerong Road, Beauchamp Road, Daunt Ave, Baird Ave, Perry Street, and Franklin Street	Maximum 16 metres	Development fronting a lane and development at the rear of a lot	8 metres	<p data-bbox="943 837 1214 898">Bunnerong Rd = 13m (approx.)</p> <p data-bbox="943 927 1134 987">Baird Lane = 8m (approx.)</p>	<p data-bbox="1246 837 1294 866">Yes</p>				
Description	Envelope Depth												
Development fronting Bunnerong Road, Beauchamp Road, Daunt Ave, Baird Ave, Perry Street, and Franklin Street	Maximum 16 metres												
Development fronting a lane and development at the rear of a lot	8 metres												
3.2.4	Setback and Separation												
	<p data-bbox="357 1359 914 1388">i) Comply with the following front setbacks:</p> <table border="1" data-bbox="395 1388 914 1765"> <thead> <tr> <th>Description</th> <th>Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>Development fronting Bunnerong Road, Beauchamp Road, Daunt Ave, Perry Street, and Franklin Street.</td> <td>No setback from the street edge up to and including 4 storeys. 4 metres from the street edge for any storeys higher than 4.</td> </tr> <tr> <td>Corner allotments:</td> <td>A minimum 1.5 metre x 1.5 metres splay corner at ground level at the intersection of two roads. No walls or planting higher than 600 mm may be located within the splay corner.</td> </tr> <tr> <td>Development fronting a laneway:</td> <td>1 metre from the lane edge.</td> </tr> <tr> <td>Development fronting Baird Ave:</td> <td>4 metres from the street edge or the predominant street frontage.</td> </tr> </tbody> </table> <p data-bbox="357 1783 914 1995">ii) Setback all development by a minimum of 9 metres from adjoining sites in a residential zone. Landscape this rear setback, preferably with a substantial deep soil zone. This setback may be suitable for use as private open space for development at the rear of a lot.</p> <p data-bbox="357 2002 914 2024">iii) No side setbacks are required in the</p>	Description	Minimum Setback	Development fronting Bunnerong Road, Beauchamp Road, Daunt Ave, Perry Street, and Franklin Street.	No setback from the street edge up to and including 4 storeys. 4 metres from the street edge for any storeys higher than 4.	Corner allotments:	A minimum 1.5 metre x 1.5 metres splay corner at ground level at the intersection of two roads. No walls or planting higher than 600 mm may be located within the splay corner.	Development fronting a laneway:	1 metre from the lane edge.	Development fronting Baird Ave:	4 metres from the street edge or the predominant street frontage.	<p data-bbox="943 1359 1214 1482">Bunnerong Rd = Nil setback up to 4 storeys, with 4m setback above</p> <p data-bbox="943 1512 1182 1606">Baird Lane = 1m at ground level, with nil setback above</p> <p data-bbox="943 1635 1134 1664">Nil side setbacks</p> <p data-bbox="943 1693 1214 2024">NB: it would be unreasonable to provide a 9m rear setback to the adjoining residential zone as this would undermine the intent of the strategic plan for the Matraville town centre. Suitable separation (6m-7m) is</p>	<p data-bbox="1246 1359 1342 1388">On merit</p>
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DCP Clause	Control	Proposal	Compliance																																																									
	<p>business zone.</p> <p>iv) For sites with rear lane or rear lot development, provide an internal courtyard garden with a minimum separation between buildings of 12 metres (see 7.1).</p> <p>v) For minimum separations between rooms in adjacent buildings (see 5.2).</p>	<p>provided between the proposed building and the adjacent residential properties.</p>																																																										
3.2.5	Summary – built form controls																																																											
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4	Building Design																																																											
4.1	Active Frontages																																																											
	<p>i) Provide a continuous and active zero setback business frontage on the ground floor in Bunnerong Road, Daunt Ave, Perry Street, and Franklin Street.</p> <p>ii) Maximise street level activity (e.g. by wrapping shopfronts around corners) and minimise blank walls at ground level.</p> <p>iii) Maximise glazing for retail/commercial uses, but break large glazed shopfronts into discrete sections to ensure visual interest.</p> <p>iv) The use of opaque or reflective glass which obscures uses on the ground floor is discouraged.</p> <p>v) Ensure that any grilles or transparent security shutters to retail frontages, offer a minimum of 70% transparency.</p> <p>vi) Ensure that entrances to internally orientated shopping or commercial arcades, and the arcades themselves, are a minimum of 6 metres wide. Provide active retail and business frontages throughout any arcades.</p> <p>vii) Incorporate outdoor dining in cafés and/or restaurants wherever possible in accordance with Part D12, Footpath dining and trading.</p> <p>viii) Recess doors to ensure they do not encroach over the footpath when open.</p>	<p>A nil front setback is provided to Bunnerong Road. The proposed commercial tenancies and glazing at ground level will provide for an active street frontage.</p>	<p>Yes</p>																																																									

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DCP Clause	Control	Proposal	Compliance
	ix) The use of fully operable glass walls (e.g pivot, stacking or bi.fold) to open cafés and restaurants to the street is encouraged.		
4.2	Awnings		
	i) Provide continuous street frontage awnings to all new development. Generally awnings should be a minimum 3 metres deep. ii) Setback awnings a minimum of 600mm from the kerb. iii) Design new awnings to be complimentary with their neighbours, and aligned with the general alignment of existing awnings in the street. iv) Cantilever awnings from the buildings with a minimum soffit height of 3.5 metres. v) Provide under awning lighting to improve public safety. vi) Colonnades along the street edge are inappropriate in this context. vii) Signage on canvas blinds is inappropriate.	A continuous awning is provided to both street frontages. The awnings comply with the relevant requirements.	Yes
4.3	Balconies		
	i) Provide a primary balcony/terrace for each apartment, directly accessible from the main living area. ii) Ensure that the primary balcony has a minimum depth of 2.5 metres, and a minimum area of: <ul style="list-style-type: none"> • 6 sq metres for a studio/one bedroom apartment • 10 sq metres for a two/three bedroom apartment • 15 sq metres for a four/more bedroom apartment iii) Ensure that the primary balcony extends the living space with proportions that accommodate outdoor furniture and space for plants. Consider the benefits of supplying a tap and gas point. iv) Ensure that additional balconies have a minimum depth of 1.5 metres. v) Orientate balconies to maximise solar access. Ensure that the longer dimension of any balcony is outward facing to maximise light penetration into the interior of each apartment. Design the depths of balconies to ensure that sunlight enters the lower apartments in the building. vi) Ensure that the undersides of balconies exhibit a well designed, completed appearance from the street. vii) Design balustrades to take advantage of views and improve community safety by allowing surveillance over the street and other public areas while providing for safety and visual privacy. viii) Include sunscreens, pergolas, shutters and operable walls to enhance design and livability, respond to the local climate and	Each unit is provided with suitable POS areas, which comply with the relevant requirements.	Yes

DCP Clause	Control	Proposal	Compliance
	<p>site context, reduce road noise impacts and assist visual privacy.</p> <p>ix) Wherever possible, integrate permanent landscaped features into balcony design. Wintergardens may be included on the western elevation.</p> <p>x) Retractable awnings may be included above the 4th storey.</p> <p>xi) Residential balconies must not extend beyond the property boundary</p>		
4.4	Façades		
	<p>i) Ensure that each building has a unique identity, demonstrating articulation either as a result of permanent elements such as balconies and terraces incorporated into the facade, or as a result of innovation in the use of windows, awnings, screens and other building elements.</p> <p>ii) Design buildings to address the street, ensuring that rear and side facades also provide visual interest to the street and surrounding neighbours. Ensure that each street frontage of a corner building addresses the street with active ground floor uses.</p> <p>iii) Emphasise verticality at street corners, if possible by concentrating the tallest portion of the building on the corner itself. Utilise design devices such as splayed corner details, and expression of junction of building planes to reinforce the wayfinding attributes of street corners.</p> <p>iv) Integrate buildings into the streetscape by adopting a modular form, ideally one which reflects the underlying narrow shop width of older buildings and lots in the town centre (6 . 8 metres). Use vertical elements such as vertically proportioned windows, exposed party walls, attached piers, vertical balustrades, attached columns or fins to express this modulation and rhythm. Use horizontal elements such as roofs, parapets, balconies and balustrades, eaves lines, string courses, cornices and door/window heads to align the building with its neighbours.</p> <p>v) Ensure that shutters, louvres and other facade features do not encroach over Council's road reserve.</p> <p>vi) Ensure that the façade clearly expresses a bottom, middle and top related to the overall proportion of the building. Generally, the bottom will read as the area below the awning, and the top will read as the uppermost storeys.</p> <p>vii) Incorporate design characteristics such as: projecting fins; corbelling and string courses; balconies with variable materials</p>	<p>The proposed building façades are considered acceptable. Suitable articulation is provided by way of varying materials, planting, and window/balcony openings.</p> <p>The development leaves exposed party walls adjacent to existing, lower buildings. The exposed section of these sides walls has been enhanced with articulation joints.</p>	<p>Yes</p>

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DCP Clause	Control	Proposal	Compliance
	<p>and finishes; ‘punctuated walls’ with visually recognisable patterns, decorative features, rhythm and texture; and a variable colour palette to achieve façade modulation and articulation.</p> <p>viii) To enhance the articulation, lightweight structures, sunshading devices, and horizontal and vertical architectural elements including balconies may penetrate the Building Envelope (but not the property boundary) by a maximum of 1.5 metres.</p> <p>ix) Avoid curtain walls, large expanses of glass and large expanses of concrete as these do not create well articulated and harmonious facades</p> <p>x) Demonstrate that the design is a contemporary response to the current context of the Matraville Centre.</p> <p>xi) Where new development leaves exposed party walls adjacent to existing, lower buildings, improve the appearance of the exposed section of the party wall with colour, modulation, and articulation</p>		
4.5	Materials and Finishes		
	<p>i) Combine different materials and finishes to assist building articulation and modulation. The use of face bricks and/or coloured rendered brickwork may assist to integrate new development into the existing streetscape.</p> <p>ii) The following materials are considered incompatible: large wall tile, rough textured render and or bagged finish, curtain walls, and reflective glass.</p> <p>iii) Avoid large expanses of any single material to facades.</p>	Subject to conditions, the selected materials and finishes are considered acceptable.	Yes
4.6	Mobility and Access		
	<p>i) Achieve entrances which are flush with the footpath/external ground level or provide a suitably ramped alternative.</p> <p>ii) Provide appropriate access and facilities as set out in the current Australian Standard AS 1428 (parts 1 & 2).</p> <p>iii) Use appropriate gradients and materials, including slip resistant materials, tactile surfaces and contrasting colours.</p>	Complies	Yes
4.8	Roof Forms		
	<p>i) Wholly contain lift over.runs and service plants within roof structures or roof lines.</p> <p>ii) Minimise the bulk and mass of roofs and their potential for overshadowing.</p> <p>iii) Design roofs to generate a visually interesting skyline and minimise apparent bulk.</p> <p>iv) Relate roofs to the size and scale of the building, the building elevation, and the three dimensional building form.</p> <p>v) Consider the sustainability benefits of</p>	The roof design is acceptable and is consistent with that of contemporary development within the Matraville town centre.	Yes

DCP Clause	Control	Proposal	Compliance
	landscaped 'green roofs' and appropriately shaded areas vi) Domestic roof forms and features such as attic or dormer windows in the roof are inappropriate within the town centre context.		
5	Access		
5.1	Parking		
	i) Incorporate parking within and/or beneath the building. Carparking areas may be designed as ground level parking provided that the roof is landscaped as a Courtyard Garden, and the design results in building frontages level with the street. ii) Parking provisions for cars and bicycles shall be in accordance with the Parking Section in Part B7 of the DCP. iii) Tandem parking may be considered where these spaces are attached to the same strata title comprising a single apartment, subject to consideration of the maximum parking limit. iv) Include natural ventilation to basement and semi basement carparking. v) Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements.	Car parking is provided at basement level.	Ye
5.2	Vehicular Access		
	i) Provide vehicle access from rear lanes and side streets. ii) Design driveways to minimise visual impact on the street and maximise pedestrian safety. Setback any rear lane garage doors 1 metre from the laneway alignment. iii) Integrate water runoff management into the design of driveway ramps and entrances. iv) Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms. v) Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1) and off-street carparking for commercial vehicles (Part 2). Refer also to the Traffic, Parking and Access Section B7 of the DCP. vi) Internal driveways must be a minimum of 5.5 metre clear width for the first 6 metres inside the property to allow entering and exiting vehicles to pass freely. Should the driveway narrow beyond the first 6 metres, a minimum splay of 1.5 metres x 1.5 metres must be provided to allow the passing to work.	Vehicular access is provided from the rear lane. The rear lane garage doors are setback 1m from the laneway alignment.	Yes
6	Dwelling Design		
6.1	Apartment Mix		
	i) Provide a mix of studios, 1, 2 and 3 or more bedroom apartments in varying layouts. On	The proposed apartment mix	Yes

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DCP Clause	Control	Proposal	Compliance																																				
	<p>some smaller sites it may be appropriate to limit the mix to studio and/or 1 bedroom apartments. Refer to Part C of the DCP for Adaptable and Universal housing for dwelling mix requirements.</p> <p>ii) Consider the design needs of those who work from home.</p>	<p>(comprising 1 and 2 bedroom dwellings) is acceptable noting the small site area.</p>																																					
6.2	Apartment Size and Layout																																						
	<p>i) Achieve the following minimum Apartment Sizes:</p> <table border="1" data-bbox="395 562 871 763"> <thead> <tr> <th>Apartment Type</th> <th>Area m2</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>40</td> </tr> <tr> <td>One bedroom cross-through or cross-over</td> <td>50</td> </tr> <tr> <td>Two bedroom corner</td> <td>80</td> </tr> <tr> <td>Two bedroom cross-through or cross-over</td> <td>90</td> </tr> <tr> <td>Two bedroom corner with study</td> <td>120</td> </tr> <tr> <td>Three bedroom</td> <td>125</td> </tr> <tr> <td>For each additional bedroom above 3, an additional</td> <td>20</td> </tr> </tbody> </table> <p><i>nb: minimum apartment sizes exclude balconies</i></p> <p>ii) Achieve the following minimum clear internal widths:</p> <table border="1" data-bbox="395 860 863 965"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Width</th> </tr> </thead> <tbody> <tr> <td>Studios</td> <td>3.5 metres</td> </tr> <tr> <td>1, 2 & 3 bedroom apartments</td> <td>4.5 metres</td> </tr> <tr> <td>Crossover/cross through apartments more than 18 metres</td> <td>4 metres</td> </tr> </tbody> </table> <p>iii) Achieve the following minimum room dimensions:</p> <table border="1" data-bbox="395 1039 887 1128"> <thead> <tr> <th>Room</th> <th>Room Area</th> <th>Minimum Wall</th> </tr> </thead> <tbody> <tr> <td>Main Bedroom</td> <td>12 sq metres</td> <td>3.0 metres</td> </tr> <tr> <td>Secondary/other bedrooms/ Dining Rooms</td> <td>9 sq metres</td> <td>2.5 metres</td> </tr> <tr> <td>Living Room</td> <td>15 sq metres</td> <td>3.5 metres</td> </tr> </tbody> </table> <p>iv) Submit scale drawings which indicate the furniture layouts of each of the different apartment sizes and styles with every DA.</p> <p>v) Design apartment layouts which maximise site opportunities and respond to the natural and built environment by:</p> <ul style="list-style-type: none"> • situating private open space near the main living area. • orientating main living areas towards the primary outlook and away from neighbouring noise sources or windows. • maximising the number of rooms with windows by locating habitable rooms, kitchens and bathrooms on the external face of the building. <p>vi) Design apartments which are sufficiently flexible to allow a variety of uses for rooms/spaces to ensure apartments meet resident needs over time.</p>	Apartment Type	Area m2	Studio	40	One bedroom cross-through or cross-over	50	Two bedroom corner	80	Two bedroom cross-through or cross-over	90	Two bedroom corner with study	120	Three bedroom	125	For each additional bedroom above 3, an additional	20	Apartment Type	Minimum Width	Studios	3.5 metres	1, 2 & 3 bedroom apartments	4.5 metres	Crossover/cross through apartments more than 18 metres	4 metres	Room	Room Area	Minimum Wall	Main Bedroom	12 sq metres	3.0 metres	Secondary/other bedrooms/ Dining Rooms	9 sq metres	2.5 metres	Living Room	15 sq metres	3.5 metres	<p>Refer to ADG assessment at Section 7 of this report.</p>	<p>Yes</p>
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6.4	Internal Circulation – Stairs, Lifts and Corridors																																						
	<p>i) Maximise the amenity of circulation spaces by providing generous spaces e.g. high ceilings, wide corridors.</p> <p>ii) Optimise the number of vertical circulation points and minimise the number of apartments per corridor.</p> <p>iii) Provide clear sightlines by ensuring that no apartment is more than 12 metres away from a lift.</p>	<p>Suitable internal circulation spaces area provided.</p>	<p>Yes</p>																																				

DCP Clause	Control	Proposal	Compliance								
	iv) Ensure that corridors are wide enough to allow two people walking in opposite directions, each carrying luggage or shopping parcels, to comfortably pass each other without disturbance. v) Optimise security by grouping apartments to a maximum of ten (10) around a common lobby. Council may consider a variation in the maximum number of units per floor where the applicant can demonstrate that a high level of amenity of the common lobby, corridors and units is achieved. vi) Provide natural daylight to circulation spaces wherever possible.										
6.5	Storage										
	i) In addition to kitchen cupboards and bedroom wardrobes, provide accessible and adequate storage facilities at the following rates per apartment: <table border="1" data-bbox="448 831 879 931"> <thead> <tr> <th>Apartment</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>Studio & 1 bedroom</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 cubic metres</td> </tr> <tr> <td>3+ bedroom</td> <td>10 cubic metres</td> </tr> </tbody> </table> <small>nb: minimum apartment sizes exclude storage facilities</small> ii) Provide at least 50% of this storage facility within the apartment, accessible from either a hall or a living space. The remaining 50% may be provided in a safe and secured area remote from the apartment iii) Provide calculations of storage areas for each apartment on DA plans.	Apartment	Area	Studio & 1 bedroom	6 cubic metres	2 bedroom	8 cubic metres	3+ bedroom	10 cubic metres	Refer to ADG assessment at Section 7 of this report.	Yes
Apartment	Area										
Studio & 1 bedroom	6 cubic metres										
2 bedroom	8 cubic metres										
3+ bedroom	10 cubic metres										
7	Amenity										
7.1	Natural Daylight, Overshadowing and Solar Access										
	i) Maintain sunlight access to private and public open spaces and north facing habitable rooms of adjoining development for at least 3 hours between 9am and 3pm on 21 June, where possible. ii) Ensure that building layouts facilitate good solar access to both internal and external living spaces e.g. ideally locate living areas (including their associated balconies) to the north and east, and service areas to the south and west of the development. iii) Maximise any northerly aspect and optimise the number of north facing windows. Shade north facing windows with roof eaves, verandas or balconies, awnings or other horizontal shading devices. iv) Provide adjustable shade devices suitable for lower sun angles (e.g louvres/blinds) to openings on the eastern and western facades. v) Incorporate appropriately designed double glazed or energy efficient glass skylights and clerestory windows to improve daylight levels wherever possible. vi) Do not use coloured/opaque glass as a	Refer to discussion at Key Issues section of this report.	On merit								

D22/25

DCP Clause	Control	Proposal	Compliance
	shading device. vii) Protect roof terraces with shade cloth, planting, pergolas and/or vergolas. viii) Ensure that living spaces of at least 70% of apartments in any new development receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June, unless existing overshadowing prevents this.		
7.2	Natural Ventilation		
	i) Ensure that all apartments are single loaded or dual aspect, to allow the direct flow of air from one side of the apartment to the other. ii) Consider the use of crossover apartments, which minimise corridors and lift lobbies whilst providing a dual aspect and natural ventilation. iii) Maximise natural ventilation to each apartment by: <ul style="list-style-type: none"> • Locating small windows on the windward side and larger windows on the leeward side of the building (utilising air pressure to draw air through the apartment). • Selecting and designing windows which can be reconfigured to catch prevailing breezes, and funnel breezes into the apartments (e.g. vertical louvred and casement windows). • Using design solutions such as: higher level casement or sash windows; and clerestory windows or operable fanlight windows (including above internal doors) to facilitate convective currents. This is particularly important in apartments with a single aspect. • Minimising interruptions to airflow (e.g. corners/walls) within individual apartments. • Grouping rooms with similar uses together (e.g. living spaces/ sleeping spaces) to allow the apartment to be compartmentalised for efficient summer cooling or winter heating. iv) Consider acoustic transfer grilles with operable shutters through external and internal walls. v) Utilise innovative technologies (e.g. stack effect ventilation or solar chimneys) to achieve natural ventilation in non. habitable rooms and basement car parks. vi) Double loaded/single aspect apartments will only be considered if specific site conditions create justifiable design difficulties and the applicant can provide appropriate verification/evidence (from suitably qualified professional) that innovative technologies will be employed to achieve natural ventilation.	Suitable natural ventilation and solar access will be provided to the apartments.	Yes
7.3	Privacy – Acoustic		

DCP Clause	Control	Proposal	Compliance
	i) Construct all residential buildings so that they achieve the following internal acoustic amenity criteria, when tested in accordance with Australian Standard AS2107: 2000	The proposal has been designed to ensure suitable acoustic privacy.	Yes
7.4	Privacy – Visual		
	i) Design building layouts to minimise direct overlooking of rooms and private open spaces by: <ul style="list-style-type: none"> • separating communal open space, common areas and access routes from windows of rooms (particularly habitable rooms) • changing the level between ground floor apartments (including their associated private open space) and the public domain or communal open space. ii) Maximise visual privacy by providing the following minimum physical separations between buildings: <ul style="list-style-type: none"> • Between habitable rooms: 12m • Between habitable room and balconies/non-habitable: 9m • Between non-habitable rooms: 6m iii) Increase privacy without compromising amenity by: <ul style="list-style-type: none"> • offsetting windows of apartments in new development to windows in adjacent development; • recessing balconies and/or providing vertical fins between adjacent balconies; • using solid or semi.solid balustrades to balconies; • using louvres or screen panels to windows and/or balconies; • providing landscape screening; • incorporating planter boxes into walls or balustrades to increase the visual separation between areas; and/or • utilising pergolas or shading devices to limit overlooking of lower apartments or private open space. 	The proposal has been designed to ensure suitable visual privacy – refer to discussion at Key Issues section of this report.	Yes
7.5	Safety and Security		
	i) Design buildings to clearly define the transition from public through to private space. ii) Ensure that the safety of individual apartments is maximised by design that does not allow access from the balconies, roofs, windows, or awnings of its own or neighbouring buildings. iii) Orientate entrances towards the public street and provide clearly identifiable, sheltered, well lit and safe spaces to enter the building, meet and collect mail. iv) Provide direct and well.lit access between carparks and apartments, between carparks and lift lobbies, and to all apartment	The proposal has been designed to ensure suitable safety and security.	Yes

D22/25

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DCP Clause	Control	Proposal	Compliance
	<p>entrances.</p> <ul style="list-style-type: none"> v) Provide clear lines of sight between one circulation space and the next. vi) Provide separate entrances, where possible, for pedestrians and vehicles, commercial and residential occupants, and ground floor apartments. vii) Avoid blind or dark alcoves which might conceal intruders, especially in areas near lifts, stairwells, and entries and within carparks. viii) Ensure that public and common areas achieve lighting levels sufficient for people to recognise an approaching person's face 10.15 metres away. Vandal proof fittings should be used wherever lights are positioned within reach. ix) Consider audio and video intercom and/or key card access systems. x) Provide for easy maintenance and cleaning by: designing windows that can be cleaned from inside the building; using manually operated (rather than mechanical) systems such as blinds, sun shades, pergolas and curtains. xi) Submit a formal Crime Risk Assessment with every DA comprising 20 or more new apartments. 		
8	Site Design		
8.1	Courtyard Gardens & Other Landscaped Open Space		
	<ul style="list-style-type: none"> i) Provide a landscaped courtyard garden with a minimum courtyard depth of 12 metres. Courtyard gardens should not be fragmented into multiple spaces. ii) Demonstrate that courtyard gardens and other landscaped areas are designed as a focus of the development and a landscape buffer between buildings. iii) Reduce glare and noise transference through a careful balance of hard surfaces and soft landscaping. iv) At property boundaries, use soft landscape treatment to supplement fencing. 	<p>The proposal includes a 12m landscaped courtyard, which complies with the relevant requirements.</p>	<p>Yes</p>
8.2	Service and Utilities		
	<ul style="list-style-type: none"> i) Where the cost of the works exceeds \$2 million, meet all costs associated with replacing overhead wires with underground cables in the vicinity of the development site. ii) Where the costs of the works exceeds \$1 million up to \$2 million, meet all costs associated with replacing overhead wires with Aerial Bundled Cables in the vicinity of the development site. iii) To achieve an active and safe street frontage in laneways, applicants may be required to meet all costs associated with the installation of services such as street 	<p>Capable of complying, subject to conditions.</p>	<p>Yes</p>

DCP Clause	Control	Proposal	Compliance
	lighting.		

Responsible officer: Julia Warren, Senior Environmental Planning Officer

File Reference: DA/26/2025

D22/25

D22/25

Draft Development Consent Conditions



Folder /DA No:	DA/26/2025
Property:	482 Bunnerong Road, MATRAVILLE NSW 2036
Proposal:	Integrated development for demolition of the existing dwelling and ancillary structures to enable the construction of a part 4 and 6 storey shop top housing development with 11 apartments, including affordable housing, ground floor commercial space, basement parking and associated landscaping.
Recommendation:	Approval

Condition

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

Plan	Drawn by	Dated	Received by Council
A004, Rev. D – Demolition Plan	Arkhaus	07/04/2025	07/04/2025
A005, Rev. D – Development Data	Arkhaus	07/04/2025	07/04/2025
A101, Rev. C – Basement 2 Plan	Arkhaus	07/04/2025	07/04/2025
A102, Rev. D – Basement 1 Plan	Arkhaus	07/04/2025	07/04/2025
A103, Rev. D – Ground Floor Plan	Arkhaus	07/04/2025	07/04/2025
A104, Rev. D – First Floor Plan	Arkhaus	07/04/2025	07/04/2025
A105, Rev. D – Second Floor Plan	Arkhaus	07/04/2025	07/04/2025
A106, Rev. D – Third Floor Plan	Arkhaus	07/04/2025	07/04/2025
A107, Rev. D – Fourth Floor Plan	Arkhaus	07/04/2025	07/04/2025
A108, Rev. D – Fifth Floor Plan	Arkhaus	07/04/2025	07/04/2025
A109, Rev. D – Roof Plan	Arkhaus	07/04/2025	07/04/2025
A401, Rev. D – Street Elevations	Arkhaus	07/04/2025	07/04/2025
A402, Rev. D – Internal Elevations	Arkhaus	07/04/2025	07/04/2025
A403, Rev. D – South Elevation	Arkhaus	07/04/2025	07/04/2025
A404, Rev. D – North Elevation	Arkhaus	07/04/2025	07/04/2025
A405, Rev. D – Sections	Arkhaus	07/04/2025	07/04/2025
A406, Rev. D – Sections	Arkhaus	07/04/2025	07/04/2025
A407, Rev. D – External Finishes Schedule	Arkhaus	07/04/2025	07/04/2025
A408, Rev. D – External Finishes Schedule	Arkhaus	07/04/2025	07/04/2025
A601, Rev. D – Window Schedule	Arkhaus	07/04/2025	07/04/2025
A602, Rev. D – Window Schedule	Arkhaus	07/04/2025	07/04/2025

BASIX Certificate No.	Dated	Received by Council
1777501M_02	21/05/2025	22/05/2025

In the event of any inconsistency between the approved plans and supplementary

Condition
<p>documentation, the approved drawings will prevail.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
<p>2. Amendment of Plans & Documentation The approved plans and documents must be amended in accordance with the following requirements:</p> <ol style="list-style-type: none"> a. Windows W06 and W07 shall be modified so that the sill height of the operable portion of the window is at least 1.6m above finished floor level. b. The balustrade for the balconies of Units 1.03 and 2.03 shall be constructed of obscured glazing. <p>Condition Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.</p>
<p>3. Affordable Rental Housing Component The units identified as affordable housing on Dwg. No. A005, Rev. D (prepared by Arkhaus dated 07/4/2025) shall be provided as affordable housing in accordance with the SEPP (Housing) 2021.</p> <p>The dwellings to be used for the purposes of 'affordable housing', as per the provisions of the SEPP (Housing) 2021, shall be used as such for at least 15 years from the date of the issue of the Occupation Certificate.</p> <p>The affordable housing component must be managed by a registered Community Housing Provider (CHP).</p> <p>The CHP must ensure compliance with the occupant restriction and others provisions of the regulatory code established through regulations under the Housing Act 2001.</p> <p>A restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919 that will ensure that the above requirements are met and that the terms of restriction may not be varied without Council's consent.</p> <p>Prior to an Occupation Certificate being granted, evidence must be provided to Council demonstrating that the section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.</p> <p>Condition Reason: To ensure the affordable housing component is provided in accordance with the consent and managed in accordance with the Housing SEPP.</p>
<p>4. Air Conditioning Units Air conditioning units shall not be installed within window frames or balconies, unless screened by suitable balustrades.</p> <p>Condition Reason: To ensure compliance with RDCP 2013.</p>
<p>5. WaterNSW General Terms of Approval <u>GT0115-00001</u> Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.</p>

Condition

GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0m below the natural ground surface.

GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following

Condition

the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website

www.watensw.com.au/customer-service/waterlicensing/dewatering

GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

GT0174-00001 Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water

Condition
<p>year.</p> <p><u>GT0241-00001</u> A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.</p> <p>Condition Reason: To ensure compliance with WaterNSW requirements.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition
<p>6. 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.</p> <p>Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.</p>
<p>7. External Colours, Materials & Finishes The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.</p> <p>The materials identified on Dwg. A408 as 'MC-1 Sheet Metal Cladding' shall be grey colour.</p> <p>An amended schedule of colours, materials and textures must be submitted to and approved by Council's Manager Development Assessment prior to issuing a construction certificate for the development.</p> <p>Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.</p>
<p>8. Section 7.12 Development Contributions In accordance with the applicable Randwick City Council S7.12 Development Contributions Plan, based on the development cost of \$7,317,798.00 the following applicable monetary levy must be paid to Council: \$73,178.00.</p> <p>The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer</p>

Condition

Price Index (CPI) from the date of Council’s determination to the date of payment. Please contact Council on telephone **9093 6000** or **1300 722 542** for the indexed contribution amount prior to payment.

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

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

Where:

- IDC** = the indexed development cost
- ODC** = the original development cost determined by the Council
- CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment
- CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

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

Condition Reason: To ensure relevant contributions are paid.

9. **Housing and Productivity Contribution**
 Before the issue of the first Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$107,106.53
Transport project component	N/A
Total housing and productivity contribution	\$107,106.53

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Condition Reason: To require contributions towards the provision of regional infrastructure, and to ensure the housing and productivity contribution is paid.

10. **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

Condition

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.

11.

Security Deposits

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

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

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.

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

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

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

12.

Sydney Water

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

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

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

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

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifier must ensure that the developer/owner has submitted the

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	<p>approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
13.	<p>Sydney Water The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.</p> <p>Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p> <p>Certain tree species placed in proximity to Sydney Water’s underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to Sydney Water assets caused by trees.</p> <p>For any trees proposed or planted that may cause destruction of, damage to or interference with Sydney Water work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.</p> <p>For guidance on types of trees that can cause damage or interference with Sydney Water assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near Sydney Water assets, see Diagram 5 – Planting Trees within Sydney Water’s Technical guidelines – Building over and adjacent to pipe assets.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
14.	<p>Survey Infrastructure Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed Certifying Authority and the Council that includes and addresses the following:</p> <ul style="list-style-type: none"> (a) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General’s Direction No.11 have been made for the subject site. (b) The above letter is required to confirm if any survey infrastructure will be affected or impacted upon by the proposal. If no impact is identified this must be detailed by the Registered Land Surveyor. (c) In the event that survey infrastructure is identified as vulnerable or will be affected or impacted upon by the approved development, a copy of any Surveyor-General’s Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report) is required. <p>The applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General’s authorisation to remove or replace marks.</p>

	Condition
	<p>Note: Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General.</p> <p>Condition Reason: To ensure the development satisfies requirements with regards to the Preservation of Survey Infrastructure (POSI) under Section 24 of the Surveying and Spatial Information Act 2002.</p>
15.	<p>Building Code of Australia In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>The applicant must comply with the requirements of the BCA and Access 2022 Indicative Compliance Report for DA Lodgement, as prepared by Building Innovations Australia, dated 2 April 2025 (Project No PRO – 09246 – C3H7).</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
16.	<p>Building Code of Australia Access and facilities for people with disabilities must be provided to new building work in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and relevant Australian Standards, to the satisfaction of the Registered Certifier for the development and details are to be included in the construction certificate for the development.</p> <p>Condition Reason: To ensure safe and easy access to the premises for people with a disability.</p>
17.	<p>BASIX Requirements In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</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>
18.	<p>Site stability, Excavation and Construction work A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed Certifier for the development:</p>

Condition
<p>Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjoining properties.</p> <p>Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.</p> <p>Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.</p> <p>Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.</p> <p>Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the appointed Certifier for the development prior to issue of a relevant construction certificate.</p> <p>Condition Reason: To ensure the subject site/development and adjoining land is adequately supported and protected during any works.</p>
<p>19. Traffic Conditions</p> <p>Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the Principal Certifier, are to be included in the construction certificate documentation.</p> <p>The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
<p>20. Design Alignment levels</p> <p>The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:</p> <ul style="list-style-type: none"> • 60mm above the level of bitumen roadway at 1.2m from rear property alignment at all points opposite. <p>The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.</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>Enquiries regarding this matter should be directed to Council's Development</p>

	Condition
	Engineer on 9093-6881.
	Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.
21.	<p>Design Alignment levels</p> <p>The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$851 calculated at \$63.00 (as of 1st July 2024) 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 driveway & footpath works are designed and constructed in accordance with Council requirements and Australian Standards.</p>
22.	<p>Design Alignment levels</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>The height of the building must not be increased to satisfy the required driveway gradients.</p> <p>Condition Reason: To ensure all driveway & footpath works are designed and constructed in accordance with Council requirements and Australian Standards.</p>
23.	<p>Car Parking</p> <p>Plans submitted for the construction certificate must demonstrate the following requirements with regards to the car parking allocation:</p> <ul style="list-style-type: none"> • Three spaces shall be allocated to the commercial component. • The tandem spaces (carspaces 9 & 12 on the approved plans) must be allocated to a single two-bedroom unit. • Each two-bedroom unit must be allocated a minimum of one carspace. <p>Condition Reason: To ensure the parking allocation is appropriate and practical and in accordance with the SEPP Housing 2021 and Council's DCP.</p>
24.	<p>Undergrounding of Power</p> <p>Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;</p> <ol style="list-style-type: none"> a) The minimum clear distance from the existing footpath in Bunnerong Road to the underside of the proposed awning shall be 3.00 metres. b) All new awnings shall be set back a minimum of 600mm from the face of kerb. <p>Condition Reason: To ensure the awnings meet the minimum clearance requirements of Council and Transport for NSW.</p>
25.	<p>Stormwater Drainage</p> <p><u>Stormwater drainage plans have not been approved as part of this development consent.</u> Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:</p> <ol style="list-style-type: none"> a) A detailed drainage design supported by a catchment area plan, at a scale

Condition
<p>of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.</p> <p>b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.</p> <p>c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:</p> <ul style="list-style-type: none"> i. Roof areas ii. Paved areas iii. Grassed areas iv. Garden areas <p>d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.</p> <p>e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.</p> <p>f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.</p>

Condition Reason: To control and manage stormwater run-off so as not to adversely impact the development, neighbouring properties and Council's stormwater assets.

26. **Stormwater Drainage**

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

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Principal Certifier* and details are to be included in the construction certificate.
 - i. The stormwater must be discharged (by gravity) directly to the kerb and gutter in front of the subject site in Bunnerong Road
- b) An on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

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

Condition
<p>accommodate the 1% AEP (1 in 100 year) storm.</p>
<p>c) Determination of the required cumulative storage (in the on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.</p> <p>Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.</p>
<p>d) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.</p> <p>The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.</p>
<p>e) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.</p>
<p>f) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.</p> <p>Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:</p> <ul style="list-style-type: none"> • The base of the pit being located a minimum 300mm under the invert level of the outlet pipe. • The pit being constructed from cast in-situ concrete, precast concrete or double brick. • A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes. • A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent). • The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system. • A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar). • Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

Condition

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

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

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

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

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

- i) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- j) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- k) Mulch or bark is not to be used in on-site detention areas.
- l) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- m) Any onsite detention systems shall be located in areas easily accessible.

Condition Reason: To control and manage stormwater run-off so as not to adversely impact the development, neighbouring properties and Council's

	Condition
	stormwater assets.
27.	<p>Groundwater As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table), the following requirements apply:</p> <p>a. The design and construction of the basement level/s must preclude the need for dewatering after construction.</p> <p>That part of the development that may be impacted by the water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.</p> <p>b. Groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.</p> <p>Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.</p> <p>Groundwater management systems:</p> <ul style="list-style-type: none"> • Are to be designed to be easily maintained. • Should have a design life of 100 years. <p>c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the Principal Certifier, prior to issuing the construction certificate. A copy of the engineer's qualifications and experience must also be submitted to the Principal Certifier.</p> <p>In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.</p> <p>Condition Reason: To control and manage any seepage/groundwater so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
28.	<p>Groundwater Prior to the issue of a construction certificate, a report must be submitted to and approved by the Principal Certifier, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.</p> <p>The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:</p> <p>a. Details of compliance with relevant approvals and licences (e.g.</p>

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<p>Council's conditions of consent and Water Licence from the Office of Water.</p> <p>b. The proposed method of excavation, shoring/piling and dewatering.</p> <p>c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. <i>Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.</i></p> <p>d. The zone of any possible settlement.</p> <p>e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. <i>Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.</i></p> <p>f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).</p> <p>g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.</p> <p>h. The program to monitor fluctuations of the water table during dewatering/ construction to ensure that the conditions of consent and other relevant requirements are satisfied.</p> <p>i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).</p> <p>j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)</p> <p>k. Certification that the proposed methods of dewatering and excavation are: <ul style="list-style-type: none"> • appropriate and in accordance with 'best practice' principles; and • should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence. </p>

A copy of the approved report must be submitted to Council, (for Council's record keeping purposes and as confirmation that this condition has been complied with), prior to the commencement of any site construction works.

Any practices or recommendations made by the consulting engineer/s in the approved report must be implemented accordingly and the dewatering process

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	<p>must be monitored by the consulting engineer/s to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To control and manage any seepage/groundwater so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
29.	<p>Waste Management</p> <p>The submitted waste management plans has not been approved as part of this consent. An amended Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Lead Specialist Strategic Waste.</p> <p>The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):</p> <ul style="list-style-type: none"> • The use of the premises and the number and size of occupancies. • The type and quantity of waste to be generated by the development. • Demolition and construction waste, including materials to be re-used or recycled. • Details of the proposed recycling and waste disposal contractors. • Waste storage facilities and equipment. • Access and traffic arrangements. • The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials. <ul style="list-style-type: none"> • Area for storage of for bulky waste equivalent to 12m2 • WMP is to be amended to reflect Councils current collection frequencies <ul style="list-style-type: none"> ➢ Fortnightly collection normal waste (red lid) ➢ Fortnightly collection for recycling (yellow lid) ➢ Weekly collection for FOGO <p><i>Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's website at: https://www.randwick.nsw.gov.au/_data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf</i></p> <p>Condition Reason: To ensure the development effectively manages its waste during construction and operational phases.</p>
30.	<p>Waste Management</p> <p>The commercial garbage area must be separated from the residential bin storage areas.</p> <p>The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.</p> <p>Condition Reason: To ensure adequate waste management for the life of the development.</p>
31.	<p>Public Utilities</p> <p>A <i>Public Utility Impact Assessment</i> must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other</p>

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<p>authorities to adjust, repair or relocate their services as required.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>
<p>32. Undergrounding of Site Power</p> <p>Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Bunnerong Road. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.</p> <p>Condition Reason: To minimise the use of private poles in accordance with Council's resolution and protect street amenity.</p>
<p>33. AMENDED Landscape Plans</p> <p>The Landscape Plans by Place Design Group, rev 05 dated 25/03/25 must be amended to now include the following additional requirements:</p> <ol style="list-style-type: none"> a. A Planting Plan being provided for the podium planters that are shown around the perimeter of the balconies for Units 4.01 & 4.02 on the Fourth-Floor Level architectural plan (dwg A107), selecting species which are suitable for the space/soil volume available, and must overhang/cascade down the front face of these walls to assist with presentation of the development to the streetscape. b. Details/Sections/Notations and similar being provided to confirm that a minimum of 1000mm soil depth will be provided for that part of the planter that will accommodate the 1 x feature canopy tree within the central courtyard at the Ground Floor Level, with a minimum of 600mm to be provided for all other planters. c. A dense, layered design for the understory planting in the Ground Floor courtyard to assist with privacy, screening and amenity between the communal open space and adjoining private courtyards. <p>A revised scheme complying with the requirements specified above must then be submitted to, and be approved by, the Principal Certifier, prior to any Construction Certificate.</p> <p>Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.</p>
<p>34. Land Contamination & Remediation</p> <p>A <i>Detailed Site Contamination Investigation Report</i> must be submitted to the satisfaction of Council's Director of City Planning prior to issuing any Construction Certificate for the development.</p> <p>The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.</p> <p>The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Office of Environment and Heritage (OEH/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection</p>

Condition

(Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land.

- 1) Should the *Detailed Site Investigation Report* demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that ‘the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 and it is not necessary to carry out any remediation work.

The written concurrence of Council must be obtained before any Construction Certificate is issued for the development, which confirms that Council does not require further investigations or site remediation work to be undertaken.

- 2) Should the *Detailed Site Investigation Report* identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:-

- a) A *Remediation Action Plan* (RAP) is required to be submitted to the satisfaction of Council prior to commencing any remediation works and prior to issuing any Construction Certificate. The RAP is also required to be reviewed by an independent Office of Environment and Heritage (OEH/EPA) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by Office of Environment and Heritage (OEH/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Site management planning,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) An Office of Environment and Heritage (OEH/EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess

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<p>the suitability of the site for its intended development and use.</p> <p>d) A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing a Construction Certificate [or Subdivision Certificate] for building works (other than site retaining walls that are necessary to facilitate excavation and remediation works). The Site Audit Statement and Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.</p> <p>Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.</p> <p>e) Remediation works are to be carried out in accordance with the requirements of the <i>Contaminated Land Management Act 1997</i>, environmental planning instruments applying to the site, guidelines made by the NSW OEA/EPA and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>f) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.</p> <p>Details of the SAS and EMP (which includes capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the <i>Conveyancing Act 1919</i>.</p> <p>g) The Site Audit Statement must, where no guideline made or approved under the NSW <i>Contaminated Land Management Act</i> is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.</p> <p>In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed and implemented, to the satisfaction of a suitably qualified and experienced specialist and the Site Auditor.</p> <p>The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.</p>

Condition reason: To ensure land remediation is undertaken as required.

35. **Acoustic Report**

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A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the:

- i) *Protection of the Environment Operations Act 1997*,
- ii) NSW EPA Noise Policy for Industry 2017;
- iii) relevant conditions of consent (including any relevant approved acoustic report and recommendations).

The assessment and report must include all relevant fixed and operational noise sources.

The report is to include details of (but not be limited to);

- Noise emission from the proposed development (mechanical ventilation, plant room noise and noise from air conditioning units etc);
- Noise emission into the proposed development from the surrounding environment;
- Road traffic noise intrusion (in accordance with the NSW Environmental Guidelines, *Environmental Criteria for Road Traffic Noise and AS3671*);

The residential units are to achieve the following internal acoustic amenity criteria:

- a) In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
 - 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB (A) in living areas (24 hours) when the windows are closed, and
 - 55 dB (A) in living areas when the windows are open.
- b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
 - 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued**.

Condition reason: To ensure acoustic amenity.

36. **Acoustic Report**

All recommendations detailed in acoustic report prepared by West and Associates, Revision Issue C, dated March 27, 2025, shall be incorporated into construction certificate plans. The acoustic consultant shall provide a statement to the Certifying Authority confirming all acoustic design requirements are included in construction certificate plans prior to a construction certificate being issued.

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Condition reason: To ensure acoustic amenity.

BEFORE BUILDING WORK COMMENCES

Condition

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

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

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

38. **Dilapidation Reports**
 A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which may be affected by the works, to the satisfaction of the *Principal Certifier* for the development.
- The dilapidation report must be submitted to the Principal Certifier, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).
- Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

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39.	<p>Construction Site Management Plan A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:</p> <ul style="list-style-type: none"> • location and construction of protective site fencing and hoardings • location of site storage areas, sheds, plant & equipment • location of building materials and stock-piles • tree protective measures • dust control measures • details of sediment and erosion control measures • site access location and construction • methods of disposal of demolition materials • location and size of waste containers/bulk bins • provisions for temporary stormwater drainage • construction noise and vibration management • construction traffic management details • provisions for temporary sanitary facilities • measures to be implemented to ensure public health and safety. <p>The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.</p> <p>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.</p> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
40.	<p>Sediment and Erosion Control Plan <i>A Sediment and Erosion Control Plan</i> 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.</p> <p>Condition Reason: To protect the environment from the effects of sedimentation and erosion from development sites.</p>
41.	<p>Construction Noise & Vibration Management Plan Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.</p> <p><i>A Construction Noise & Vibration Management Plan</i> must be developed and implemented throughout demolition and construction work.</p> <p>(a) The <i>Construction Noise & Vibration Management Plan</i> must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority <i>Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline</i> (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.</p> <p>(b) Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and</p>

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mitigation strategies.

(c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

(d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Principal Certifier and Council.

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

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

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

42. **Public Liability**

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

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

43. **Construction Traffic Management**

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

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials

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	<ul style="list-style-type: none"> • Impacts of the work and vehicular movements on the road network, traffic and pedestrians • Proposed hours of construction related activities and vehicular movements to and from the site • Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority) • Any activities proposed to be located or impact upon Council's road, footways or any public place • Measures to maintain public safety and convenience • A Work zone will not be permitted on Bunnerong Road unless approved in writing from Transport for NSW including permission for the temporary relocation of the bus stop to maintain public safety and convenience. • If any clearance pruning is required for private trees overhanging into Baird Lane please refer to Pruning of Private trees condition within this consent. <p><i>The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.</i></p> <p>Condition Reason: To ensure construction traffic is appropriately managed and there is sufficient on-street space for construction and delivery vehicles as required.</p>
44.	<p>Construction Traffic Management</p> <p>Any necessary approvals must be obtained from NSW Police, Transport for NSW, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.</p> <p>All conditions and requirements of the NSW Police, Roads & Maritime Services, State Transit Authority and Council must be complied with at all times.</p> <p>Condition Reason: To ensure construction traffic is appropriately managed and there is sufficient on-street space for construction and delivery vehicles as required.</p>
45.	<p>Public Utilities</p> <p>Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifier prior to the commencement of any demolition, excavation or building works.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>
46.	<p>Pruning of private trees in Baird Lane</p> <p>Approval is granted for the minimal and selective clearance pruning of only those lower growing, lower order branches from vegetation/trees that are located within various other private properties along the length of Baird Lane, only where they overhang the carriageway and need to be pruned to avoid damage from trucks,</p>

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machinery and similar during works.

Prior to this pruning, the applicant must firstly contact Council's Landscape Development Officer on 9093-6613 to arrange a joint site meeting/inspection to confirm the exact location and extent that is permissible, which must then be completed in accordance with these instructions, and may even include the requirement for the Arborist to submit and have approved by Council a 'Summary of works' or similar (including marked up photos), with this pruning needing to be physically completed PRIOR TO THE COMMENCEMENT OF ANY SITE WORKS. Refer also to 'Construction Traffic Management Plan' condition elsewhere in this report.

This approval does not imply any right of entry onto private property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.

All costs for this pruning must be borne wholly by the applicant, including the disposal of lopped material, and can only be undertaken by a Practising Arborist who holds a minimum of AQF Level III in Arboriculture and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

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

47.

Site Remediation

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

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

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

Prior to commencement of any demolition works, a Hazardous Materials Survey (HMS) should be completed by a suitably qualified consultant, to confirm the presence and location of any hazardous materials within the existing building fabrics.

Hazardous materials arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority, and with the provisions

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of:

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

Details of Compliance must be provided to the Principal Certifier for the development and Council, prior to commencement of site works.

An asbestos clearance inspection and certificate should be completed by a suitably qualified professional (Safework NSW Licensed Asbestos Assessor) following the removal of all Asbestos Containing Material (ACM) – (if identified).

Where clearance inspection indicates hazardous materials remain on the site, further delineation, removal and re-clearance inspection, must be undertaken.

Condition reason: To ensure site remediation is undertaken as required.

DURING BUILDING WORK

Condition

48. **Site Signage**

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

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

The sign must be—

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

This section does not apply in relation to—

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

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

49. **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,	• Monday to Friday - 7.00am to

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including site deliveries (except as detailed below)	5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavations in rock, sawing of rock, use of jack-hammers, driven-type piling/shoring or the like	• Monday to Friday - 8.00am to 3.00pm • (maximum) • Saturday - No work permitted • Sunday & public holidays - No work permitted

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

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

50. **Noise & Vibration**
 Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with a *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority guidelines for Construction Noise and Assessing Vibration.

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

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

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

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

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

Notes:

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

Condition Reason: To require measures that will protect the public, and the

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	surrounding environment, during site works and construction.
52.	<p>Overhead Hoardings An overhead ('B' class) type hoarding is required is provided to protect the public (unless otherwise approved by Council) if:</p> <ul style="list-style-type: none"> • goods or materials are to be hoisted (i.e. via a crane or hoist) over a pedestrian footway • building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment • it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or adjoining land • as may otherwise be required by SafeWork NSW, Council or the Principal Certifier. <p>Condition Reason: To ensure proper management of public land and ensure public safety during site works and construction.</p>
53.	<p>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:</p> <ol style="list-style-type: none"> a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time. b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident. c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction. d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council. f) Noise and vibration from the work shall be minimised and appropriate strategies are to be implemented, in accordance with the Noise and Vibration Management Plan prepared in accordance with the relevant EPA Guidelines. g) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident. h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land. i) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the

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	<p>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>
54.	<p>Site Accessway</p> <p>A temporary timber, concrete crossing or other approved stabilised access is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council throughout the works, unless access is via an existing suitable concrete crossover.</p> <p>Any damage caused to the road, footpath, vehicular crossing or nature strip during construction work must be repaired or stabilised immediately to Council's satisfaction.</p> <p>Condition reason: To minimise and prevent damage to public infrastructure.</p>
55.	<p>Dust Control</p> <p>Dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.</p> <p><i>Dust control measures and practices may include:</i></p> <ul style="list-style-type: none"> • Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing). • Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting. • Installation of water sprinkling system or provision hoses or the like. • Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material. • Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds. • Landscaping and revegetation of disturbed areas. <p>Condition Reason: To require details of measures that will minimise impacts to the public, and the surrounding environment, during site works and construction.</p>
56.	<p>Excavations and Support of Adjoining Land</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 74 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.</p> <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
57.	<p>Complaints Register</p> <p>A Complaints Management System must be implemented during the course of construction (including demolition, excavation and construction), to record resident complaints relating to noise, vibration and other construction site issues.</p>

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	<p>Details of the complaints management process including contact personnel details shall be notified to nearby residents, the Principal Certifier and Council and all complaints shall be investigation, actioned and responded to and documented in a Complaints Register accordingly.</p> <p>Details and access to the Complaints Register are to be made available to the Principal Certifier and Council upon request.</p> <p>Condition reason: To ensure any complaints are documented and recorded, and to protect the amenity of the surrounding area and residents.</p>
58.	<p>Building Encroachments</p> <p>There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.</p> <p>Condition Reason: To ensure no encroachment onto public land and to protect Council land.</p>
59.	<p>Survey Report</p> <p>A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:</p> <ul style="list-style-type: none"> • prior to construction (pouring of concrete) of footings for the building and boundary retaining structures, • prior to construction (pouring of concrete) of new floor levels, • prior to issuing an Occupation Certificate, and • as otherwise may be required by the Principal Certifier. <p>The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.</p> <p>Condition Reason: To ensure compliance with approved plans.</p>
60.	<p>Site Seepage & Stormwater</p> <p>Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the <i>Roads Act 1993</i>.</p> <p>Details must include the following information:</p> <ul style="list-style-type: none"> • Stormwater/De-Watering Management Plan (prepared by a suitably qualified Environmental Consultant); • Detailed plans and specifications; • Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system • Volume of water to be discharged • Location and size of drainage pipes • Duration, dates and time/s for the proposed works and disposal • Details of water quality and compliance with the requirements of the <i>Protection of the Environment Act 1997</i> • Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the <i>Protection of the Environment Act 1997</i> and associated Regulations and Guidelines

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- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Condition Reason: To control and manage any seepage/groundwater so as not to adversely impact neighbouring properties, public health, and Council's stormwater assets.

61. **Road/Asset Opening Permit**

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

- a) 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.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any

Condition	
	<p>other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.</p> <p>k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.</p> <p>Condition Reason: To ensure protection and/or repair of Council's Road & footpath assets and ensure public safety.</p>
62.	<p>Roadway</p> <p>If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p>Condition Reason: To ensure excavation works are undertaken in accordance with the relevant requirements.</p>
63.	<p>Traffic Management</p> <p>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>All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.</p> <p>All conditions and requirements of the NSW Police, Transport for nSW and Council must be complied with at all times.</p> <p>Condition Reason: To ensure construction traffic is appropriately managed and any requirements of relevant external agencies are met.</p>
64.	<p>Stormwater Drainage</p> <p>Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.</p> <p>The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.</p> <p>Condition Reason: To control and manage stormwater run-off during excavation/construction so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
65.	<p>Groundwater</p> <p>Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Principal Certifier and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Principal Certifier and the Council.</p> <p>The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance</p>

Condition
<p>with Council's conditions of consent.</p> <p>A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.</p> <p>Condition Reason: To control and manage any seepage/groundwater during excavation/construction so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
<p>66. Street Awning Certification</p> <p>A report is required to be obtained from a professional structural engineer, which assesses and reports on the structural adequacy of the awning attached to the subject premises, located over the footway.</p> <p>The report is required to:</p> <ol style="list-style-type: none"> a) Confirm that the subject awning is currently structurally adequate and fit-for-purpose, or; b) Detail any necessary works required to be carried out to ensure that the awning is structurally adequate and fit-for-purpose. <p>In the case of a report provided in accordance with a) above, the report must be provided to Council and the Principal Certifier prior to the issuing of an Occupation Certificate or commencement of the use (whichever the sooner).</p> <p>In the case of a report provided in accordance with b) above, the necessary works identified in the report must be carried out and a further report or certificate must be provided to the Council and the Principal Certifier which confirms that the necessary work has been carried out and the subject awning is structurally adequate and fit-for-purpose, prior to the issuing of an Occupation Certificate or commencement of the use of the land (whichever the sooner) or other timeframe approved by Council in writing.</p> <p>Notes:</p> <ul style="list-style-type: none"> • If works are required to make the awning structurally adequate, any necessary approvals under the Local Government Act (1993), Roads Act (1993) and/or the Environmental Planning and Assessment Act (1979) must be obtained prior to the commencement of works to the awning. • The structural engineering report referenced in this condition is NOT required if evidence is submitted to demonstrate that the subject awning was approved and constructed less than 10 years ago. <p>Condition Reason: To ensure the completed awnings are structurally adequate, fit for purpose and protect public safety.</p>
<p>67. Tree Removal</p> <p>Approval is granted for the removal of all vegetation within this development site to accommodate the works as shown, subject to full implementation of the AMENDED Landscape Plans.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>
<p>68. Site Works & Remediation</p>

Condition

All hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, including:

- *Work Health and Safety Act 2011 and associated Regulations;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *NSW DECC/EPA Waste Classification Guidelines (2008).*

Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) *Waste Classification Guidelines (2008)*. Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

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

Site remediation must be carried out in accordance with the following requirements (as applicable):

- a) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- b) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual *Managing Urban Stormwater Soils and Construction* produced by the NSW Department of Housing.
- c) Remediation work shall be conducted within the following hours:

Monday – Friday	7am – 5pm
Saturday	8am – 5pm
No work permitted on Sundays or Public Holidays	
- d) A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Condition reason: To ensure site remediation is undertaken as required.

69.

Geotechnical Report

All construction works shall be undertaken in accordance with the requirements and recommendations of the Geotechnical Report prepared by Martens dated 24 March 2025.

Condition reason: To ensure geotechnical recommendations are implemented.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
70.	<p>Occupation Certificate Requirements</p> <p>An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>Condition reason: Statutory requirement. To ensure the site is authorised for occupation.</p>
71.	<p>Post-construction Dilapidation Report</p> <p>A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Principal Certifier, prior to the issue of an Occupation Certificate.</p> <p>The dilapidation report shall detail whether:</p> <ul style="list-style-type: none"> (a) after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and (b) where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent. <p>The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Principal Certifier and to Council (where Council is not the principal certifier). A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.</p> <p>Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
72.	<p>Fire Safety Certificate</p> <p>A single and complete <i>Fire Safety Certificate</i>, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate, in accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>A copy of the <i>Fire Safety Certificate</i> must be displayed in the building entrance/foyer at all times and a copy of the <i>Fire Safety Certificate</i> and <i>Fire Safety Schedule</i> must also be forwarded to Fire and Rescue NSW.</p> <p>Condition Reason: Statutory requirement. To ensure compliance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, and that adequate provision is made for fire safety in the premises for building occupant safety.</p>
73.	<p>Structural Certification</p> <p>A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the <i>Principal Certifier</i>. A copy of which is to be provided to Council.</p> <p>Condition Reason: To ensure the structural adequacy of the building and works.</p>

Condition	
74.	<p>Sydney Water Certification</p> <p>A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required, will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).</p> <p>Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to the issuing of an <i>Occupation Certificate</i>.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
75.	<p>BASIX Requirements</p> <p>In accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.</p> <p>Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.</p> <p>Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.</p>
76.	<p>Street and/or Sub-Address Numbering</p> <p>Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.</p> <p>If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.</p> <p><i>Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.</i></p> <p>Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.</p>
77.	<p>Noise Control Requirements & Certification</p> <p>A report or statement prepared by a suitably qualified and experienced person must be provided to the Principal Certifier and Council, which demonstrates that the noise from the development satisfies the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i>; Environment Protection Authority Noise Policy for Industry and the conditions of this development consent.</p> <p>Condition Reason: To protect the amenity of the surrounding area and residents.</p>
78.	<p>Council's Infrastructure, Vehicular Crossings & Road Openings</p>

Condition

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

- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises on Baird Lane to Council's specifications and requirements.
- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, and integral kerb and gutter to Council's specification.
- c) Construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
- d) Construct approximately 0.5m wide concrete footpath behind the new kerb on Baird Lane along the full site frontage.

Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:

- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
- b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
- c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

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

79. **Survey Infrastructure – Restoration**

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

The documentary evidence is to consist of a letter Signed by a Registered Land Surveyor confirming that all requirements requested under the Surveyor-General's

	Condition
	<p>Approval for Survey Mark Removal under condition "Survey Infrastructure – Identification and Recovery" have been complied with.</p> <p>Condition Reason: To ensure the development satisfies requirements with regards to the Preservation of Survey Infrastructure (POSI) under Section 24 of the Surveying and Spatial Information Act 2002.</p>
80.	<p>Undergrounding of Power</p> <p>The Principal Certifier shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Bunnerong Road. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.</p> <p>NOTE : Any private poles must be removed prior to the issuing of an occupation certificate.</p> <p>Condition Reason: To minimise the use of private poles in accordance with Council's resolution and protect street amenity.</p>
81.	<p>Traffic Signal System</p> <p>A traffic signaling system shall be installed for this development within and at the entrance to the carlift carpark at a suitable location to the satisfaction of the Principal Certifier. The traffic signaling system must comply with the following minimum requirements;</p> <ul style="list-style-type: none"> • The traffic signaling system shall be set default to green for vehicles entering the carpark. • The traffic signaling system must be installed and operational prior to occupation of the development. <p>Condition Reason: To minimise the potential for queuing extending onto the laneway and ensure the completed carpark is fit for purpose and ready for occupation.</p>
82.	<p>Carparking</p> <p>The proposed carpark shall be finished in a manner fit for its intended use. The car spaces shall be formalised with line-marking and numbering/labelling with such works completed prior to the issuing of an occupation certificate.</p> <p>Condition Reason: To ensure the completed carpark is fit for purpose and ready for occupation.</p>
83.	<p>Stormwater Drainage</p> <p>A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.</p> <p>Notes:</p> <ol style="list-style-type: none"> a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer. b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of

Condition

land” and “positive covenant” being executed by Council.

- c. Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.

A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):

- Finished site contours at 0.2 metre intervals;
- The location of any detention basins/tanks with finished surface/invert levels;
- Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council’s street gutter.

Condition Reason: To control and manage stormwater run-off so as not to adversely impact neighbouring properties and Council’s stormwater assets.

84. **Landscape Certification**

Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the AMENDED Landscape Plans by Place Design Group, rev 05 dated 25/03/25, and any relevant conditions of consent.

Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Condition Reasons: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.

85. **Waste Management**

Condition	
	<p>Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.</p> <p>The waste storage areas shall be clearly signposted.</p> <p>Condition Reason: To ensure adequate waste management for the life of the development.</p>
86.	<p>Remediation Work</p> <p>A report or statement must be obtained from the appointed Site Auditor or a suitably qualified Environmental Consultant, which confirms that the relevant conditions of consent and site remediation requirements have been satisfied accordingly and the implementation of the development has not impacted or affected the relevant site investigations, Site Remediation Strategy and Reports.</p> <p>Condition reason: To ensure site remediation is undertaken as required.</p>
87.	<p>Acoustic Validation</p> <p>A validation acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i>, NSW EPA Industrial Noise Policy and Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.</p> <p>Condition reason: To ensure acoustic amenity.</p>

OCCUPATION AND ONGOING USE

Condition	
88.	<p>Use of parking spaces</p> <p>The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.</p> <p>Condition Reason: To ensure that adequate parking facilities to service the development are provided on site, and to prevent leasing out of car spaces to non-residents.</p>
89.	<p>Commercial Tenancies</p> <p>Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.</p> <p>Condition reason: To ensure separate consent is obtained as required.</p>
90.	<p>Fire Safety Statement</p> <p>A single and complete <i>Fire Safety Statement</i> (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> at least on an annual basis each year following the issue of the <i>Fire Safety Certificate</i>, and in accordance with the <i>Fire Safety Schedule</i> for the building.</p>

	Condition
	<p>The <i>Fire Safety Statement</i> is required to confirm that all the fire safety measures have been assessed by a registered fire safety practitioner and are operating in accordance with the standards of performance specified in the <i>Fire Safety Schedule</i>.</p>
	<p>A copy of the <i>Fire Safety Statement</i> must be displayed within the building entrance or foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.</p>
	<p>Condition Reason: Statutory requirement. To ensure compliance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, and that adequate provision is made for fire safety in the premises for building occupant safety.</p>
91.	<p>External Lighting External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.</p>
	<p>Condition reason: To protect the amenity of the surrounding area and residents.</p>
92.	<p>Stormwater Detention/Infiltration System The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.</p>
	<p>Condition Reason: To control and manage stormwater run-off so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
93.	<p>Residential Parking Permits All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.</p> <p>A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.</p> <p>The tandem carspaces (spaces 9 & 12 on the approved plans) are to be allocated to one of the two-bedroom units.</p> <p>Condition Reason: To ensure the parking allocation is practical during the life of the development.</p>
94.	<p>Environmental Amenity The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the <i>Protection of the Environment Operations Act 1997</i>, associated Regulations, Guidelines and Policies.</p> <p>Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.</p> <p>The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i> and Regulations.</p> <p>Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).</p> <p><u>Note:</u> The stricter of the amenity/intrusiveness criteria becomes the prevailing</p>

Condition
<p>criteria for the development.</p> <p>Noise from commercial plant, when assessed as an $L_{Aeq, 15 \text{ min}}$ must not exceed the $L_{A90, 15 \text{ min}}$ background noise level by more than 5dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when in use. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.</p> <p>Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.</p> <p>The use of the outdoor communal areas is restricted to 7:00am – 10:00pm Monday to Sunday inclusive.</p> <p>No large gatherings, parties or amplified music are permitted in the communal open space areas.</p> <p>There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the <i>Protection of the Environment Operations Act 1997</i></p> <p>Condition Reason: To ensure residential amenity.</p>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition
<p>95. Demolition Work A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:</p> <ol style="list-style-type: none"> a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy. b) The Demolition Work Plan must include the following details (as applicable): <ul style="list-style-type: none"> • The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor • Details of hazardous materials in the building (including materials containing asbestos) • Method/s of demolition (including removal of any hazardous materials including materials containing asbestos) • Measures and processes to be implemented to ensure the health & safety of workers and community • Measures to be implemented to minimise any airborne dust and asbestos • Methods and location of disposal of any hazardous materials (including asbestos) • Other measures to be implemented to ensure public health and safety • Date the demolition works will commence/finish. <p>The Demolition Work Plan must be provided to the Principal Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site</p>

Condition
<p>and be made available to Council officers upon request.</p> <p>If the demolition work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council not less than 2 days before commencing any work.</p> <p><i>Notes: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.</i></p> <p><i>A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.</i></p> <p>Condition reason: To ensure demolition work area carried out in accordance with the relevant standards and requirements.</p>

DURING DEMOLITION WORK

Condition
<p>96. Demolition Work Any demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard - AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:</p> <ul style="list-style-type: none"> • A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro), • Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations • A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress", • Council is to be given at least two days written notice of demolition works involving materials containing asbestos, • Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request, • A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works. <p>Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.</p> <p><i>A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.</i></p> <p>Condition reason: To ensure that the handling and removal of asbestos from the site is appropriately managed.</p>

Development Application Report No. D23/25

Subject: 13 Winchester Road, Clovelly (DA/43/2025)

Executive Summary

Proposal: Alterations and additions to the existing dwelling house

Ward: North Ward

Applicant: Mr A Lawrence

Owner: [REDACTED]

Cost of works: \$352,000

Reason for referral: 10 or more submissions by way of objection

Recommendation

- A. That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/43/2025 for alterations and additions to the existing dwelling house at No. 13 Winchester Road, Clovelly, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1.  RLPP Dev Consent Conditions (general) - DA/43/2025 - 13 Winchester Road, CLOVELLY NSW 2031 - DEV - Randwick City Council
2.  Peer Review of Development Assessment attached to Council report - DA 43 2025 - 13 Winchester Road, Clovelly

D23/25

D23/25



1. Executive summary

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

- 10 or more unique submissions by way of objection were received.

The proposal seeks development consent for alterations and additions to the existing dwelling (ground and first floor), including a single carport and associated vehicular access in front of the building line, internal reconfiguration at the ground level (removal of a bedroom to accommodate the carport and a study), and an additional first floor bedroom.

Council received a submission raising concerns regarding the transparency and integrity of the decision-making process associated with both a previous development application (DA) for the subject site and the current proposal. In response to these concerns, Council’s senior management resolved to require a peer review of Council’s assessment of the application.

The key issues associated with the proposal relate to:

- Carport: Whether the proposed location, reduced northern side setback, and related alterations to the dwelling are consistent with the existing built context and avoid unreasonable adverse impacts on pedestrian safety or streetscape character.
- First floor building depth: Whether the proposed 18m depth (exceeding the 12m guideline) results in unreasonable visual bulk, overshadowing, or adverse streetscape impacts.

The carport's location and design are generally consistent with other examples in the vicinity. Its open form and low fencing maintain adequate pedestrian and vehicle sightlines. Architecturally, the carport is integrated with the existing dwelling, reinforcing its secondary nature through a complementary but offset gable roof, which reduces its visual prominence.

The increased first-floor depth is acceptable because:

- The extension is recessed more than 11m from the front boundary and behind existing structures.
- The form remains compatible with neighbouring two-storey dwellings.
- The design complies with key height and setback controls.
- The addition is modest, practical, and preserves internal amenity while avoiding unreasonable impacts on neighbours.
- The site's orientation and layout mitigate overshadowing and bulk impacts.

Following assessment by Council, Council engaged GAT & Associates to undertake an independent peer review of the assessment. The peer review included a site inspection of the subject site and adjoining properties, as well as requests for additional information (such as overshadowing diagrams at the summer equinox). The peer review report is attached for reference.

The peer review broadly supports Council officers' assessment. However, it recommends the inclusion of additional conditions to address specific concerns, including:

- Condition 1A: Amend plans to reduce the height of the proposed carport to comply with the 3-metre maximum height control in the DCP and partial removal of the deck due to encroachment into the historical easement along the southern boundary.
- Condition 3: Require the use of light colours for the upper-level addition to improve diffused daylight access to the ground-floor living area of the northern neighbour.
- Condition 23: Modify to allow integration of the 'Tel' pit within the western public reserve into the driveway or relocate it to the southern side of the driveway if integration is not feasible.

Council supports these peer review recommendations and has incorporated them into the draft conditions attached to this report.

Council also recommends further amendment to Condition 1A in relation to the deck over easement, to enable these works subject to written consent being obtained from all listed owners of the adjoining property at No. 15 Winchester Road (noting an email received from one owner is insufficient for this purpose). This change would allow the proponent to have the deck over the easement, avoiding a modification application for such a minor aspect of the proposal.

The proposal is recommended for approval, subject to the conditions including the recommended conditions (as amended) from the peer review.

2. Site Description and Locality

The subject site is known as 13 Winchester Road Clovelly and is legally described as Lot 1 in DP 84533. The site is 248.4m², is regular in shape and has a 6.15m frontage to Winchester Road to the west. The site contains a part one part two storey dwelling house.

The site has a gentle slope of approximately 500mm from street side to the rear.

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Photo 1: Subject site in middle and adjoining dwellings at No. 11 Winchester Road at left and No. 15 Winchester Road at right.



Figure 1: Aerial view of subject site (breen outline) and surrounding area noting carports located at the front of several properties in the vicinity of the subject site at No. 1 & 3 Winchester, No. 7 Winchester, No. 11 Winchester and No. 10 Winchester Road (source: Geocortex)

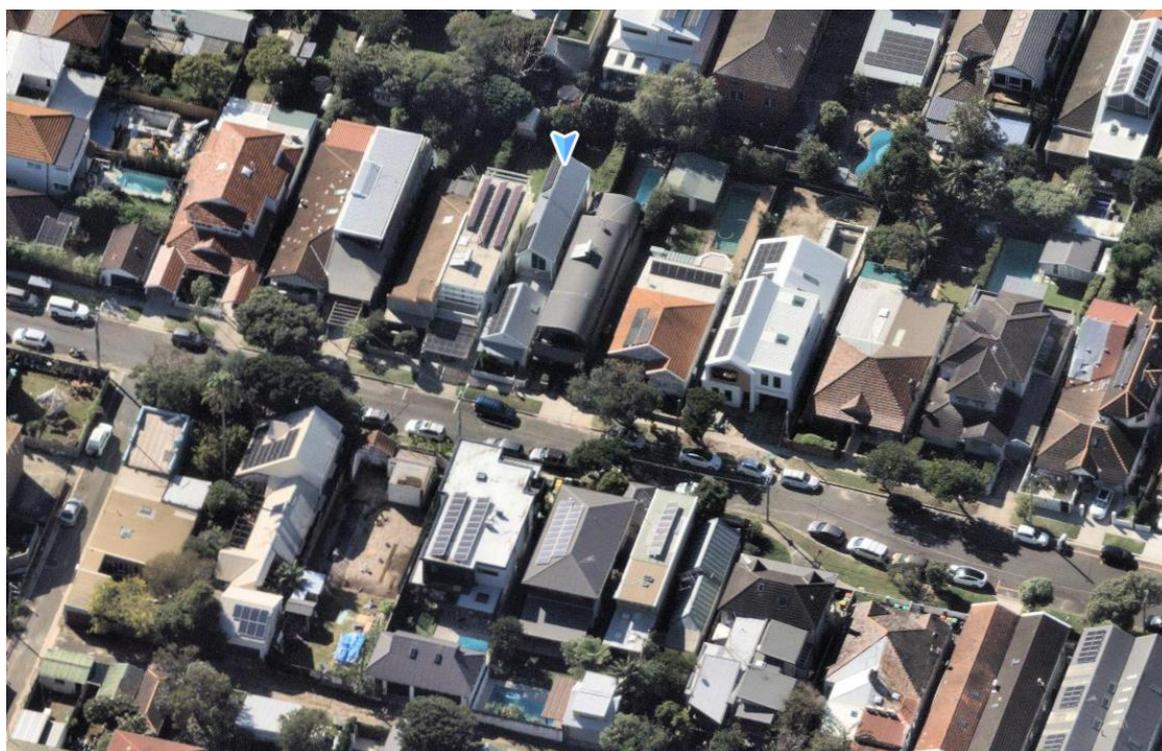


Figure 2: Oblique image of subject site and surrounding area. (Source: Nearmap)

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3. Relevant history

DA/574/2019: RLPP approved this DA for alterations and additions to the existing dwelling house including new first floor addition. The RLPP supported the recommendation made by the assessment officer, however, as stated in their reason for approval, they considered that the extent of the building bulk on the northern boundary would result in unacceptable impact on the adjacent habitable rooms of No. 11 Winchester Road, and imposed additional conditions to address this concern. These conditions required:

2. e. The length of the courtyard shall be increased by a minimum of 3.0m to the east and maintain the same depth. This may require re-configuration of the internal layout of the ground floor level including provision of new windows / openings. The entire courtyard area shall be deep soil with screen planting along the northern boundary.
2. f. The overall height of the ground floor external wall on the northern side boundary as well as the skillion roof within 900mm setback from the northern boundary shall be reduced by at least 500mm.

Details of compliance of the above conditions are to be submitted to and approved by Manager Development Assessment prior to the issue of the construction certificate.

Compliance was achieved with the above conditions via Council correspondence dated 3 November 2020.

Assessment officers comment: This development application (DA/43/2025) does not alter the above outcomes.

A pre-lodgement application was also lodged for the subject works under PL/41/2024: Alterations and additions to existing dwelling house including first floor extension and new single carport.

4. Proposal

The proposal seeks development consent for alterations and additions to the existing dwelling house, including the construction of a front extension to existing first floor level, raised side boundary walkway and a new carport with ancillary works to the front fence and landscaping.

Specifically, the proposal includes:

- Carport and hardstand accommodated by partial demolition of existing dwelling at the front removing front external wall to a bedroom replacing it with a small study inclusive of walls,
- New first floor bedroom in front of existing first floor level setback around 11.3m from the front boundary.
- Install three (3) skylights – two (2) on southern side of the roof at ground and one (1) at southern side of the roof at first floor level.
- Two new north facing first floor windows with sill height of 1.8m

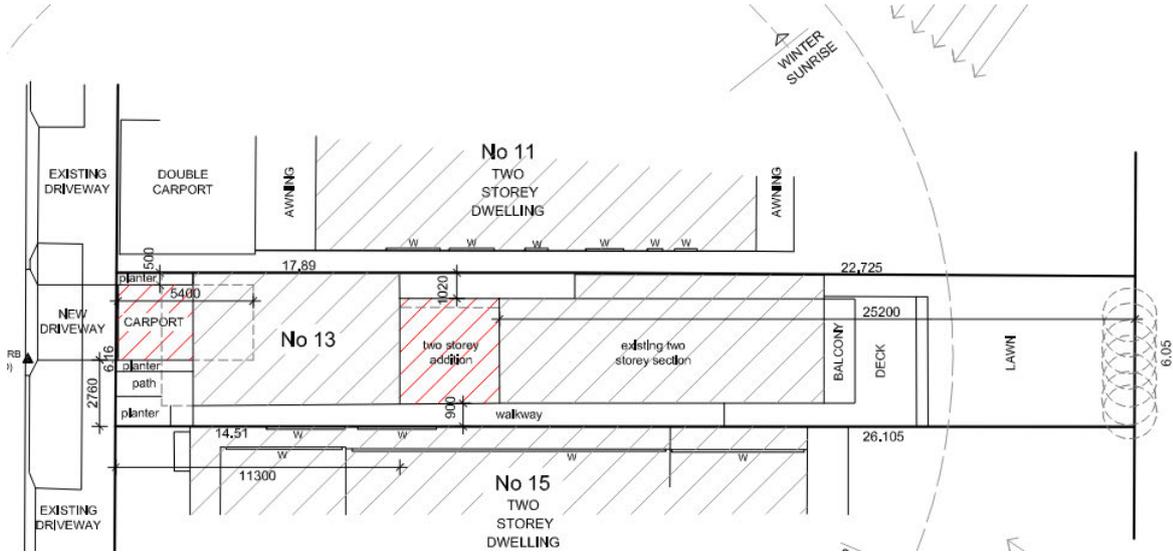
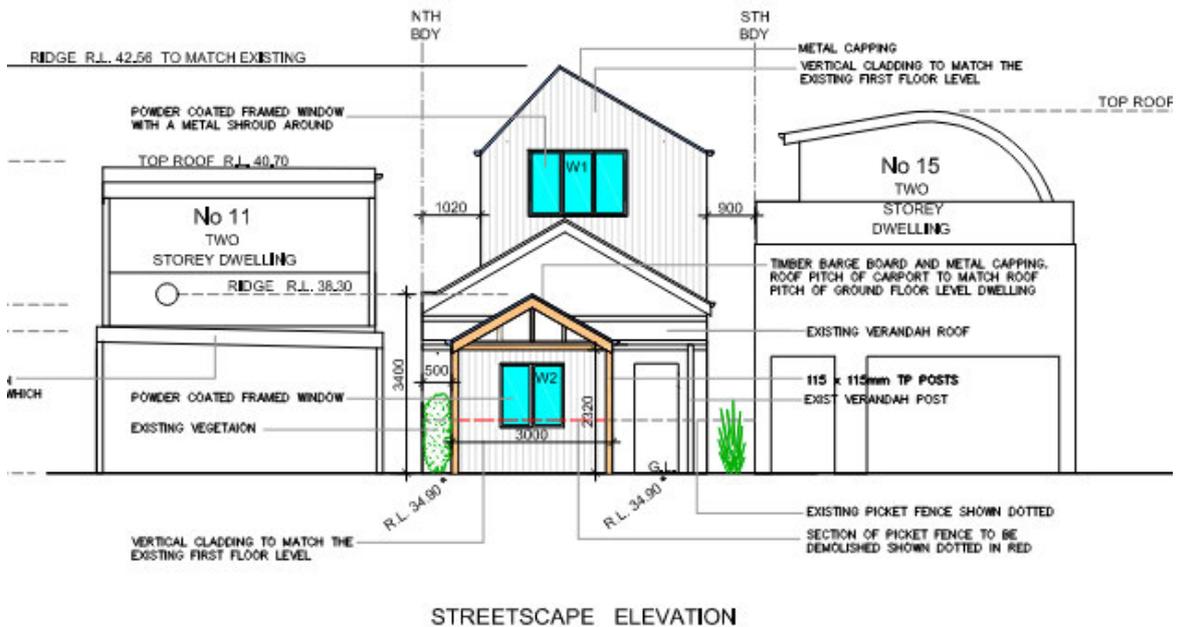
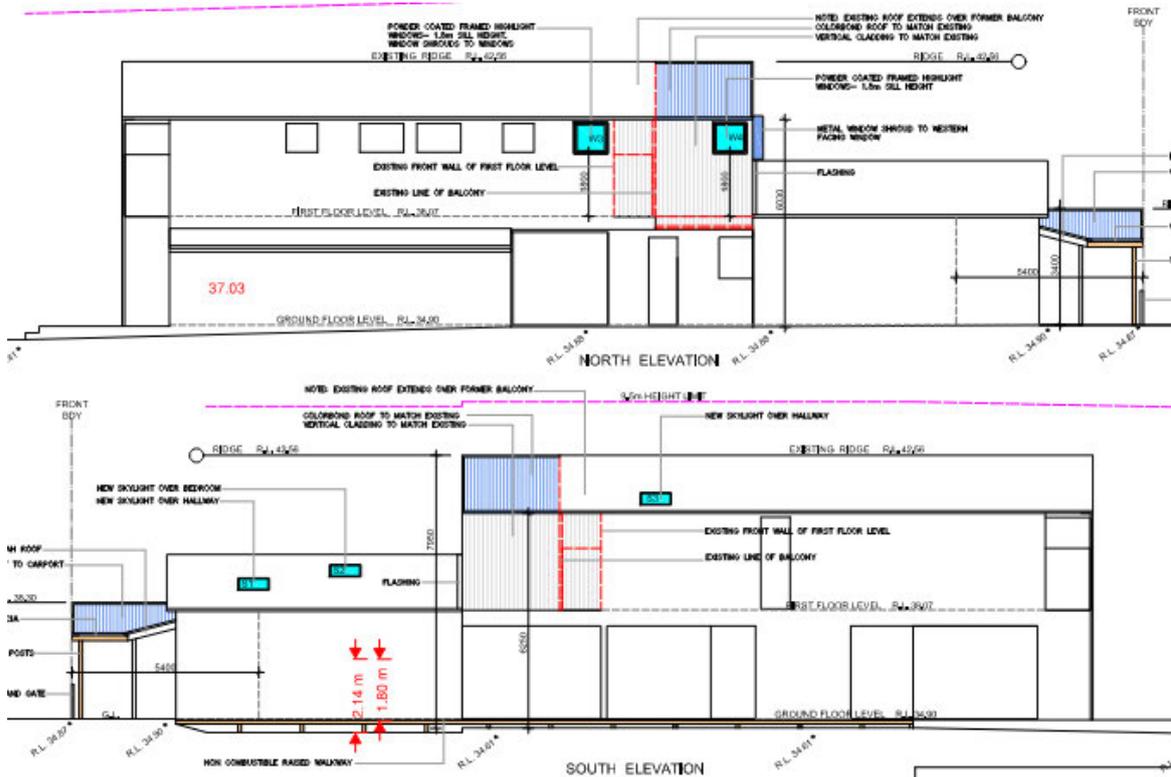


Figure 3: Proposed site plan showing at left location of carport and in middle of site location of proposed first floor addition.



STREETSCAPE ELEVATION

Figure 4: Proposed streetscape elevation showing location of carport and first floor addition which as shown in the following elevations will match the profile of the existing first floor level.



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Figure 5: Northern elevation (top opposite No. 11 Winchester Road) and southern side elevation opposite No. 15 Winchester Road).

5. Notification

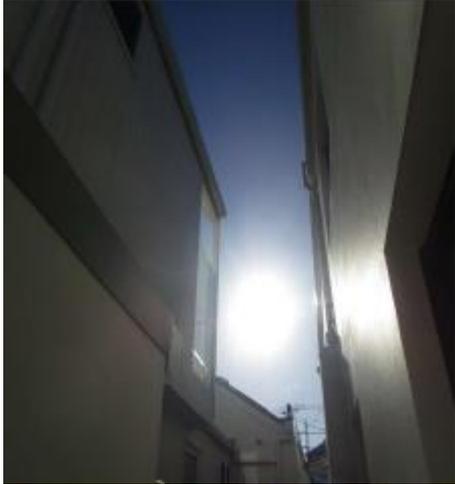
The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Engagement Strategy. The following (11) submissions were received as a result of the notification process:

- 107 Arden street, Coogee
- 5 Burnie Street, Clovelly
- 11 Winchester Road, Clovelly
- 8 Flood Street, Clovelly
- 50 Burnie Street, Clovelly
- 34 Burnie Street, Clovelly
- Email (unknown property address)
- 5 Maroo Street, Bronte
- 15 Winchester Road, Clovelly
- 16 Pacific Street, Clovelly x 2 submissions.

Issue	Comment
<p>Streetscape:</p> <p>Impacts associated with bringing forward the bulk and scale of the building towards the street in relation to:</p> <ul style="list-style-type: none"> • Previous DA conditioned height reduction of the ground level additions, • Proposed first floor bedroom, • Roof line and • Carport (front and side setbacks, design and height) 	<p>See the following sections of this report for details of Council’s assessment:</p> <ul style="list-style-type: none"> • Relevant history • Randwick LEP • Discussion of Key issues.

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Issue	Comment
<p>Damage</p> <p>There are concerns for damage to No. 11 Winchester Road.</p>	<p>The proposed development is relatively minor in terms of size, scale, and excavation, all of which are confined entirely within the boundaries of the subject site. As such, the proposal does not give rise to any significant concerns regarding structural impact on the adjoining property.</p> <p>Nonetheless, as a precautionary measure, it is recommended that a dilapidation report be prepared and submitted prior to the commencement of construction. This report should document the existing condition of the adjoining property, including any tiled surfaces, to provide a baseline for comparison should any issues arise during or after the construction process.</p>
<p>Carport roof:</p> <p>The proposed roof of the carport should be reduced to a simple flat veranda roof.</p>	<p>It is noted that a reduction of the proposed carport roof to a simple flat verandah-style roof has been suggested. However, this modification is not considered necessary in this instance. As discussed in the discussion of Key Issues section of this report, the proposed gable roof form is consistent with the architectural expression of the dwelling, remains visually subservient, and is appropriately integrated within the streetscape context.</p>
<p>Carport enclosure</p> <p>The recessed walls on the northern and southern sides would constitute a garage.</p>	<p>It is acknowledged that the recessed walls on the northern and southern sides partially enclose the car space and may be interpreted as forming a garage. However, the retention of these existing walls is not considered inappropriate or contrary to the planning controls in this instance. Their removal would require the relocation of the pedestrian entry further into the site, substantially behind the main building line—an outcome that the DCP seeks to avoid. Such a change would also result in a disjointed arrangement of openings and built form that would be inconsistent with the existing architectural character of the dwelling.</p>

Issue	Comment
<p>Neighbours' amenity impacts</p> <ul style="list-style-type: none"> • Visual bulk • Overshadowing • Daylight  <p>Photo showing view from outside living room of No. 11 Winchester Road (source objection from No. 11 Winchester Road).</p>  <p>Photo taken from 11 Winchester Road (source: Objection from No. 11 Winchester Road).</p>	<p>Potential impacts on neighbouring properties in relation to visual bulk, overshadowing, and access to daylight have been considered. These matters are addressed within the LEP Compliance and Discussion of Key Issues sections of this report.</p> <p>Overall, the proposal is considered to appropriately respond to the site's context and maintain a reasonable level of amenity for adjoining properties.</p>

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Issue	Comment
<p>Past compromises not considered in future DA's</p>	<p>Consideration has been given to the outcomes and reasoning of the Local Planning Panel in relation to the most recent development consent granted under DA/574/2019 for alterations and additions. However, any variations made under that approval are not considered to set a precedent or to constrain the assessment of future development applications, which have been evaluated on their individual merits and in accordance with current planning controls and policy objectives. It is important to note that the proposal does not alter the non-standard conditions imposed in the most recent determination noting that the ground level courtyard retains its conditioned depth and width and the ground level additions along the side boundary shared with No. 11 Winchester remains at the reduced height and it is not considered that the proposed first floor level with a compliant height and side setback would impact on the capacity for past approvals to satisfy current objectives for sustainable development.</p>
<p>Retained recessed wall on northern boundary</p> <p>There is a large floor to roof crack in the wall on the boundary, which has been progressively worse. It requires attending to especially if this wall is left standing.</p>	<p>Noted, maintenance repairs such as these associated with the proposal would generally be addressed as part of construction works undertaken by the subject development consent and would need to be certified as structurally sound prior to completion of works.</p>
<p>Side setback of carport</p> <p>There is adequate room to accommodate the 900mm side setback control in the DCP noting it will also enable clearance from the telephone pit.</p>	<p>While it is acknowledged that there is technically sufficient room on site to accommodate the 900mm side setback required under the DCP—and that doing so may offer added clearance from the nearby telecommunications pit—the proposed 3-metre car space width aligns with the existing retained walls of the dwelling. Imposing the full 900mm setback would require repositioning the southern wall, which would encroach on the pedestrian entry.</p> <p>Additionally, shifting the southern wall is likely to compromise the architectural integrity and visual balance of the existing dwelling. The current offset siting of the proposed carport is considered appropriate, as it maintains functionality while presenting as a subservient and integrated element in relation to the dwellings built-form behind.</p>

Issue	Comment
<p>Noise impacts</p> <p>The carparking spaces 500mm side setback compared with a compliant 900mm side setback would amplify noise from the car parking.</p>	<p>While it is acknowledged that the proposed 500mm side setback is less than the 900mm typically required, the carport is located at the front of the site in a position consistent with other carports and parking spaces in the locality, although it is noted that the existing carport at No. 11 Winchester Road is setback at least 900mm from the shared side boundary. Given that the carport will serve only one vehicle, the associated movements are not expected to generate any significant or unreasonable noise impacts.</p>
<p>Carport roof structure</p> <p>The roof should be a simple sloping flat design, consistent with the existing verandah roof. The pitched roof design is disproportionate to the width of the property, resulting in overwhelming visual bulk that's out of character with the predominant style of carports and roofing in the street.</p>	<p>While a case could be made for a simpler, flat or skillion-style roof to align more closely with the existing verandah and some neighbouring carports, the proposed gable roof is considered to remain relatively modest in scale and design. Its offset siting reduces its visual prominence within the relatively narrow site, and it is generally compatible with the character of the existing dwelling. Furthermore, there are examples of similarly pitched carport roofs in the surrounding streetscape (as indicated in the discussion of key issues section of this report), which supports the view that the proposal will not appear out of character or result in unacceptable visual bulk within the street.</p>
<p>Overshadowing of No. 15 Winchester Road</p> <p>The proposal results in additional overshadowing of first floor level voids which provide solar access for ground level living spaces.</p>	<p>It is acknowledged that the proposal will result in some additional overshadowing of the first-floor voids at No. 15 Winchester Road, which are designed to provide solar access to ground-level living areas. However, this impact is considered minor and reasonable given the east-west orientation of the site and the existing built form context. A more detailed discussion is provided in the Key Issues section of this report.</p>

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Issue	Comment
<p>Decking on the southern side</p> <p>The proposed decking on the southern side is excessive, hard surface along this side results in poor drainage compared with the permeable surface area and echo noise impacts.</p>	<p>The proposed decking is not a fully impervious surface, as it comprises timber slats that allow for some permeability. The deck is located adjacent to a solid side boundary fence shared with No. 15 Winchester Road, which assists in mitigating any potential noise transmission and drainage concerns.</p> <p>Additionally, the southern elevation of No. 15 was approved with fixed translucent glazing along the ground level northern elevation, further reducing the likelihood of adverse acoustic impacts or daylight impacts. The deck area in question is also considered a transient space, used primarily for circulation rather than active use, thereby limiting the potential for any significant noise amenity impacts.</p>
<p>Views</p> <p>The proposed first floor addition impacts visibility and views from No. 15 Winchester Road.</p>	<p>While there may be some visibility or district views from No. 15 Winchester Road, these are likely to be limited due to the natural rise in topography from south to north. Any such views would be across a side boundary and primarily from low-use rooms such as the approved bedrooms, which reduces the weight that can reasonably be given to their retention.</p> <p>Importantly, the proposed development is located toward the central portion of the site and is surrounded by other two-storey, similarly scaled developments. In this context, the proposal is not considered to result in an unreasonable view loss, nor does it trigger a requirement to retain such views under the view sharing objectives set out in the DCP and relevant planning principle.</p>

6. Relevant Environment Planning Instruments

6.1. SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 and 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 vegetation (including any trees). As such, the proposal achieves the relevant objectives and provisions under Chapter 2.

6.3. SEPP (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The provisions 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 (involving alterations and additions to a dwelling) are such that any applicable provisions and requirements of the above SEPP have been satisfactorily addressed.

6.4. Randwick Local Environmental Plan 2012 (LEP)

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

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

- Continue to provide for the housing needs of the community within a low-density residential environment
- Recognises desirable elements of the existing streetscape and built form of the existing dwelling providing for a carport and first floor addition that remains subservient to the main form of the house noting examples of other carports in front of other properties along this part of Winchester Road.
- It will continue to protect the amenity of residents by providing for a reasonably sized first floor addition, providing for off street parking that is largely compliant, and has a built form and setting that will largely comply with the relevant standards and provisions applicable to the site under the LEP and associated policy document of the DCP. Where non-compliance occurs such as with the side setback and overall height of the carport, these are considered to satisfy the associated objectives under the DCP.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
Cl 4.4A(4): Floor space ratio (max)	No maximum applies as the site has an area of less than 300sqm	0.64:1	See Merit assessment under this table.
Cl 4.3(2A): Building height (max)	9.5m	7.86m (RL42.56-RL34.70)	Yes

Floor space ratio – merit assessment

Objectives of Floor space ratio

(1) *The objectives of this clause are italicised below* followed by the assessment officers' comments—

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*

Assessing officer's comment: The desired future character of the locality is established in that it generally contains two-storey built forms and, in some instances, there are some forward located carports notably within the vicinity of the subject site.

The size and scale of the proposed development is compatible with the 'existing and desired future character of the locality' as it will integrate with the existing structures on site and the streetscape character.

This objective is satisfied.

- (b) *to ensure that buildings are well articulated and respond to environmental and energy needs,*

Assessment officer comment: The proposed development is well articulated on all facades containing windows that provide suitable levels of daylight and ventilation to all rooms.

The BASIX certificate (submitted by the applicant) shows that the development meets the relevant water and energy saving targets.

- (c) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*

Assessment Officer comment: The development is not within a conservation area or near a heritage item, so the objective detailed in Clause 1(c) is not relevant to this development.

- (d) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

Assessment Officer comment: The assessment that must be made is whether the development will adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

- Visual bulk: The development presents as a two-storey form with overall size, scale and setbacks in compliance with the DCP controls for low-density residential forms of development.
- Loss of privacy: The proposed windows are appropriately dimensioned and located such that they aren't considered to allow for any obtrusive outlook or overlooking of the neighbouring properties.
- Overshadowing: The applicant has provided shadow diagrams in both plan and elevation views, along with an analysis indicating that the proposal will not cause any unreasonable loss of solar access to neighbouring living room windows or private open space during the winter solstice. See discussion in the key issues section of this report.
- Views: The adjoining properties contain two-storey developments amongst other two storey scaled developments and the location of the proposed first floor addition and carport are not considered to result in any loss of high-quality views enjoyed from high use areas of adjoining properties.

Based on the above assessment, it is considered that development will not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

The development is considered consistent with the objectives of the floor space ratio standard.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

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

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

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

8. Environmental Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

8.1. Discussion of key issues

Carport

- *Section 6.2 Parking Facilities forward of front façade alignment*
- *Section 6.3 Setback of Parking Facilities and Section 3.3 Setbacks*
- *Section 6.7 Carport configuration*

Section 6.2 specifies for parking facilities forward of front façade alignment that where there is no alternative option other than the front that it be a single carport maximum width of 3m, it incorporates landscaping and that does not adversely affect the visual amenity to the street and surrounding areas and that it compliments the architectural character of the dwelling in terms of roof pitch and finishes.

Section 6.3 specifies setbacks of parking facilities to comply with Section 3.3 side setbacks of the DCP requiring a 900mm side setback and where non compliance occurs a merit assessment against the objectives of the DCP, noting that they may also be built to the side boundaries if compatible with the streetscape character and appropriate sightlines will be maintained for drivers and pedestrians.

Section 6.6 specifies carport configuration be of a simple post design with 3m maximum height for gable roofs.

The proposed carport is located at the front as there is no alternative position for the carport and incorporated partially into the existing dwelling resulting in the partial conversion of the existing bedroom into a smaller study room. It has a gable roof form that's consistent in pitch with the existing dwelling roof, however its ridge is slightly offset from the dwellings ridge being located closer to the northern side boundary to enable a wider walkway into the dwelling from the street. The carport has an overall height of 3.475m exceeding the 3m maximum height control in Section 6.6 of the DCP and is setback 500mm from the northern side boundary.

The main objectives for car parking and access in the DCP are:

- *To ensure car parking and access facilities do not visually dominate the property frontage or streetscape*
- *To ensure parking facilities are integrated with the architectural expression of the dwelling as an integrated element*

It is considered that the proposed carport does not visually dominate the property frontage or streetscape for the following reasons:

The location of the carport, positioned forward on the site with a shallow side setback, is generally consistent with the siting of other carport structures in the immediate vicinity. Comparable examples include the following properties (photos sourced from SEE follow):

- No. 1 Winchester Road
- No. 3 Winchester Road
- No. 7 Winchester Road
- No. 10 Winchester Road
- No. 11 Winchester Road
- No. 14 Winchester Road and
- No. 17 Winchester Road



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The proposed carport is designed as an integrated element of the dwelling’s architectural expression. While it has a minor exceedance to the 3-metre maximum height control, it remains visually subservient in both height and profile to the main dwelling. The structure features vertical posts and a gable roof form that matches the roof pitch angle of the house behind, contributing to a cohesive built form.

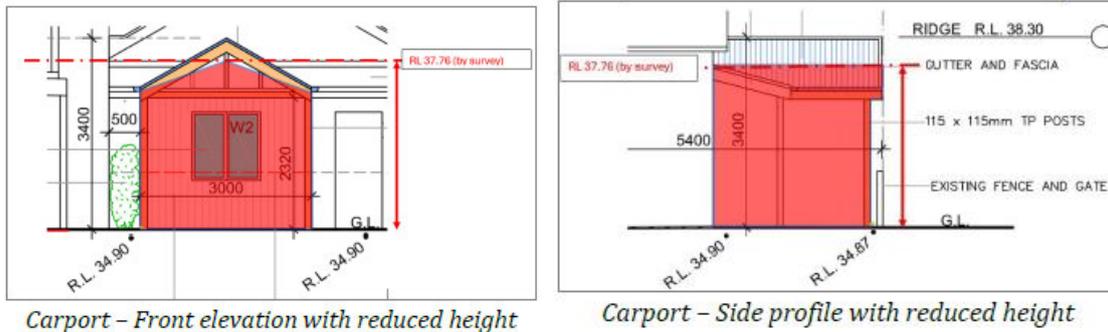
Consideration was given to an alternative design, such as replacing the gable roof and retaining the lean to skillion roof (that is existing) with an increased setback —similar to the outcome at No. 17 Winchester Road. However, this approach isn’t considered necessary in this case due to the differences in building typology. The subject site contains a freestanding dwelling, unlike the semi-detached form at No. 17, and several other forward-sited carports in the vicinity support the proposed siting. Particularly noting that the proposed carport takes up much less of the site’s frontage width than that of the existing carport at No. 11 Winchester Road.

The proposal also includes ground level landscape planting at both sides of the carport, which will help reduce the visual dominance of hard paved areas, contributing to the overall streetscape quality, and assists with stormwater infiltration.

From a pedestrian safety and neighbour amenity perspective, the open style design of the carport, combined with low side fence and an open front fence, ensures that adequate sightlines are maintained for pedestrians using the footpath and vehicles entering or exiting the property.

- Carport Peer review

The peer review assessment is generally consistent with the above assessment however it recommends that the Carport height to be reduced down to 3m to be comply with the control in part C1 of the Randwick Comprehensive Development Control Plan. The images below taken from the peer review report (page 10) show the amended carport profile from the front and side:



Council officer does not object to this change to the carport.

Building design – building depth

- LEP R2 zone objective
- Section 4.1 Building Design
- Section 5.1 Solar access and overshadowing

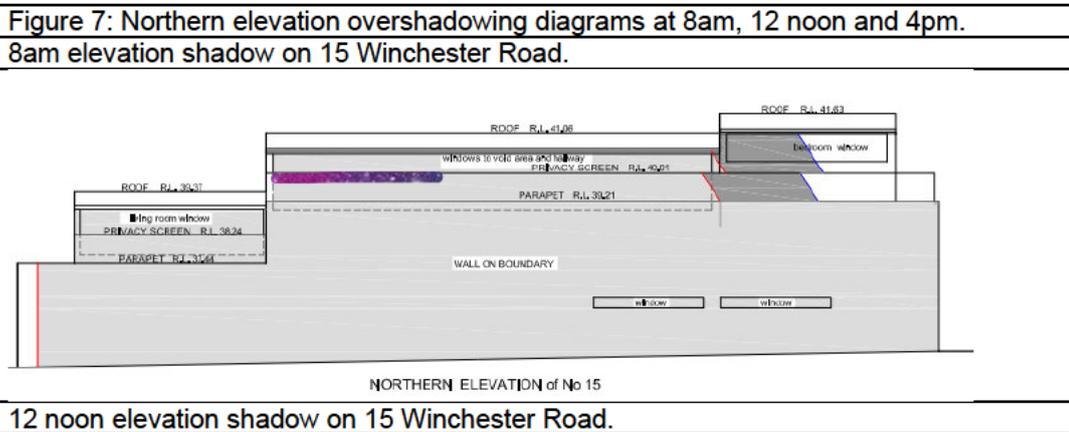
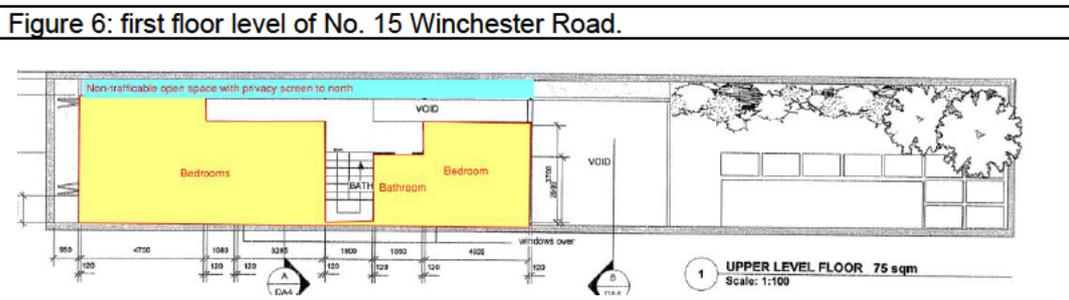
The proposed first floor addition, extending 3.96 metres forward and resulting in a total building depth of around 18 metres, exceeds the Development Control Plan (DCP) control, which limits side elevations to a maximum of 12 metres (4.1 iv). This control is intended to avoid long, unbroken walls and to promote articulation—such as recesses or side courtyards—that enhance visual interest. Despite this non-compliance, the proposed building depth is considered acceptable and consistent with the objectives of the control for the following reasons:

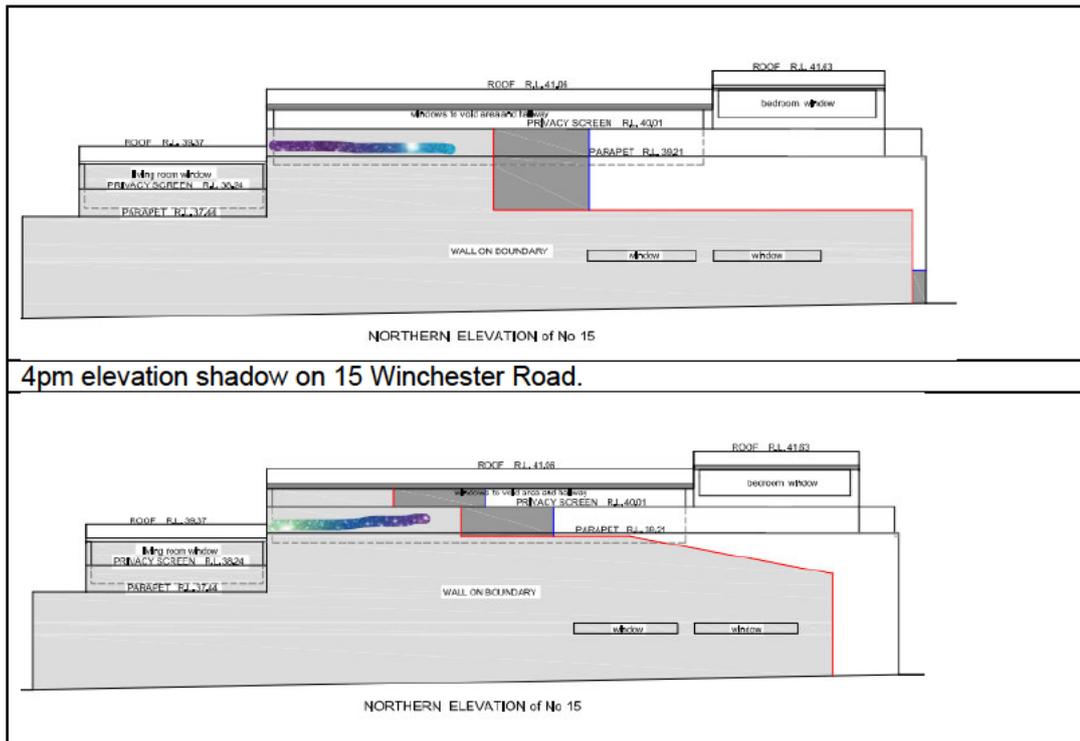
- Streetscape Character: A primary objective of the control is the preservation of existing streetscape character. In this case, the proposed first floor addition is located more than 11 metres from the front boundary, positioned behind both the existing ground floor and the proposed carport. As such, the increased building depth is situated in a part of the site that is not readily visible from the public domain. Consequently, it does not detract from the visual integrity of the streetscape. The addition reflects the form and character of the existing building and integrates well with the surrounding context, particularly given the presence of similar two-storey built forms on adjoining properties to the north and south.
- Compliance with Building Envelope Controls: The proposal complies with key DCP building envelope controls. The approximate height ranges between 5.99 metres and 6.29 metres adjacent to the boundary, and side setbacks of 1020mm and 900mm are provided—meeting the minimum 900mm requirement for walls up to 7 metres in height. This demonstrates that the proposal remains within the acceptable bulk and scale parameters established by the Randwick DCP.
- Design Practicality and Occupant Amenity: The proposed addition represents a modest extension to the existing first floor. Requiring additional articulation through recesses or projections along the side elevations would increase construction complexity and cost, while reducing the internal functionality and amenity of the dwelling. Given its location and narrow block width, such articulation would not result in any substantial visual or amenity benefit to the streetscape.
- Neighbouring Amenity: The height, scale, and siting of the proposed addition are consistent with the two-storey development pattern of adjoining properties. Consideration has been given to the northern neighbour’s amenity namely visual bulk impacts noting their ground living room

sliding doors are adjacent to the first floor addition. The outlook from this living room is at an acute angle upwards and not considered a source of any significant visual bulk impacts. The open area in front of their living room is also limited in dimensions and primarily a secondary area of open space not like their rear yard which is conducive for passive or active recreational activities. The proposal will not result in any unreasonable or adverse visual bulk impacts on neighbouring dwellings or their principle private open spaces.

Overshadowing: Pursuant to Section 5.1 of the DCP, the controls seek to retain at least three hours of solar access to neighbours north facing living room windows and areas of private open space. The neighbouring properties have raised concerns regarding adverse impacts associated with overshadowing and daylight access. The proposed first-floor addition will not result in any unreasonable overshadowing of neighbouring properties for the following reasons:

- For No. 11 Winchester Road, located generally to the north of the site, additional shadowing will not occur at the winter solstice. Even on the summer equinox—the longest day of the year—shadows cast by the proposed first-floor addition will generally only be cast onto the far eastern rear end of No. 11's southern elevation. In terms of daylight access, it is considered that this will be fairly maintained due in large part to the larger than minimum side setback and lower than maximum height associated with smaller 900mm side setback control.
- Regarding No. 15 Winchester Road, some overshadowing is unavoidable due to factors such as the east-west orientation of the site and the limited separation between the two properties. These conditions make it impossible to maintain solar access to the north-facing ground-level windows, which are already overshadowed by the existing dwelling. While the proposal will result in some additional overshadowing of the first-floor voids (as shown by the multi-coloured line on elevation shadow diagrams below) — designed to bring daylight into the ground-level living areas—some solar access through these voids will still be maintained. The additional overshadowing to the first-floor bedrooms (shown in the floor plan image below shaded yellow, predominately setback from the side hallway and non-trafficable outside area (shown shaded blue) is also viewed as acceptable noting that they will still retain solar access at the winter solstice.





- Building depth – Peer review assessment

The peer review assessment is generally consistent with the above assessment however it recommends that the colours and materials condition (3) to be amended to require light coloured materials for the first floor extension which will assist in minimising the loss of diffused daylight to the northern neighbours property and living room adjacent.

- Telstra pit - Peer review assessment

The peer review assessment identifies the objectors comments in the submission section of this report noting that they consider that the proposed driveway will impact on the existing Telstra pit located in front of the site. In response, the peer review assessment indicated that in discussions with the service provider *should the integration of the Telstra pit not be feasible within the driveway, the pit should be moved to the southern side of the proposed driveway.* The peer review suggests that existing condition (23) requiring approval from relevant public authorities be amended accordingly.

Council officer does not raise any objection to the peer recommended amendment to condition 23, noting that this condition along with other conditions (34 and 35) relating to *Council's Infrastructure, Vehicular Crossings and Street Verge* would effectively resolve approval, design and construction requirements.

9. Conclusion

That the application to carry out alterations and additions to dwelling house, including the construction of a front extension to existing first floor level, raised side boundary walkway and a new carport with ancillary works to the front fence and landscaping be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the R2 zone in that it will be well integrated into the existing dwelling and will not result in any unreasonable adverse impacts on the amenity of neighbouring properties.

- The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- The development enhances the visual quality of the public domain/streetscape.

Peer review summary:

The concluding comments in the peer review are summarised as follows:

- The development application and its assessment by Council officer is found to be reasonable and acceptable.
- The conclusions reached by the assessing officer on the appropriateness of the proposed carport and first floor, the impact on solar access and daylight to adjoining properties, and amenity are reasonable and well-founded.
- The recommendation should be further resolved by the following:
 - Addition of a condition (1A) requiring a reduction of the carport height down to 3m to achieve the maximum DCP-stipulated height. Deleting deck works over the southern side easement
 - Amendment of condition (3) Colours and materials condition to assist in the matter of diffused sunlight by retaining light, neutral exterior colours of the dwelling to the northern side façade.
 - Amendment of condition (23) requiring the driveway works to liaise with relevant public authority in order to integrate the driveway and Telstra pit alternatively require an alternative location.

Peer review draft conditions:

The draft conditions have been amended to include the peer review recommendations noting the addition of condition 1A further recommended to be amended by Council to enable deck over the easement with written consent of neighbours to the south, amendment of Condition 3 regarding colours and materials for the first-floor level addition, and amendment of condition 23 specifically relating to the public authority approval and integration of the driveway and Telstra pit.

Appendix 1: Referrals

1. Internal referral comments:

1.1. Development Engineer

An application has been received for alterations at the above site including a hardstand carpark space with carport structure at the front of the existing dwelling.

This report is based on the following plans and documentation:

- *Architectural Plans by Lawrence Design & Drafting dated 03.01.25.*
- *Statement of Environmental Effects by Lawrence Design & Drafting*

General Comments

There are no objections to the hardstand car space subject to the comments and conditions provided in this report.

Car space Comments

Car space Length

In an ordinary Council meeting on the 24th July 2007 Council passed a resolution that;

(a) Councillors resolve not to use call up powers for a development application on the sole basis of a residential car parking space where the space does not comply with Australian Standard AS 2890.1 Parking Facilities or has a length of at least 5 metres, whichever is lesser; and

(b) Council not rely on the minimum dimension for open car spaces detailed in the Parking and Single Dwelling DCP and assess all the current and future Development Applications against the Australian Standard or a minimum length of 5 metres, whichever is the lesser.

The submitted plans satisfy Council's requirements for car space dimensions (5.40m x 3.0m).

Landscape Comments

There are no existing trees, (covered by Council's Tree Preservation Order), that will be affected by this proposal.

Appendix 2: DCP Compliance

2.1 Part B3 – Ecologically Sustainable Development

Council is satisfied that the proposed development meets the relevant ESD requirements in accordance with Part B3 of RDCP 2013.

2.2 Part B4: Landscaping and Biodiversity

Council is satisfied that the proposed development meets the landscape requirements in accordance with Part B4 of RDCP 2013.

2.3 Part B5: Preservation of Trees and Vegetation

Council is satisfied that the proposed development meets the tree preservation requirements in accordance with Part B5 of RDCP 2013.

2.4 Part B6: Recycling and Waste Management

Council is satisfied that the proposed development meets the waste requirements in accordance with Part B6 of RDCP 2013.

2.5 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 Referrals section of this report.

2.6 Part B8: Water Management

Council is satisfied that the proposed development meets the water management requirements in accordance with Part B8 of RDCP 2013.

2.7 Part C1: Low Density Residential

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning	Existing site area = 248.8m ²	
2.2	Lot frontage		
	Dwelling	Existing = 6.16m	
2.4	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45% *Site area is measured on the overall site area (not proposed allotment areas)	Existing = 50% Proposed = 53.6% Carport constitutes site coverage.	Yes
2.5	Deep soil permeable surfaces		
	Up to 300 sqm = 30% 301 to 450 sqm = 35% 451 to 600 sqm = 40% 601 sqm or above = 45% i) Deep soil minimum width 900mm ii) Retain existing significant trees iii) Minimum 25% front setback area permeable surfaces *Dual occupancies and semi-detached dwellings: Deep soil area calculated on the overall site area and must be evenly distributed	Proposed = 27.8%	NA as the site coverage change (3.6%) is less than 10% as per Control point 2.5 i).

DCP Clause	Controls	Proposal	Compliance																							
	between the pair of dwellings.																									
2.6	Landscaping and tree canopy cover																									
	Minimum 25% canopy coverage Up to 300 sqm = 2 large trees 301 to 450 sqm = 3 large trees 451 to 600 sqm = 4 large trees i) Minimum 25% front setback area permeable surfaces ii) 60% native species	23.4% of the front setback is provided with ground cover planting.	NA as the site coverage change is less than 10%.																							
3	Building envelope																									
3.1	Floor space ratio LEP 2012 = No maximum as per Clause 4.4A(3)	Proposed = 0.64:1	See merit assessment in report.																							
3.2	Building height																									
	Building height LEP 2012 = 9.5m	Proposed = 7.86m (RL42.56-RL34.70)	Yes																							
	i) Habitable space above 1st floor level must be integrated into roofline ii) Minimum ceiling height = 2.7m iii) Maximum 2 storey height at street frontage	No habitable roof space 2.7m floor to ceiling height 2 storey maximum	NA Yes Yes																							
3.3	Setbacks																									
3.3.1	Front setbacks i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment.	Proposed = The additions to the dwelling remain behind the existing front building line and the average of the two adjoining dwellings. For Carport location see section 6.2 of this table.	Yes																							
3.3.2	Side setbacks <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Existing primary frontage width</th> <th colspan="3">Minimum side setbacks</th> </tr> <tr> <th>Building heights 0m to 4.5m</th> <th>Building heights >4.5m to 7m</th> <th>Building heights >7m</th> </tr> </thead> <tbody> <tr> <td>Less than 6m</td> <td colspan="3" style="text-align: center;"><i>Merit assessment</i></td> </tr> <tr> <td>6m to less than 9m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">0.9m + (building height - 7m)</td> </tr> <tr> <td>9m to less than 12m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">$0.9m + \frac{\text{building height} - 4.5m}{4}$</td> <td style="text-align: center;">$1.5m + 2 \times (\text{building height} - 7m)$</td> </tr> <tr> <td>12m and above</td> <td style="text-align: center;">1.2m</td> <td style="text-align: center;">$1.2m + \frac{\text{building height} - 4.5m}{4}$</td> <td style="text-align: center;">$1.8m + 2 \times (\text{building height} - 7m)$</td> </tr> </tbody> </table> As per table above a minimum side setback of 900mm applies to the subject site with a frontage of 6.16m	Existing primary frontage width	Minimum side setbacks			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	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$	Proposed = first floor level: North: 1.02m South: 900mm For carport see section 6.3 of this table.	Yes
Existing primary frontage width	Minimum side setbacks																									
	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	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$																							
4	Building design																									
4.1	General																									
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design • balconies appropriately sized • Minimum bedroom sizes: 10sqm master bedroom (3m dimension), 9sqm bedroom 	Carport The proposed development comprises a ground level carport at the front with a shallow northern side setback and a roof ridge slightly	No, see merit assessment in key issues section of report. Acceptable on merit.																							

D23/25

DCP Clause	Controls	Proposal	Compliance
	(3m dimension).	<p>offset from the main ridge of the existing and proposed additions.</p> <p>First floor</p> <p>The proposed first floor level has a profile that aligns with the existing first floor level and is sited well behind the existing and proposed ground level alterations that are more readily prominent within the streetscape.</p> <p>The first floor level additions results in a building depth of well over 12m.</p>	<p>Yes.</p> <p>No, see merit assessment in key issues section of report.</p>
4.5	Roof design and features		
	<p><i>Dormers</i></p> <ul style="list-style-type: none"> 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 <p><i>Clerestory windows and skylights</i></p> <ul style="list-style-type: none"> iv) Sympathetic to design of dwelling <p><i>Mechanical equipment</i></p> <ul style="list-style-type: none"> vi) Contained within roof form and not visible from street and surrounding properties. 	<p>No dormers proposed.</p> <p>Three skylights proposed generally flush with the roof plane.</p> <p>No mechanical plant on roof.</p>	<p>NA</p> <p>Yes</p> <p>NA</p>
4.6	Colours, Materials and Finishes		
	<ul style="list-style-type: none"> 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 	<p>To match the existing dwelling.</p>	<p>Conditioned.</p>
4.7	Earthworks		
	<ul style="list-style-type: none"> 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 	<p>No appreciable earthworks other than posts for carport and southern side deck.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	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.		
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	No change to existing solar access of living rooms.	NA
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) Solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may be acceptable subject to a merits assessment with regard to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	The proposed first floor, situated centrally within the site, contributes to additional overshadowing of No. 15 Winchester Road, specifically affecting the first-floor void, hallway, and adjacent bedrooms. Despite this, a minimum of three hours of solar access will still be maintained to the neighbouring property's rooftop solar water heater during the winter solstice and there is no additional material impact on the neighbours living room windows or private open space during the winter solstice. Although no variations to the relevant planning controls are being sought, the following contextual considerations are noted: The proposal fully complies with floor	Yes

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DCP Clause	Controls	Proposal	Compliance
		<p>space ratio (FSR) objectives, building height, setback, and site coverage requirements.</p> <p>Due to the east-west orientation of the site, the adjoining southern property is inherently more susceptible to overshadowing. The first-floor addition is centrally located within the building footprint, consistent with the prevailing development pattern in the local area.</p>	
5.2	Energy Efficiency and Natural Ventilation		
	<p>i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as:</p> <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls <p>ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries</p> <p>iii) Living rooms contain windows and doors opening to outdoor areas</p> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>	<p>BASIX Certificate is provided.</p>	<p>Yes</p>
5.3	Visual Privacy		
	Windows		
	<p>i) Proposed habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures:</p> <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm windowsills - Install fixed and translucent glazing up to 1600mm minimum. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). <p>ii) Orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)</p>	<p>New windows to addition orientated to street or with high sill.</p>	<p>Yes</p>
5.4	Acoustic Privacy		
	<p>i) Noise sources not located adjacent to adjoining dwellings bedroom windows</p>	<p>The proposed carport, while a potential noise</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<p><i>Attached dual occupancies</i></p> <p>ii) Reduce noise transmission between dwellings by:</p> <ul style="list-style-type: none"> - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer. 	<p>source, is appropriately located at the front of the site—consistent with the location of other carports and parking spaces in the area, including the existing carport at No. 11 Winchester Road. Given that the carport will serve only one vehicle, the associated movements are not expected to generate any significant or unreasonable noise impacts.</p>	
5.5	Safety and Security		
	<p>i) Dwelling main entry on front elevation (unless narrow site)</p> <p>ii) Street numbering at front near entry.</p> <p>iii) 1 habitable room window (glazed area min 2 sqm) overlooking the street or a public place.</p> <p>iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)</p>	<p>One habitable room window is maintained at the front enabling casual surveillance of the street. Whilst the window is behind the parking space, a view across to the street will still be maintained.</p>	<p>Yes</p>
5.6	View Sharing		
	<p>i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas.</p> <p>ii) Retaining existing views from the living areas are a priority over low use rooms</p> <p>iii) Retaining views for the public domain takes priority over views for the private properties</p> <p>iv) Fence design and plant selection must minimise obstruction of views</p> <p>v) Adopt a balanced approach to privacy protection and view sharing</p> <p>vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA.</p>	<p>No high value views from a forward direction are identified as being impacted by the proposed first floor addition and carport.</p>	<p>Yes, on merit.</p>
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	All dwellings		
	<p>i) Maximum 1 vehicular access</p> <p>ii) Locate off rear lanes, or secondary street frontages where available.</p> <p>iv) Locate behind front façade, within the dwelling or positioned to the side of the dwelling.</p> <p>iv) Single width garage/carport if frontage <12m; Double width if:</p> <ul style="list-style-type: none"> - Frontage >12m; and - Consistent with pattern in the street; and 	<p>1 access point. NA</p> <p>Located partly within and in front as well as being slightly offset to the northern side. Single width carport with ground level landscape coverage provided.</p>	<p>Yes NA Yes Yes</p>

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - Landscaping provided in the front yard. v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces) 	<p>NA</p> <p>Adjoins street frontage.</p>	<p>NA</p> <p>Yes</p>
6.2	Parking Facilities forward of front façade alignment		
	<ul style="list-style-type: none"> i) The following may be considered: <ul style="list-style-type: none"> - An uncovered single car space - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site's frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: <ul style="list-style-type: none"> - There is no alternative, feasible location for accommodating car parking; - Significant slope down to street level - does not adversely affect the visual amenity of the street and the surrounding areas; - does not pose risk to pedestrian safety and - does not require removal of significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) - Compliments architectural character of dwelling ie roof pitch and finishes. 	<p>Covered</p> <p>3m external width</p> <p>Landscaping provided within frontage.</p> <p>There is no alternative location, and it contains compliant dimensions to accommodate a car parking in this location.</p> <p>No slope.</p> <p>Does not adversely impact the visual amenity of the street noting there are several examples of front yard carports in the vicinity.</p> <p>The carport location is short of the minimum 900mm side setback, however it is an open form structure surrounded by low level fencing whereby it is not considered to pose a safety risk to pedestrians.</p> <p>No landscaping or rock outcrop or sandstone walls are being removed.</p>	<p>See key issues section of this report.</p>
6.3	Setbacks of Parking Facilities		
	<ul style="list-style-type: none"> i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: <ul style="list-style-type: none"> - Nil side setback on adjoining property; - Streetscape compatibility; - Safe for drivers and pedestrians; - Amalgamated driveway crossing. 	<p>Section 3.3 requires side setback of 900mm.</p>	<p>No, see key issues section of this report and discussion above in 6.2.</p>
6.4	Driveway Configuration		
	<p>Maximum driveway width:</p> <ul style="list-style-type: none"> - Single driveway – 3m - Must taper driveway width at street boundary and at property boundary 	<p>3m width</p>	<p>Yes</p>
6.6	Carport Configuration		
	<ul style="list-style-type: none"> i) Simple post-support design (max. semi-enclosure using timber or metal slats minimum 30% open). ii) Roof: Flat, lean-to, gable or hipped with 	<p>Simple post design is sought.</p> <p>Gable roof is proposed</p>	<p>Yes</p> <p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	pitch that relates to dwelling iii) 3m (single) 6m (double) maximum width. v) 5.4m minimum length vi) 2.6m maximum height with flat roof or 3.0m max. height for pitched roof. vi) No solid panel or roller shutter door. vii) Front gate allowed (minimum 30% open) viii) Gate does not open to public land	which relates to the dwellings gable roof. 3m maximum width and length acceptable as per engineer's comments. 3.475m maximum height (RL38.3-RL34.275 $((34.81+34.84)/2)$). No roller door No front gate shown NA	Yes No, however its pitch is consistent with the pitch of the dwelling its integrated with and result in a minor breach to the central pitch only. Yes NA NA
6.7	Hardstand Car Space Configuration		
	i) Permeable materials in between concrete wheel strips.	Hardstand does not contain permeable pavers noting it is covered and generally not designed to absorb stormwater runoff.	Yes
	ii) 2.4m x 5.4m minimum dimensions	The car space is 5.4m x 3m and complies.	Yes
7	Fencing and Ancillary Development		
7.1	General – Fencing		
	i) Use durable materials ii) Sandstone not rendered or painted iii) Do not use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	No new fencing is proposed.	NA

D23/25

Responsible officer: Louis Coorey, Senior Environmental Planning Officer

File Reference: DA/43/2025

Development Consent Conditions



Folder /DA No:	DA/43/2025
Property:	13 Winchester Road, Clovelly NSW 2031
Proposal:	Alterations and additions to the existing dwelling house including a front hardstand carpark space with carport structure
Recommendation:	Approval

GENERAL CONDITIONS

Condition

1. **Approved plans and documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
01/25 Sheet 1 of 10	Lawrence	03-01-25	21 January 2025
01/25 Sheet 3 of 10	Design and	03-01-25	21 January 2025
01/25 Sheet 4 of 10	Drafting	03-01-25	21 January 2025
01/25 Sheet 5 of 10		03-01-25	21 January 2025
01/25 Sheet 6 of 10		03-01-25	21 January 2025
01/25 Sheet 7 of 10		03-01-25	21 January 2025
01/25 Sheet 8 of 10		03-01-25	21 January 2025
01/25 Sheet 10 of 10		03-01-25	21 January 2025

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A1780430_02	20 January 2025	21 January 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.

1A. **Amendment of Plans & Documentation**

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

a) Carport Height

The carport height is to be reduced as to be no higher than the existing verandah Reduced Level (RL) of 37.76.

b) Southern deck within the easement

No part of the deck is to be located within the easement along the southern side boundary unless prior written consent is obtained from all registered owners of the adjoining property at 15 Winchester Road. In the absence of such consent, the deck must be shortened so that it is entirely outside the easement area.

Condition

Details of compliance of the above conditions are to be submitted and approved by the Manager Development Assessment prior to the issue of a construction certificate.

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

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

2. **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.

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

The external northern wall shall be rendered and painted in a light colour that is similar to the existing colour of the northern wall (i.e. white, or similar neutral colour). Details of all proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Details of compliance of the above conditions are to be submitted and approved by the Manager Development Assessment prior to the issue of a construction certificate.

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

4. **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 \$352,000.00 the following applicable monetary levy must be paid to Council: \$3,520.00.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

Council's Development Contributions Plans may be inspected at the Customer

Condition

Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Condition Reason: To ensure relevant contributions are paid.

5. **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.

6. **Security Deposits**

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

- \$2000.00 - Damage / Civil Works Security Deposit

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.

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

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

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

7. **Sydney Water**

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

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

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

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals

	Condition
	<ul style="list-style-type: none">• Pressure information• Water meter installations• Pressure boosting and pump approvals• Change to an existing service or asset, e.g. relocating or moving an asset. <p>Sydney Water's Tap in™ in online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
8.	<p>Building Code of Australia</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
9.	<p>BASIX Requirements</p> <p>In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.</p> <p>The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
10.	<p>Excavation Earthworks and Support of Adjoining Land</p> <p>Details of proposed excavations and support of the adjoining land and buildings are to be prepared and be included in the construction certificate, to the satisfaction of the appointed Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
11.	<p>Excavation, Earthworks and Support of Adjoining Land</p> <p>A report must be obtained from a professional engineer prior to undertaking demolition, excavation or building work in the following circumstances, which details the methods of support for any buildings located on the adjoining land, to the satisfaction of the Principal Certifier:</p> <ul style="list-style-type: none">• when undertaking excavation or building work within the zone of influence

Condition

of the footings of a dwelling or other building that is located on the adjoining land;

- when undertaking demolition work to a wall of a dwelling or other substantial structure that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land; and
- as otherwise may be required by the Certifier for the development.

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.

Condition Reason: To ensure adjoining land is adequately supported.

12. **Stormwater Drainage**

A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifier and details are to be included in the construction certificate:-

- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.
- f) A certificate or statement from a suitably qualified person must be submitted to the Principal Certifier and Council, prior to the issue of an Occupation Certificate, which confirms that the stormwater drainage system has been provided in accordance with the requirements of this consent, relevant standards and requirements.

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

13. **Design Alignment levels**

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

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

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

Condition	
	<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 the levels within the site match the footpath levels.</p>
14.	<p>Alignment level fee</p> <p>The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$191. This amount is to be paid prior to a construction certificate being issued for the development.</p> <p>Condition Reason: To obtain payment for the issued alignment levels.</p>
15.	<p>Car space Design</p> <p>The gradient of the internal car space must be designed and constructed to not exceed 1 in 20 (5%) and the levels of the car space must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.</p> <p>Condition Reason: To ensure the hardstand is appropriately graded.</p>
16.	<p>Stormwater Drainage</p> <p>Surface water/stormwater runoff from the car space must be drained and discharged to the street gutter in front of the site to the satisfaction of the Principal Certifier and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.</p> <p>Condition Reason: To ensure stormwater runoff of the hardstand is appropriately managed.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
17.	<p>Building Certification & Associated Requirements</p> <p>The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:</p> <ol style="list-style-type: none"> a) a <i>Construction Certificate</i> must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>. A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment. b) a Registered (Building) Certifier must be appointed as the <i>Principal Certifier</i> for the development to carry out the necessary building inspections and to issue an occupation certificate; and c) a principal contractor must be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the <i>Home Building Act 1989</i>, and the Principal Certifier and Council must be notified accordingly (in writing); and d) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and e) at least two days' notice must be given to the Principal Certifier and

Condition

Council, in writing, prior to commencing any works.

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

18. **Home Building Act 1989**

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

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

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

19. **Dilapidation Reports**

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

- excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other structure located upon an adjoining premises;
- demolition or construction of new dwellings; additions to dwellings or outbuildings, which are sited up to or less than 900 mm from a site boundary (e.g. a semi-detached dwelling, terraced dwelling or other building sited less than 900mm from the site boundary);
- excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises; and
- as may be required by the Principal Certifier for the development.

The dilapidation report shall include details of the current condition and status of any dwelling, or other structures located upon the adjoining premises and shall include relevant photographs of the structures.

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

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.

20. **Construction Site Management Plan**

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

- location and construction of protective site fencing and hoardings
- location of site storage areas, sheds, plant & equipment
- location of building materials and stock-piles

Condition

- 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.

21. **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.

22. **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.

23. **Public Utilities**

A Public Utility Impact Assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or potholing, if necessary, to determine the position and level of service.

The 'Tel' pit within the western public reserve is to be integrated into the driveway, or moved to the southern side of the driveway if it cannot be integrated into the driveway.

Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.

Condition

24. Public Utilities

The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

Condition Reason: To ensure costs associated with relevant utility and service providers' requirements are borne by the developer.

DURING BUILDING WORK

Condition

25. Site Signage

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

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

The sign must be—

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

This section does not apply in relation to—

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

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

26. Restriction on Working Hours

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

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

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety)

	Condition
	<p>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.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
27.	<p>Construction Site Management</p> <p>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.</p> <p>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.</p> <p>Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none">• 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. <p>Condition Reason: To require measures that will protect the public, and the surrounding environment, during site works and construction.</p>
28.	<p>Public Safety & Site Management</p> <p>Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:</p> <ol style="list-style-type: none">a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.f) Noise and vibration from the work shall be minimised and appropriate strategies are to be implemented, in accordance with the Noise and

	Condition
	Vibration Management Plan prepared in accordance with the relevant EPA Guidelines.
	g) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
	h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
	i) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
	j) A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
29.	<p>Excavations and Support of Adjoining Land</p> <p>The adjoining land and buildings located upon the adjoining land must be adequately supported at all times and in accordance with section 74 of the Environmental Planning and Assessment Regulation 2021 and approved structural engineering details.</p> <p>Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.</p> <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
30.	<p>Building Encroachments</p> <p>There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.</p> <p>Condition Reason: To ensure no encroachment onto public land and to protect Council land.</p>
31.	<p>Survey Report</p> <p>A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:</p> <ul style="list-style-type: none"> • prior to construction (pouring of concrete) of footings for the building and boundary retaining structures, • prior to construction (pouring of concrete) of new floor levels, • prior to issuing an Occupation Certificate, and • as otherwise may be required by the Principal Certifier. <p>The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.</p>

Condition

Condition Reason: To ensure compliance with approved plans.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

32. **Occupation Certificate Requirements**

An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Condition reason: Statutory requirement. To ensure the site is authorised for occupation.

33. **BASIX Requirements**

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

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

Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.

34. **Council's Infrastructure, Vehicular Crossings, street verge**

The applicant must meet the full cost for a Council approved contractor to:

- a) Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.

Condition reason: To ensure the vehicular crossing is constructed in accordance with specific requirements and specifications.

35. **Council's Infrastructure, Vehicular Crossings and Street Verge**

All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:

- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 8 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
- b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
- c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as

 Condition

otherwise approved by Council in writing.

Condition Reason: To ensure rectification of any damage to public infrastructure and that works are completed in accordance with Council's requirements with Council's approval.

36. **Nature Strip**

That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

Condition Reason: To ensure Council requirements for nature strip are identified to the proponent in relation to damage.

 OCCUPATION AND ONGOING USE

 Condition

37. **Use of Carspace**

Vehicles parked within the car space must not protrude beyond the front property boundary onto the Council footpath or nature strip at any time.

Condition reason: To ensure the development is used for its intended purpose.

38. **External Lighting**

External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

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

39. **Waste Management**

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

Condition Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste.

40. **Plant & Equipment**

Noise from the operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

 DEMOLITION WORK
 BEFORE DEMOLITION WORK COMMENCES

 Condition

41. **Demolition Work**

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

- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
- b) The Demolition Work Plan must include the following details (as

Condition
<p>applicable):</p> <ul style="list-style-type: none"> • The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor • Details of hazardous materials in the building (including materials containing asbestos) • Method/s of demolition (including removal of any hazardous materials including materials containing asbestos) • Measures and processes to be implemented to ensure the health & safety of workers and community • Measures to be implemented to minimise any airborne dust and asbestos • Methods and location of disposal of any hazardous materials (including asbestos) • Other measures to be implemented to ensure public health and safety • Date the demolition works will commence/finish. <p>The Demolition Work Plan must be provided to the Principal Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.</p> <p>If the demolition work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council not less than 2 days before commencing any work.</p> <p><i>Notes: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.</i></p> <p><i>A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.</i></p> <p>Condition reason: To ensure demolition work area carried out in accordance with the relevant standards and requirements.</p>

DURING DEMOLITION WORK

Condition
<p>42. Demolition Work</p> <p>Any demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard - AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:</p> <ul style="list-style-type: none"> • A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro), • Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations • A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress", • Council is to be given at least two days written notice of demolition works

Condition

- involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works.

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

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

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



D23/25

22nd May 2025

The General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

Attention: Meryl Bishop
Director City Planning

Cc: Frank Ko
Manager Development Assessment

Dear Ms Bishop and Mr Ko,

**RE: PEER REVIEW OF DA/43/2025
13 WINCHESTER ROAD, CLOVELLY**

INTRODUCTION

I write in relation to our engagement to undertake a peer review of the assessment of DA/43/2025 for *'alterations and additions to dwelling house, including the construction of a front extension to existing first floor level, raised side boundary walkway and a new carport with ancillary works to the front fence and landscaping'*.

Randwick Council has requested that GAT & Associates undertakes an independent review to determine whether all relevant planning considerations were assessed, and whether due process was followed.

The information reviewed includes the documents submitted to Randwick Council by the applicant, Adam Lawrence, in relation to DA/43/2025; the assessment report prepared by Randwick Council for the Randwick Local Planning Panel to be held in June 2025; the Notice of Determination of the site's previous DA/574/2019 dated 13 August 2020 and the Randwick Local Planning Panel Resolution for DA/574/2019 dated 27 August 2020 and; the submissions made by residents during the notification period of the subject application, DA/43/2025.

A site visit, including internal access into 11 Winchester Road and 13 Winchester Road was undertaken by Gerard Turrisi and Krystal Narbey of GAT & Associates on the morning of 12 May 2025.

Several issues have been raised by the residents of 11 Winchester Road in relation to the assessment of DA/190/2021, and in other submissions made by other members of the community. All matters raised are outlined and summarised in the following table. A response to each issue and concern, by GAT & Associates, is also included in the table.

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TOWN PLANNERS ■ BASIX/ENERGY ASSESSORS

Our independent review of this application finds that the recommendation for approval of the development is reasonable and justified, considering the relevant planning controls and objectives applying to the site. However, it is recommended that the carport height is amended.

In relation to the processing and assessment of the application by Council staff, with due consideration of the public submissions received, comments are made within the table.

Recommendations are outlined at the end of this letter.

APPLICATION OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.15 of the Environmental Planning and Assessment Act (the Act) is the framework in which a development application is to be assessed, and outlines which provisions are to be considered in the assessment of an application.

Simplified, in the assessment of the development application, there is the fundamental application of a Council's Local Environmental Plan (LEP) and the Development Control Plan (DCP). The LEP is the primary statutory instrument and framework establishing permissibility within a land zone and principal development standards that guide how land is used. Where a development application does not meet the requirements of a principal development standard pursuant to the LEP, and varies the standard, the application of Clause 4.6 of the LEP will in most circumstances need to be applied to have a written request to vary the standard.

Clause 4.6 is the only mechanism in which it is required to address the objectives of a development standard within an LEP, as outlined in subclause 4.6(3), specifically in establishing grounds for why compliance with a standard is unreasonable or unnecessary. This is consistent with current caselaw, *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe) at [42] - [48]*.

A DCP is a non-statutory document that supports an LEP through more detailed planning and design guidelines. Flexibility in the application of the provisions and allowance of reasonable alternative solutions that achieve the objectives of a DCP standard, is specified within Section 4.15(3A)(b) of the Act.

Comment with respect to DA/43/2025:

The assessment of the development application has been taken with due consideration of the requirements of Section 4.15 of the Act. Our peer review of the assessing officer's delegated assessment report finds that all relevant environmental planning instruments; the relevant development control plan; the likely impacts; the suitability of the development; the submissions made and; the public interest have been addressed.

This peer review includes a response to, and recommendations for suggested conditions of consent, to address the public submissions received.

With respect to the public submissions received, many have raised that the application does not meet the requirements and objectives of Clause 4.4 (Floor Space Ratio). DA/43/2025 does not rely on a Clause 4.6 for any development standard. 13 Winchester Road has a site area of 248.8m², and therefore Clause 4.4A(4) applies, which ultimately establishes that there is no applicable Floor Space Ratio for the site, as the site is within

the R2 land zone and has a site area is less than 300m². As outlined above, there is no statutory requirement for the development to therefore apply the objectives of standards within Clause 4.4. Notwithstanding, as outlined within this document, the proposed development has been independently assessed to conclude that the development does not result in adverse amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing, or views.

There are variations to the DCP standards that are proposed as part of DA/43/2025, including:

- DCP Subsection 6.3 and Subsection 3.3 relevant to the carport side setback;
- DCP Subsection 6.6 relevant to the height of the carport;
- DCP Subsection 4.1 relevant to building design and the articulation of side elevations.

Our peer review and independent assessment of these matters is provided within the tables on the following pages.

Though not strictly a non-compliance with the provisions of the DCP, due consideration of the impact to solar access, sunlight (DCP Subsection 5.1) and passive daylight, as raised within the submissions received, is discussed below.

ACCESS TO SUNLIGHT

Solar access, sunlight and daylight are linked to the orientation of a site, and the relationship between a property's side boundaries to true north. *Daylight* is specifically diffuse sunlight from the sky. The ease to which sunlight access can be protected is inversely proportional to the density of development.

Comment with respect to DA/43/2025:

The context of 13 Winchester Road with its immediate neighbours, 11 and 15 Winchester Road, is that the lots are typically east-west orientated, with western street frontage and private open spaces to the east (rear). All three lots are within an established historical subdivision pattern, with two-storey dwelling typologies on lots less than 300m², which inherently increases the perceived density of development.

The DCP has the following relevant requirements with respect to solar access and overshadowing to *neighbouring* developments (**emphasis added**):

Solar access to neighbouring development

- A portion of the **north facing living area windows** of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June (winter solstice)
- The **private open space** of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June (winter solstice). The area covered by sunlight must be capable of supporting passive recreation activities
- Existing 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 (winter solstice)

- *Where the neighbouring dwellings do not contain any solar panels, direct sunlight must be retained to the north, east and/or west roof planes of neighbouring dwellings, which are at least 6m above ground level (existing), so that future solar panels are able to capture 3 or more hours of sunlight between 8am and 4pm on 21 June*
- *Any variation from the above requirements will be subject to a **merit assessment** having regard to the following factors:*
 - *Degree of meeting the FSR, height, setback and site coverage controls*
 - *Orientation of the subject and adjoining allotments and subdivision pattern of the urban block*
 - *Topography of the subject and adjoining allotments*
 - *Location and level of the windows in question*
 - *Shadows cast by existing buildings on the neighbouring allotments.*

The submissions received by 11 Winchester Road, as well as the site visit carried out on the 12 May 2025, confirmed that the principal living room of 11 Winchester Road is approximately central to the ground floor, with glazing oriented to the south. It was observed that passive natural daylight (not direct sunlight, given the orientation) is received into the living room, and there is the benefit of reflected light from the light and neutral coloured render of the side elevation of 13 Winchester Road. It is recommended that should the consent authority approve the development application, that a condition of consent be in place to ensure that existing external colours are integrated into the proposed additions. It is noted that will also remain consistent with the condition of consent imposed under DA/574/2019, which required the northern side boundary to be rendered and painted in a light colour similar to the existing northern wall.

The DCP does not contain a provision for the retention of sunlight to any orientation or habitable room, other than principal living rooms that are north-facing. Further, the proposed development of 13 Winchester Road will not affect the principal open space of either 11 or 15 Winchester Road, given the carport and first floor extension are forward of the existing built form (to the west), and all private open spaces are to the rear (east).

The documents submitted with the development application have adequately and appropriately addressed solar access, as required by both the DCP and Randwick Council's Development Application Guide, in that, shadow diagrams in both elevation and plan form (existing and proposed) have been provided for 8am, 12pm, and 4pm on June 21, being 'the worst case scenario' during the winter solstice. It is demonstrated that:

- There is no direct additional overshadowing to 11 Winchester Road as a result of the proposed carport or first floor extension due to site orientation;
- There is no direct overshadowing upon any northern glazing or private open space of 15 Winchester Road as a result of the proposed carport as it is a minor structure to the ground floor;
- The first floor front bedroom and hallway to 15 Winchester Road will receive direct additional overshadowing to its northern window as a result of the proposed first floor extension, however the impact does not reduce solar access to less than 3 hours on June 21.

These outcomes are not contrary, nor vary, the controls of the DCP.

With respect to *daylight* (diffuse light from the sky), there is no specific planning requirement or measure for the dedication of daylight. The proposed northern setback of the first floor addition is in excess of the minimum 900mm required (proposed at 1020mm and is consistent with the existing first floor), and results in separation of 1.85m between 11 Winchester Road and 15 Winchester Road on the first floor. As detailed earlier, a recommended condition of consent for the retention of light colours to the external northern side façade would assist in the diffuse of daylight.

TABLES IN RESPONSE TO SUBMISSIONS

Issue or Concern raised by 11 Winchester Road – Northern adjacent site.	Assessment and Response by GAT & Associates
<p>Carport side setback: The proposed 500mm side setback from the northern boundary is insufficient and will cause structural damage from excavation, and result in noise impacts to the main living room. A setback of 900mm is feasible.</p> <p>There will be drainage, noise and structural risks for 11 Winchester Road.</p> <p>The telephone pit will be impacted.</p>	<p>The proposed development does not require substantial excavation. It is warranted that as a precautionary measure and to alleviate concerns, dilapidation reports form part of any conditions of consent, to document the existing condition of 11 Winchester Road before and after construction. This is standard practice.</p> <p>The proposed carport is for a single car servicing a single dwelling house. The generation of noise for this purpose will not result in unreasonable noise or amenity impact. Additionally, the retention of the northern and southern walls to the eastern edges of the carport would assist in acting as a physical barrier to potential noise. Council’s Development Engineers raised no issues with stormwater. Standard conditions also apply with respect to stormwater drainage and detailing, which is required for a Construction Certificate.</p> <p>A standard condition of consent requiring the beneficiary of the consent to liaise with the relevant service provider is to be included in the conditions of consent. Similar to the driveway of 15 Winchester, it would not be unreasonable to expect the pit could be integrated into the design of the driveway (image below):</p> 

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Issue or Concern raised by 11 Winchester Road - Northern adjacent site.	Assessment and Response by GAT & Associates
<p>The comparison to the carport at 11 Winchester Road being constructed to the common boundary is misleading. There is an approx. 1.0m wide tiles passageway within the setback from 13 Winchester Road,</p>	<p>Should the incorporation of the pit not be feasible within the driveway in discussions with the service provider, the pit should be moved to the southern side of the proposed driveway. Still within the frontage of 13 Winchester. A suggested condition is provided in the recommendations at the end of this report.</p> <p>Reference to the carport at 11 Winchester being located to a common boundary was found to be in reference to the northern side (image below).</p>  <p>It is not unreasonable in the circumstance of the case that the proposed 500mm setback, being less than the 900mm setback otherwise required, is suitable in this instance given the site and streetscape context. There is sufficient existing precedent within Winchester Road for parking structures within the front setback of dwellings in the first instance, particularly to the northern end where the subdivision pattern has resulted in smaller allotments. Such examples include:</p> <ul style="list-style-type: none"> • 1 Winchester Road • 3 Winchester Road • 7 Winchester Road • 11 Winchester Road • 10 Winchester Road <p><i>(examples images provided further in this table)</i></p> <p>The proposed carport is well-located as to be adjacent and in alignment with the existing carport and ground floor building line of 11 Winchester Road (image below – alignment shown with red dashed lines):</p>

Issue or Concern raised by 11 Winchester Road – Northern adjacent site.	Assessment and Response by GAT & Associates
<p>The carport is a garage – the study windows will not receive adequate sunlight and the DCP states carports are not to have solid enclosing walls.</p> <p>There is no upper-level above the existing front bedroom that will be demolished that justifies the recessed design to make way for the carport length.</p>	
<p>Carport roof height and structure: The proposed height of 3.4m is excessive and unjustified planning-control wise and should be reduced to match the existing simple flat and sloping verandah roof height of 2.7m (high point) and 2.4m (front edge).</p> <p>The roof should be a simple sloping flat design, consistent with the existing verandah roof. The scale of the pitched roof is disproportionate to the width of the property, leading to an overwhelming visual bulk that is out of character with the predominant architectural style of carports and roofing in the street. The flat verandah roof is consistent with the aesthetic of the neighbourhood.</p>	<p>Our assessment has identified that there is scope to reduce the proposed carport height to meet the maximum height of 3.0m in accordance with Section 6.66(v) of the DCP, as there is no immediate precedent or benefit to a carport with a higher roof. This is feasible by reducing the proposed carport ridge to align with the upper level of the existing verandah, which is already proposed to be integrated into the new carport roof.</p> <p>Given both the first floor and ground floor of the existing dwelling have pitched roof forms, it is not unreasonable to integrate the character of the existing roof into the proposed carport. This approach is established within the Winchester streetscape with 1 and 3 Winchester and 10 Winchester (image of 1 and 3 below):</p>  <p>Similarly, 7 Winchester and 11 Winchester are dwellings with flat roof forms that visually tie into the flat roof of their respective carports (images below):</p>

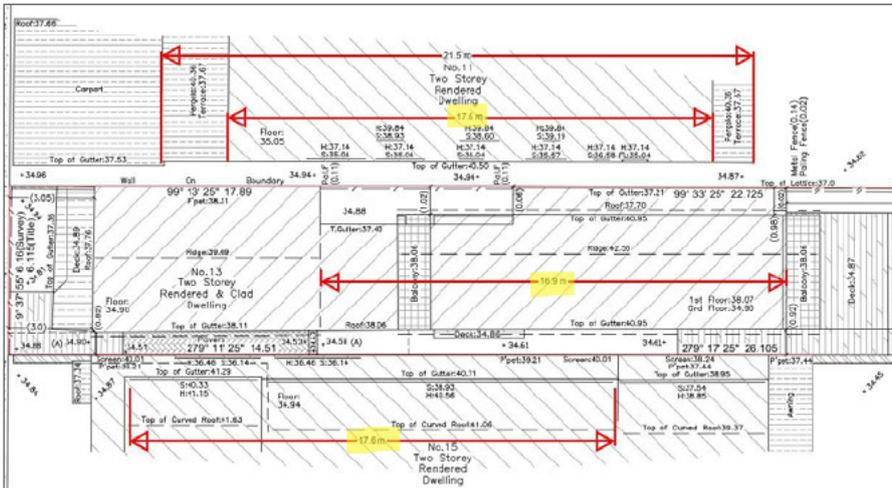
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Issue or Concern raised by 11 Winchester Road - Northern adjacent site.	Assessment and Response by GAT & Associates
	<div data-bbox="746 434 1241 658" data-label="Image"> </div> <p data-bbox="746 689 1244 902">The carport roof has integrated the existing verandah roof, and we consider that the alignment of the proposed carport ridge, reduced to match the existing verandah roof gutter (RL 37.76) would enable a carport with a hipped roof and height of no more than 3.0m, as well as to better integrate the carport roof with the existing dwelling and verandah.</p> <p data-bbox="746 931 1244 1010">We recommend this design change through a condition of consent, should the consent authority determine the application by way of approval.</p> <p data-bbox="746 1039 1244 1093">A sketch overlay to the carport elevations, on how this could be achieved, is shown below:</p> <div data-bbox="758 1120 1233 1379" data-label="Diagram"> </div> <p data-bbox="778 1386 1212 1413"><i>Carport - Front elevation with reduced height</i></p> <div data-bbox="758 1415 1233 1659" data-label="Diagram"> </div> <p data-bbox="794 1666 1198 1693"><i>Carport - Side profile with reduced height</i></p>

Issue or Concern raised by 11 Winchester Road – Northern adjacent site.	Assessment and Response by GAT & Associates
<p>Carpport visual impact: The carport is bulky and excessively high. A flat roof is more appropriate and in keeping with other car spaces and carports in the neighbourhood.</p>	<p>Refer to comments above – the hipped carport roof is appropriate for the context of the site and to integrate into the existing roof form.</p>
<p>First floor bulk and scale: Fails to comply with LEP Clause 4.4 which requires new development to be compatible with the locality and not negatively impact neighbours. The first floor extension fails to respect the scale and future character of the area.</p> <p>The extension forward impacts the sunlight and daylight access of both neighbouring properties, as the orientation is not exactly east-west. The western sun provides afternoon direct sunlight along the side of 11 Winchester Road, which would be further obstructed by the extension.</p>	<p>Refer to earlier section of this peer review report (page 2) – the development does not rely on a numerical standard under clause 4.4 and there is no statutory requirement to address the objectives of Clause 4.4. We nevertheless find that the scale of the proposed first floor addition respects the scale of the existing character of the street, as discussed and illustrated below.</p> <p>At our request, specifically for the purpose of our peer review and independent assessment, the Applicant has provided 3D modelled shadow diagrams, as well as additional elevational diagrams for December 21st (summer solstice – ‘best case’) and the 22nd March/September (equinox – ‘average’).</p> <p>The December 21 diagrams that have been prepared in 3D are for 5pm and 6pm, which have been found to be consistent with the photographs provided by 11 Winchester, dated and timestamped 5:41PM on the 17th February 2025, in that sun will continue to be received directly to the southern walls in the late afternoon during summer months. The modelled shadows identify that there is a negligible extent of additional overshadowing (to the far rear of the southern wall, and not falling upon the glazing of the primary living room that is central to the dwelling) between the existing and proposed diagrams that were provided for 6pm. At 5pm, there is nil overshadowing to the southern wall of 11 Winchester Road as a result of the first floor. It is noted that the time is outside the relevant time period of 8am-4pm, and June 21, by the DCP control, however 11 Winchester Road can be assured that direct afternoon sunlight will still be received from the afternoon western sun, subsequent to the proposed first floor addition.</p> <p>It is reiterated that as a result of the site orientation, that there is no overshadowing to 11 Winchester Road between 8am and 4pm, on June</p>

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Issue or Concern raised by 11 Winchester Road - Northern adjacent site.	Assessment and Response by GAT & Associates
<p>The facade length of 18.2m along both the northern and southern boundaries grossly exceeds the 12m limit set by the DCP. This creates an overbearing, unarticulated mass that does not integrate with the existing neighbourhood character; adding visual bulk and scale and; is visually intrusive. The cantilever of the first floor does not meet the DCP standard in Section 4.1 (iv).</p>	<p>21. Similarly, there is no overshadowing during the equinox to 11 Winchester Road.</p> <p>The proposed first floor addition is consistent with the existing streetscape character of Winchester Road. The length of the proposed first floor is identified as being within the average of both adjoining neighbours (see below image on Page 13), and thus consistent with the character and extent of first floor additions of both adjoining dwellings (i.e. 11 and 15). The following has been measured from the survey and information provided:</p> <ul style="list-style-type: none"> • 11 Winchester has a first floor that extends 17.6m ('unbroken' length, excluding first floor terraces); or 21.5m inclusive of both the front and rear roof terraces to its southern façade (facing the subject site). Note: 11 Winchester Road did not permit GAT & Associates to review historical file records. • 15 Winchester has an 'unbroken' first floor that extends 17.5m to its northern façade (facing the subject site, excluding the eave overhang and cross-referenced from the approved plans for DA/240/2007, which are available online via Council's DA tracking website) • The proposed wall length of the first floor is 16.9m, being less than both adjoining two storey dwellings. The length is 18.2m inclusive of the rear balcony. <p>The first floor is also further setback compared to both adjoining dwellings, which reduces its bulk and scale and perceived visual intrusion when looked wholistically from the streetscape. Additionally, the architectural cantilever is a type of recess to the wall, which contributes to the existing (and proposed) northern elevation having visual articulation through a vertical staggered wall plane (in accordance with Section 4.1 (iii) and (iv).</p> <p>Further to this, the proposed first floor addition is consistent with the existing first floor envelope with respect to setbacks (i.e. it continues the existing building line to both side boundaries); meets the minimum requirement of 900mm to</p>

Issue or Concern raised by 11 Winchester Road – Northern adjacent site.	Assessment and Response by GAT & Associates
	<p>both sides; complies with the building envelope (wall height and setback) requirements of the DCP, and does not result in direct overlooking as a result of any proposed glazing.</p> <p>As per all discussions above, the extent of overshadowing, given the orientation of the sites, the small lot sizes and extent of existing development to both sides, nil additional overshadowing impact to private open spaces and the main living room of either adjoining neighbour, finds that the overshadowing from the proposed development is acceptable in this instance.</p>
 <p style="text-align: center;">Comparative first floor building envelope depths. Measurement for 13 Winchester is to the proposed front building line of the first floor, excluding the rear balcony.</p>	
<p>First floor setbacks: 15 Winchester Road has a two-level solid wall on the boundary with 13 Winchester that relies on the setback to allow sunlight and daylight into the key spaces at 15 Winchester Road (ground floor living).</p>	<p>15 Winchester is to the south of the subject site, and benefits from northern orientation to its side boundary. The existing first floor front bedroom of 15 Winchester protrudes much further forward than the proposed first floor extension (this can be seen in the image above), with the formally submitted shadow diagrams for both June 21 (provided for 8am, 12pm and 4pm) identifying an impact only in the morning (8am diagram) to the first floor bedroom.</p>

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Issue or Concern raised by 11 Winchester Road - Northern adjacent site.	Assessment and Response by GAT & Associates
<p>11 Winchester Road is also reliant on the space for daylight into its living room due to structural constraints and a northern wall shared with 9 Winchester Road.</p> <p>The visual bulk and scale close to the boundary and main living area of 11 Winchester Road would also be imposing and suffocating.</p>	<p>The March/September shadow diagrams provided for the purpose of this peer review illustrate no additional overshadowing to any glazing.</p> <p>The living room of 15 Winchester is to the rear, with eastern glazing.</p> <p>The matter of daylight and sunlight to the southern elevation and main living area of 11 Winchester has been addressed in comments and discussions above within this document.</p> <p>The proposed setback of the first floor addition is consistent with the existing setbacks, which comply with the requirements of the DCP. As identified previously, the first floor is further setback from the street frontage compared to the first floors of both 11 and 15 Winchester Road.</p>
<p>First floor cumulative impacts: The 10-meter boundary wall in 2021 and the proposed extension of the first level will exacerbate the existing loss of daylight and amenity.</p> <p>The existing flat roof to the front of 13 Winchester was designed to preserve daylight to 11 Winchester Road. Relocation of the front bedroom to the first floor would block all remaining daylight to the main living area of 11 Winchester.</p> <p>The proposed development has not considered compromises made in the previous design of the property, particularly to maintain the amenity of 11 and 15 Winchester. The first floor extension disregards earlier discussions made to mitigate impacts with regard to sunlight and daylight.</p>	<p>The matter of daylight and sunlight to the southern elevation and main living area of 11 Winchester has been addressed in comments above; 11 Winchester is to the north of the subject site and while it does not receive direct sunlight during the required 8am - 4pm, time period, will still receive diffuse sunlight throughout the day. A condition of consent requiring continued use of existing light colours to the proposed northern elevation would assist in the passive diffusion of sunlight through the northern side setback of 13 Winchester Road.</p> <p>Our peer review included a review of the delegated assessment report for DA/574/2019, which approved the ground floor alterations and additions, and the first floor addition (existing). It is noted that the design of the first floor roof form was acceptable on the basis that it complied with the maximum building height standard (9.5m); the built form is consistent with the two-storey character and envelope of adjoining two-storey dwellings (with the proposed first floor being substantially setback from the street comparatively); and that the roof was purposefully designed asymmetrical to allow skylights that maximise solar access into the dwelling of 13 Winchester.</p>

Issue or Concern raised by 11 Winchester Road - Northern adjacent site.	Assessment and Response by GAT & Associates
<p>The proposed first floor bedroom could be relocated to replace the existing bathroom and laundry on the ground floor.</p> <p>Ventilation of buildings will be affected.</p>	<p>Further, the assessment and determination of DA/574/2019 considered the impact of the nil setback to the <i>ground floor</i>, which was addressed through conditions of consent requiring a reduced height of 500mm within 900mm of the boundary, and an increase to the size of the ground floor courtyard, which is reflected in the dwelling as it has been built. There was no assessment issue raised with the first floor or its cantilever, given it met the minimum 900mm setback.</p> <p>The proposed first floor extension continues to comply with the current standards, including building height, setbacks and envelope; given our assessment finds no unreasonable impact to amenity and; ultimately the proposal demonstrates consistency in the pattern of development with adjoining dwellings, the extent of the first floor addition is reasonable in this instance.</p> <p>As identified above, the proposed first floor addition (bedroom) is consistent with the existing character and extent of first floor additions to both immediately adjacent dwellings.</p> <p>The proposed setbacks of the first floor are consistent with the existing dwelling and will not negate ventilation. With respect to the carport, the existing walls of the dwelling are retained, and the carport structure is otherwise open to either side, thereby not changing the existing circumstance with respect to ventilation.</p>
<p>First floor roof design: The proposed changes introduce an unnecessarily very high, pitched, asymmetrical roof design that tilts towards 11 Winchester Road, intensifying bulk and scale and blocking more daylight and all of the sunlight into the main living areas of 11 Winchester Road.</p>	<p>As above, our peer review included a review of the delegated assessment report for DA/574/2019 for the first floor addition (existing). It is noted that the design of the first floor roof was acceptable on the basis that it complied with the maximum building height standard (9.5m); the built form is consistent with the two-storey character and envelope of adjoining two-storey dwellings (with the proposed first floor being substantially setback form the street comparatively); and that the roof was purposefully designed asymmetrical to allow skylights that maximise solar access into the dwelling of 13 Winchester.</p> <p>From an urban design perspective, the continuation of the existing roof structure and</p>

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Issue or Concern raised by 11 Winchester Road - Northern adjacent site.	Assessment and Response by GAT & Associates
	retention of the existing streetscape presentation of the dwelling contributes greater and continued cohesiveness to the character of Winchester Street. Notwithstanding, it has been demonstrated that the resulting roof form does not remove of any direct western sun in the late afternoon/evening during summer months, nor on June 21 to the main living area of 11 Winchester.
<p>Southern deck height: The current ground level is below the proposed deck height. The proposed deck height is excessive.</p> <p>The existing front deck does not have DA approval and it is non-compliant with compulsory 900mm setback. This is being used as justification to raise the level of the southern side setback.</p>	<p>Following our site visit, it is evident that the connecting southern deck would be beneficial for side safety and access, given it is currently accessed by a fairly steep ramp. However, the applicant has accepted partial deletion of the proposed southern deck in part as a result of conflict with the easement (for access).</p> <p>A review of the approved plans for DA/574/2019 has identified that both the existing front and rear decking is at an RL of 34.89. This is consistent with the levels of the current proposal and survey, which has the front deck at an RL of 34.90. Given that 15 Winchester has obscured glazing to their northern side (adjacent the proposed deck), which services the entry hallway, there would be no privacy (acoustic or visual) impact.</p>
<p>Southern deck drainage: There is no drainage. Replacing the soil and brick pavers with a hard surface will leave no drainage.</p>	<p>Council's Development Engineers raised no issues with stormwater. Standard conditions also apply with respect to stormwater drainage and detailing, which is required for a Construction Certificate.</p>
<p>Southern deck noise: Turning the soft surface to a hard surface will amplify noise to both 11 and 15 Winchester Road as the southern setback is an echo chamber.</p>	<p>Following our site visit, it is evident that the connecting southern deck would be beneficial for side safety and access, given it is currently accessed by a steep ramp. Given the residential nature of the proposed deck, and that it would only be secondary access (waste bins etc), the comparative noise impact would be indiscernible. Further, 11 Winchester is physically separated by the existing dwelling house.</p>
<p>Floor-to-ceiling crack on northern boundary requires attention.</p>	<p>This is not a matter for planning assessment and is considered a civil matter, which the owner would need to consider in the maintenance of their property.</p>
<p>Request for site inspection as part of the assessment process.</p>	<p>Council's assessing officer, as well as representatives of GAT & Associates, have attended a site visit at 11 Winchester Road to view and understand the matters that have been raised. Concerns and issues have been addressed per this review.</p>

Issue or Concern raised by 15 Winchester Road – Southern adjacent site.	Assessment and Response by GAT & Associates
<p>Loss of solar access: Concern is raised over 15 Winchester not receiving a minimum of 3 hours of direct sunlight on 23rd June between 8am-4pm.</p> <p>Sightlines and profile of the amount of solar access to be lost was requested, as were shadow diagrams for other times of the year: 21 Dec and 21 March at 9am, 12pm and 3pm.</p>	<p>As referenced in the discussion of solar access (pages 3 and 4 of this document), the first floor bedroom of 15 Winchester is affected in the early morning, and the first floor hallway is affected in the late afternoon (4pm). This is an inevitable consequence of the site orientation and development potential within small and narrow allotments. Additionally, these two spaces are not principal living areas, with the hallway classified as a non-habitable room. Nevertheless, both spaces will maintain sunlight for at least 3 hours on June 21.</p> <p>The additional overshadowing is not contrary to the provisions of the DCP, which only require solar access for the 3 hours into principal living areas and private open spaces. The proposed development does not impact upon such habitable and outdoor spaces between 8am and 4pm on June 21. Additional equinox diagrams (Sept/Mar 21st) were provided for the purpose of our independent assessment, which found no additional impact to any glazing of 15 Winchester Road.</p>
<p>Visibility and View: Visibility and view from the level 1 bedroom windows and hallway will be impacted.</p> <p>The design of 15 Winchester capitalises on the view to the south. Windows will be obstructed by the development at 13 Winchester Road.</p>	<p>The northern first floor windows of the front bedroom and hallway of 15 Winchester are oriented towards the first floor of 11 Winchester Road. While there may be some general outlook to the street affected, there are no significant views or vistas affected. Further, the proposed first floor addition does not extend as far as the first floor bedroom of 15 Winchester Road, and thus outlook upon the street from the bedroom is not affected.</p>
Issues and concerns raised by other members of the community	Assessment and Response by GAT & Associates
<p>██████████ 107 Arden Street, Coogee</p> <ul style="list-style-type: none"> • Bulk and scale of the carport and first floor • Removal of greenery in the street; • Reduction in sunlight and liveability for neighbours 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p> <p>With respect to the proposed extent of landscaping within the front setback, this is contextually suitable, as both adjoining dwellings are limited in substantial landscaping within the front setback, thus integrating into the established character of the area.</p>

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Issues and concerns raised by other members of the community	Assessment and Response by GAT & Associates
<p>5 Burnie Street, Clovelly</p> <ul style="list-style-type: none"> • Carport side setback, roof height and visual impact; • Impact to telephone pit and impact to vegetation; • Recessed walls to the northern and southern edges of the proposed carport and the existing crack; • Structural integrity and impact to the tiles of 11 Winchester; • Cumulative impacts of previous development and the proposed development. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>
<p>8 Flood Street, Clovelly</p> <ul style="list-style-type: none"> • Insufficient carport side setback; • Incompatibility of carport roof within the streetscape; • Excessive bulk and height in conflict with LEP Clause 4.4. • Side façade length if overly large and intrusive. • The first floor blocks daylight and afternoon sunlight for 11 Winchester Road and reduces solar access to 15 Winchester Road, diminishing residential amenity. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>
<p>34 Burnie Street, Clovelly</p> <ul style="list-style-type: none"> • Carport side setback, roof height and visual impact; • The first floor addition is blocking the void that was designed to allow natural sunlight and daylight into the main living areas of both 15 and 11 Winchester Road; • Cumulative impacts of previous development and the proposed development on daylight and solar access. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>
<p>5 Maroo Street, Bronte</p> <ul style="list-style-type: none"> • Carport side setback and its impact on amenity, solar access, privacy and resulting size and bulk. Will set a damaging precedent. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>

Issues and concerns raised by other members of the community	Assessment and Response by GAT & Associates
<p>16 Pacific Street, Clovelly</p> <ul style="list-style-type: none"> • Insufficient carport setback, resulting in noise and excessive bulk and scale that is out of place with surrounding neighbourhood. • The proposed first floor contradicts the objectives of Clause 4.4. • The façade length of 18.2m to both side boundaries exceeds the 12m limit set by the DCP resulting in an unarticulated mass that does not integrate with the existing neighbourhood character and loss of solar access for both 11 and 15 Winchester Road. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>
<p>address unknown</p> <ul style="list-style-type: none"> • Insufficient carport setback, resulting in noise and excessive bulk and scale that is out of place with surrounding neighbourhood. • Structural integrity and potential damage to 11 Winchester Road; • The carport has enclosing walls, making it a garage; • Cumulative impacts of previous development and the proposed development on daylight and solar access. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>
<p>address unknown</p> <ul style="list-style-type: none"> • Insufficient carport side setback; • Incompatible carport roof structure; • Recessed walls should be reduced in height; • The first floor does not comply with LEP Clause 4.4, which requires development to be compatible with the locality and not negatively impact neighbours; • Side boundary facade length is non-compliant; 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>

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Issues and concerns raised by other members of the community	Assessment and Response by GAT & Associates
<ul style="list-style-type: none"> The asymmetrical roof form reduced daylight and solar access to 11 and 15 Winchester Road. 	
<p>■■■■■ address unknown</p> <ul style="list-style-type: none"> Insufficient carport side setback; Inappropriate carport roof design; First floor is large and unarticulated, contrary to LEP Clause 4.4; The proposed 18.2 wall violates the DCP and creates an unrelieved mass that disrupts the neighbourhood's architectural character; The proposal will block direct sunlight for 15 Winchester Road and eliminate afternoon sunlight for 11 Winchester Road, the impact is intensified as a result of the proposed roof form. 	<p>The issues and concerns outlined are consistent with those raised by 11 and 15 Winchester Road, and have been addressed above.</p>

EASEMENT

A review of the survey plan has identified that there is an easement along the southern side of the subject site. The proposed development includes a new raised deck along this boundary. Insufficient information was provided to ascertain the terms of the easement, and no consent has been provided to whom the beneficiary of the easement may be.

It is consequently recommended that the granting of consent includes a condition to delete the proposed deck/structure over the easement.

RECOMMENDED NON-STANDARD CONDITIONS OF CONSENT

1. Design Modifications

a. Carport Height

The carport height is to be reduced as to be no higher than the existing verandah RL of 37.76.

Southern deck

No consent is granted for any structure within the easement to the southern side boundary. The deck is to be reduced in length as to not be located within the easement.

Details of compliance of the above conditions are to be submitted and approved by the Manager Development Assessment prior to the issue of a construction certificate.

Condition Reason: To control and manage compliance outcomes for the site.

2. External Colours, Materials & Finishes

(will require amendment of current draft condition #3)

The external northern wall shall be rendered and painted in a light colour that is similar to the existing colour of the northern wall (i.e. white, or similar neutral colour). Details of all proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Details of compliance of the above conditions are to be submitted and approved by the Manager Development Assessment prior to the issue of a construction certificate.

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

3. Public Utilities

(will require amendment of current draft condition #23)

A Public Utility Impact Assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or potholing, if necessary, to determine the position and level of service.

The 'Tel' pit within the western public reserve is to be integrated into the driveway, or moved to the southern side of the driveway if it cannot be integrated into the driveway.

Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.

CONCLUSION

After reviewing the proposal, including the additional information submitted by the applicant; the assessment report prepared by Council; all public submissions received during the assessment of the application; viewing the properties at 11 and 13 Winchester Road, as well as the wider streetscape and site context; the delegated assessment undertaken by Council, which recommends approval of the application and; the draft conditions of consent – the development application and its assessment is found to be reasonable and acceptable.

The conclusions reached by the assessing officer on the appropriateness of the proposed carport and first floor, the impact on solar access and daylight to adjoining properties, and amenity are reasonable and well-founded. However, we consider that there is potential for the carport height to be lowered to achieve the maximum DCP-stipulated height of 3.0m, without derogating from the streetscape character and architectural form, as detailed in our recommended condition of consent; as well as condition to assist in the matter of diffused sunlight by retaining light, neutral exterior colours of the dwelling to the northern side façade.

Our independent assessment found that consent for works over the easement to the southern boundary was not provided by the applicant, and this has been rectified by removing the southern decking, in part, as to have no further built form proposed over the easement. Where these amendments may not have been formally submitted to Council, a condition of consent should be included to delete works within this easement.

It is not considered that there are sufficient planning grounds to warrant a different determination or assessment of the development application.

Kind regards

Gerard Turrisi
Director

Krystal Narbey
Senior Town Planner

GAT & Associates
Plan 5138