

# Randwick Local Planning Panel (Public) Meeting

Thursday 11 September 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, 11 September 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. D45/25

**Subject:** 5 Nathan Street, Coogee (DA/613/2025)

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### Executive Summary

<b>Proposal:</b>	Alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition.
<b>Ward:</b>	East Ward
<b>Applicant:</b>	Sydney Drafting Concepts & Design Pty Limited
<b>Owner:</b>	B Clapson & A Geschke
<b>Cost of works:</b>	\$329,000.00
<b>Reason for referral:</b>	10 or more unique submissions were received by way of objection

### Recommendation

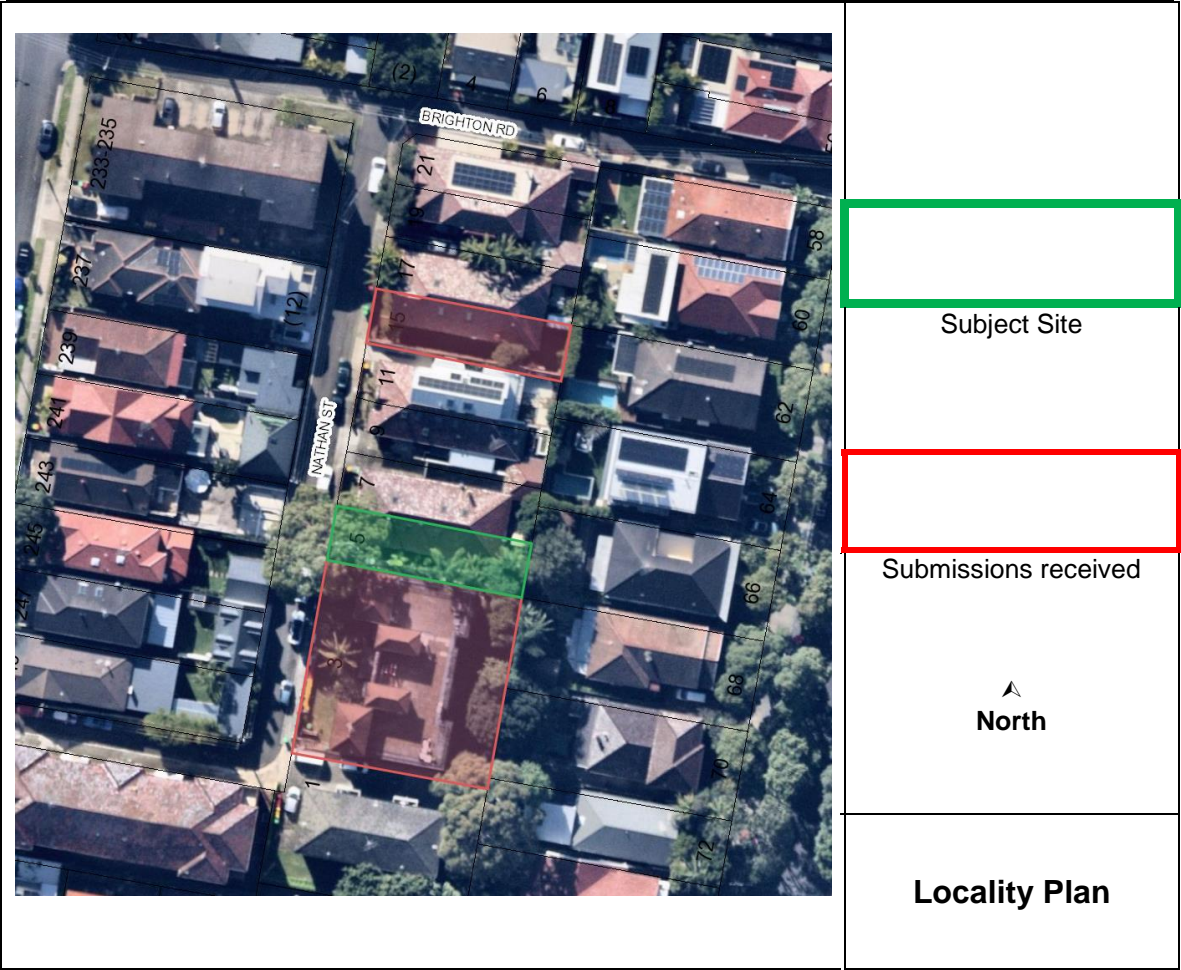
That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/613/2025 for alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition, at No. 5 Nathan Street, Coogee subject to the development consent conditions attached to the assessment report.

### Attachment/s:

1.  RLPP Development Consent Conditions - DA/613/2025 - 5 Nathan Street, Coogee

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The topography of the site is relatively flat, with a minor fall towards the east (rear boundary). The existing dwelling sits partially below the street level (refer to Figures 1 and 2), while the hardstand parking is at grade with Nathan Street, resulting in a slightly elevated position relative to the dwelling footprint.

Surrounding development comprises a mix of semi-detached and detached dwelling houses, and low rise residential flat building development, reflecting the R3 Medium density zoning of the locality. The subject site is semi-detached to No. 7 Nathan Street (north), and forms part of a row of 4 x pairs of semi-detached dwellings of comparable architectural styles. To the south the site adjoins a three-four storey residential flat building at No. 3 Nathan Street.

Immediately opposite, on the opposite side of Nathan Street, is laneway development associated with properties fronting Carrington Road.



**Figure 1.** Street presentation of subject site, viewed from Nathan Street.



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**Figure 2.** Street presentation of subject site, viewed from Nathan Street



**Figure 3.** Storeroom addition at the rear of the dwelling, proposed to be demolished, viewed from No. 3 Nathan Street.





**Figure 4.** Residential flat building development to the south at No. 3 Nathan Street



**Figure 5.** Recently constructed first floor addition to semi-detached dwelling at No. 11 Nathan Street (DA/2/2023).

### 3. Relevant history

The land has been used for residential purposes for an extended period of time. A search of Council's records revealed the following recent and relevant applications at the site:

- DA/920/2014 – Approved by Council on 27 March 2025 for the construction of a new front car space and associated staircases.

#### Additional information request

On 1 August 2025 Council issued an additional information request to the Applicant, requiring hourly elevational shadow diagrams to be provided to enable Council to verify the overshadowing impacts to the neighbouring residential flat building at No.3 Nathan Street

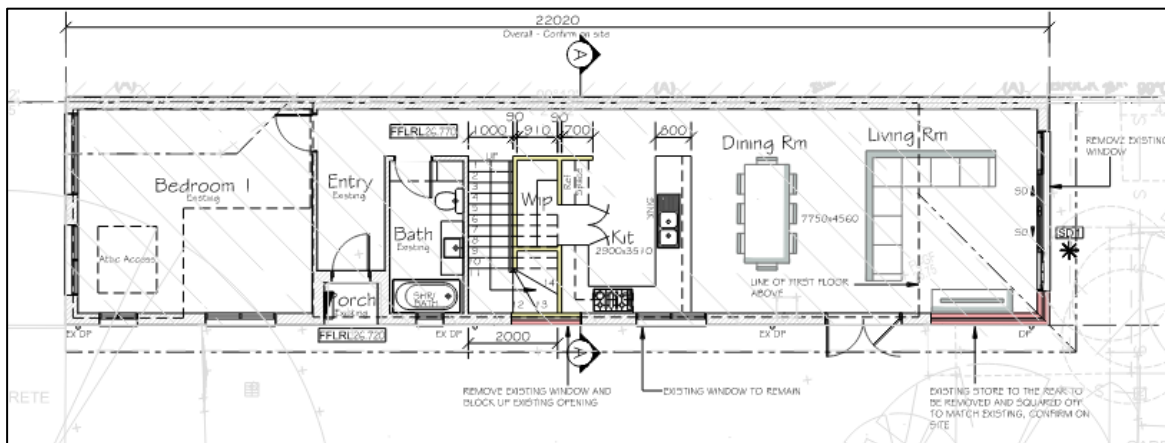
On 14 August 2025 the Applicant submitted additional information to the NSW Planning Portal.

### 4. Proposal

The proposal seeks development consent for alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition.

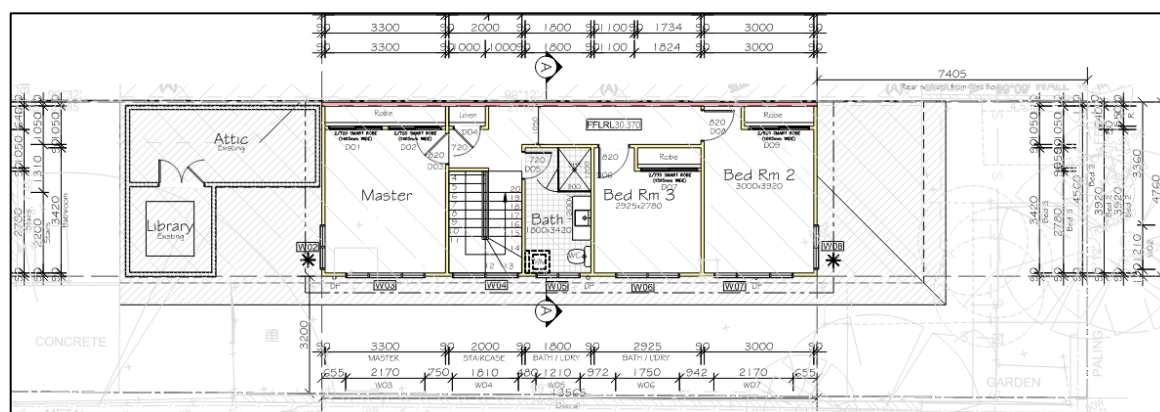
Specifically, the scope of works comprises the following:

- Partial demolition of existing roof structure to accommodate first floor addition
- Demolition of existing rear storage and associated awning structure, with side and rear walls to be realigned with original envelope
- Internal reconfiguration of ground floor to accommodate 1 x bedroom, open plan living kitchen and dining, walk-in pantry, bathroom and new stairs to first floor addition
- First floor addition comprising 3 x bedrooms and 1 x bathroom
- Removal of vegetation along the southern side setback.

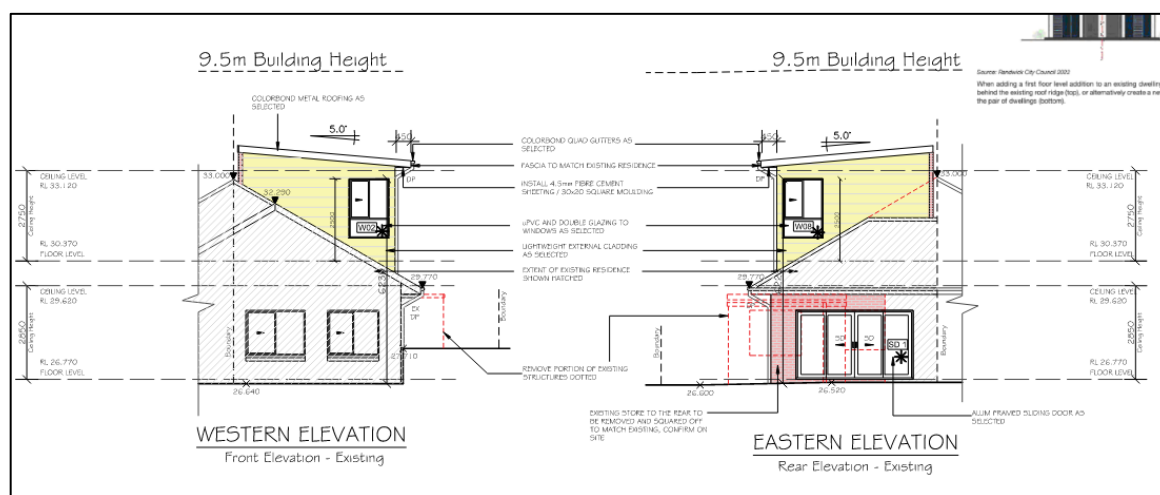


**Figure 6.** Proposed Ground Floor Plan (Sydney Drafting Concepts & Design).

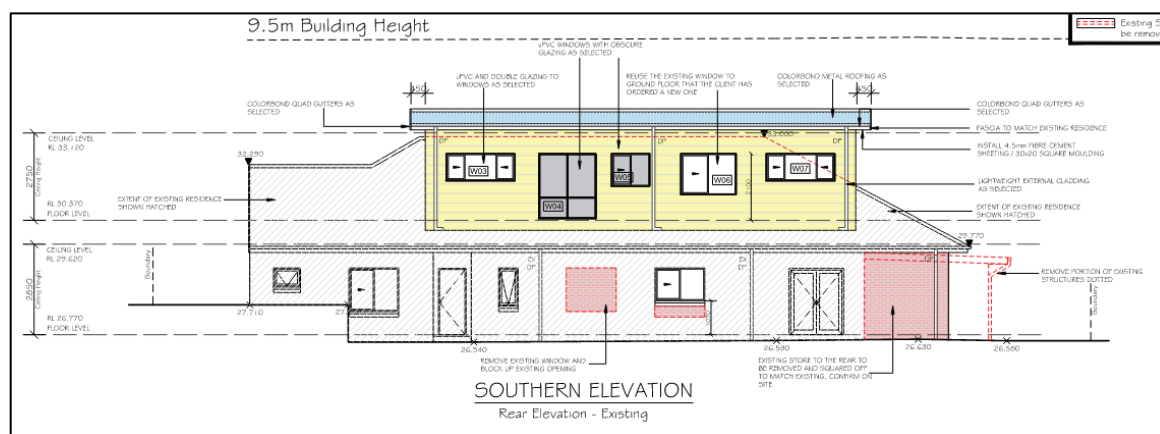




**Figure 7.** Proposed First Floor Plan (Sydney Drafting Concepts & Design).



**Figure 8.** Proposed Eastern and Western Elevation Plan (Sydney Drafting Concepts & Design).



**Figure 9.** Proposed Southern Elevation Plan (Sydney Drafting Concepts & Design).

## 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:

- No. 15 Nathan Street
- Unit 16/3 Nathan Street x 3
- Unit 15/3 Nathan Street x 2
- Unit 14/3 Nathan Street x 1
- No.12 Nathan Street x 1

- Unit 11/3 Nathan Street x 1
- No. 3 Nathan Street (unknown unit)

The following concerns were raised in submissions received during the notification period:

Issue	Comment
<p><u>Overshadowing impacts</u></p> <p>The development fails to demonstrate compliance with minimum solar access requirements and will reduce winter sun to units below the 3 hours threshold.</p> <p>The affected neighbours will incur additional electricity costs due to loss of sunlight (heating and lighting)</p>	<p>Following receipt of submissions, in relation to loss of solar access, the Applicant provided hourly elevational shadow diagrams to demonstrate the overshadowing impact to north facing windows of No.3 Nathan Street.</p> <p>The hourly shadow diagrams show that adequate solar access will be retained to living areas of all north facing apartments, except for Unit 11 (ground floor rear apartment).</p> <p>The solar access impacts to No. 3 Nathan Street are considered to result from site constraints (orientation and existing built form arrangement) rather than inappropriate design.</p> <p>A detailed assessment of the solar access arrangement is provided within the Key Issues section of this report.</p>
<p><u>Visual and acoustic privacy</u></p> <p>Windows to the first floor addition look directly into the living areas of neighbouring apartments</p> <p>Acoustic issues associated with windows close to windows of neighbouring apartment building</p>	<p>Conditions have been included to address visual privacy concerns associated with the location of windows to the first floor addition. Refer to Key Issues section for detailed discussion.</p> <p>Council considers that the proposed first floor addition would not result in unreasonable noise transmission to neighbouring properties. The first floor addition achieves a 3.2m side setback to No. 3 Nathan Street, which significantly exceeds the minimum 900mm requirement under the RDCP.</p>
<p><u>Materials ,colours and finishes</u></p> <p>The proposed materials and finishes (Colorbond steel roof and timber cladding) are incompatible with the existing streetscape</p>	<p>The proposed colours, materials and finishes incorporate a mix of lighter tones, while retaining the original brick facade to the ground floor envelope.</p> <p>The site is not located a heritage item, nor located within a heritage conservation area or foreshore scenic protection area, and therefore the use of timber cladding and Colorbond steel is not considered to detract from the surrounding streetscape. The materials and finishes are not an uncommon outcome for a modern addition to an older property.</p>
<p><u>Heritage impacts</u></p> <p>The proposal will impact upon the heritage significance of No. 3 Nathan Street</p>	<p>Council's heritage planner has reviewed the proposal and is satisfied that the development will not significantly impact upon the heritage significance of No.3 Nathan Street. Refer to referral comments at Appendix 1.</p>



Issue	Comment
<p><u>Streetscape impacts</u></p> <p>The proposed development does not include streetscape and visual impact modelling.</p> <p>Boxy form and increased height affect the streetscape. The visual bulk and scale cannot be properly assessed due to a lack of modelling</p>	<p>The siting of the first floor addition is not considered to result in adverse impacts on the streetscape character.</p> <p>The first floor addition is sited behind the apex of the existing single storey hipped roof, and retains the existing side setbacks of the ground floor envelope. The first floor addition is modest in height, achieving a maximum height of 7.6m, which is significantly less than the allowable 9.5m under clause 4.3 of the RLEP 2012.</p> <p>Council is satisfied that the scale of the addition does not warrant further modelling in relation to visual impacts on the surrounding streetscape.</p>
<p><u>Side setbacks and articulation</u></p> <p>The addition introduces excessive visual bulk without any meaningful setback or articulation to soften its impact</p> <p>The proposed development is too close to windows of the apartment building.</p>	<p>The first floor addition achieves side setbacks to the southern boundary of 3.2m, which exceed the minimum 900mm requirement under Part C1 Section 3.3.2 of RDCP 2023.</p> <p>The first floor addition results in a continuous wall length of 13.65m without physical recesses and articulation. The variation to the wall length control is considered acceptable noting that generous setbacks are provided to the development, and requiring further recesses would significantly constrain the built form potential of the site.</p>
<p><u>View sharing</u></p> <p>The proposed development will impact upon district views and outlooks of open sky, rooftops and tree canopy from the apartments at No. 3 Nathan Street</p> <p>The development has not considered the view sharing principal established through <i>Tenacity Consulting v Warringah Council</i> (2004)</p>	<p>Council is satisfied that no significant views will be impacted by the proposed development.</p> <p>Council's assessment officer has visited the affected properties at No.3 Nathan Street and notes that existing views are primarily distant outlooks accessed over roof structures of neighbouring sites. The existing outlooks are already partially obstructed by surrounding development, and do not feature any significant natural or built form elements.</p> <p>With consideration to <i>Tenacity Consulting v Warringah Council</i> (2004), the views/ outlooks in question may be classified as partial and obstructed land views without icons, and are therefore considered to be of low significance.</p> <p>The views are considered to be 'borrowed views' in that their existence relies upon the existing single store residence to remain unchanged and the subject land to remain underdeveloped (not developed to the full potential as allowed by Council's planning provisions and controls).</p> <p>Photos of existing outlooks, taken from living rooms of the affected apartments are provided below.</p>





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Outlooks from first floor apartments over the subject site



Issue	Comment
	 

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Issue	Comment
	<p>The district outlooks/ vistas from the second floor appartements (shown below), will be partially retained as the maximum height of development sits below the windows of these apartments</p> <p><u>Outlooks from second floor apartments over the subject site:</u></p>  
<p><u>Stormwater drainage</u></p> <p>Inadequate information is provided on stormwater management</p> <p>The submitted information does not address site-specific topography or flood risk for adjacent lots.</p>	<p>Council's development engineers have reviewed the proposal and raise no objection in relation to stormwater management. Appropriate conditions of consent are recommended to manage potential stormwater impacts.</p>
<p><u>Inaccurate information</u></p> <p>Concerns about attention to detail and inaccuracies within the Statement of Environmental Effects</p>	<p>Council has noted the minor inaccuracies and typos within the Statement of Environmental Effects.</p>
<p><u>Neighbourhood amenity</u></p> <p>The proposed development does not include an assessment of how the proposed development will affect amenity of residents of No.3 Nathan Street.</p>	<p>Amenity impacts of the proposed are discussed within this report.</p>



Issue	Comment
<u>Construction Impacts</u> Construction will result in significant noise and disruption. Concerns about accessibility required for construction activity, including heavy vehicle movements	Conditions are included to manage the construction process including site management plan and noise & vibration management plan. Conditions relating to public safety and site management include requirements to manage traffic flow during the construction process.
<u>Economic Impact</u> The development will negatively and significantly affect property values of the apartments at No.3 Nathan Street, reduce its rental appeal, and may result in the loss of the current tenants	Noted. Impacts to individual property values and rental appeal are not a matter for consideration under the Environmental Planning and Assessment Act 1979.

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## 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

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

### 6.3. 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)

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

The site is zoned Residential R2 Low Density/R3 Medium Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with consent.

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

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
CI 4.4: Floor space ratio (max)	N/A	0.71:1 (168sqm/236.9sqm)  Considered acceptable on merit due to consistency with objectives of Clause 4.4. Refer to Key Issues section for discussion	Refer to Key Issues section
CI 4.3: Building height (max)	9.5m	7.6m	Yes

#### 6.4.1. Clause 5.10 - Heritage conservation

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

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

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 Referrals section of this report.

## 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 section below.

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

## 8.1. Discussion of Key Issues

### Floor Space Ratio – Section 4.4A (4) of Randwick LEP

The subject site is a semi-detached dwelling within the R3 Medium Density Residential zone, on a lot which is less than 300sqm. As per section 4.4A, clause (4) of the Randwick LEP, there is no maximum FSR development standard for sites under 300sqm. However, this only relates to a *maximum* standard and is not a requirement to build up to what is permissible. The FSR must still be suitable for the site.

The development achieves a maximum FSR of 0.71:1 (168sqm/236.9sqm). (**Note.** Council has included all of the attic and library area in the GFA calculations due to being difficulties in verifying the exact 1.4m ceiling height line within the existing attic addition.)

To determine the suitability of the proposed FSR, a merit assessment of the proposed development against the objectives of the Floor Space Ratio development standard is provided below:

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



**Assessing officer's comments:** The subject site is located on Nathan Street. The immediate streetscape is comprised of a mix of detached dwellings, semi-detached dwellings, and low rise residential flat buildings. The proposal is seeking to increase the GFA at the site through the construction of a first floor addition, which ultimately aligns with the desired future, scale and character of the area. Council also notes if the site area had exceeded the 300sqm lot size requirement that a 0.75:1 FSR would have been attributed to the proposal, which is larger than the 0.71:1 proposed under the subject application. It is therefore considered that the proposal is consistent with the size and scale of development and is compatible with the desired future character of the locality. This objective has been achieved.

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

**Assessing officer's comments:** The resultant built form is considered to provide appropriate articulation, noting the constraints of the site associated to narrow frontage width and existing development. It does not propose large expansive rooms that will be inefficient at insulating against cold/hot temperatures and all habitable spaces feature fenestration providing daylight, ventilation and amenity for future occupants. This objective has been achieved.

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

**Assessing officer's comments:** The dwelling is not a heritage item, or located within a heritage conservation area. The site is located adjacent to a heritage item at No. 3 Nathan Street (1487). Council's heritage planner has reviewed the proposed development and considered that the scale of the proposal will not impact upon the significance of the heritage item. This objective has been achieved.

*(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.*

**Assessing officer's comments:** The proposed development has been assessed in detail and any impacts associated with visual bulk, privacy, overshadowing and view loss are considered acceptable and reasonable, subject to conditions imposed. There are no significant views substantially lost through the proposed design. The proposed built form's design, massing and scale are not considered to result in excessive visual bulk as the first floor addition is adequately setback behind the ridgeline at the front of the dwelling, and recessed from the rear alignment of the ground floor envelope. The overshadowing impacts, discuss in detail below, are considered to result from site constraints, rather than inappropriate design. Overall, the FSR of 0.71:1 is not considered to adversely impact on the amenity of adjoining and neighbouring land. This objective has been achieved.

For the reasons mentioned above, the merits of proposed FSR are demonstrated and the overall outcome reflects a reasonable development of the subject land.

### **Overshadowing**

Part C1 section 5.1 of RDCP 2023 requires a minimum of three hours of direct sunlight to be received to the north facing living areas and private open space of neighbouring dwellings, between 8am and 4pm on June 21<sup>st</sup> (winter solstice).

The proposed development is located immediately north of a part three-part four storey residential flat building at No. 3 Nathan Street. During the notification period of the development, submissions were received from owners of apartments on the northern side of No.3 Nathan Street in relation to loss of solar access resulting from the proposed first floor addition.

Following an additional information request, the Applicant provided hourly elevational shadow diagrams to demonstrate solar access impacts to the northern elevation of the apartment building, shown in Figure 10 below.



**Figure 10.** Elevational shadow diagrams to No.3 Nathan Street between 8am and 4pm on June 21<sup>st</sup>.

Council's assessment officer has visited several of the apartments of No. 3 Nathan Street and confirmed that windows to living areas are concentrated along the northern elevation of the building.

The elevational shadow diagrams show that the proposed first floor addition will not impact upon existing solar access to the apartments located on the first and second floors of the apartment.

The two ground floor apartments on the northern side of the apartment building will be impacted by the proposed development. The apartment unit located at the front of the building will still receive three hours of solar access to a portion of north facing living rooms windows in afternoon hours at 2pm, 3pm and 4pm, satisfying the requirements of the RDCP 2023.

The ground floor rear unit is shown to be the most affected, and will receive reduced solar access to north facing living room windows of just two hours, at 8am and 9am in the morning.

Section 5.1 control vii) states that 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.*

In determining the reasonableness of the proposal the following is noted in relation to control vii)

- The first floor addition is modest in height, achieving a maximum building height of 7.6m, which is significantly less than the 9.5m maximum allowable height under the RLEP 2012. As discussed above, the development is satisfactory in relation to the objectives of the FSR development standard under Clause 4.4 of the RLEP 2012.
- The development complies with the site coverage and setback requirements under the RDCP 2023. The achieved side setbacks to the southern boundary, in excess of 3m, have been designed to respond to the existing setback arrangement of the ground floor envelope, and greatly exceed the minimum 900mm allowance under the RDCP 2023.
- The site has an east-west orientation, and therefore some degree of overshadowing from a two storey building to development immediately south is considered to be unavoidable. As identified above, the windows which will receive reduced solar access are limited to ground floor apartments. Due to the orientation of the site, it is likely that any two storey structure will result in overshadowing impacts to neighbouring development immediately south.
- The topography of the site is relatively flat, with a minor fall towards the rear. The existing dwelling sits partially below both the street level, and the ground level of No. 3 Nathan Street. Due to this, the overall overshadowing impacts are lesser than if the existing dwelling had previously been constructed at the height of the street level.

In light of the above assessment, the overshadowing impacts resulting from the proposed first floor addition are considered to result from site constraints, rather than inappropriate design, and therefore the proposed development is considered acceptable on merit in the circumstances of the case.

### **Visual privacy**

Part C1 Section 5.3 of RDCP 2023 seeks to ensure that development minimises overlooking or cross-viewing of neighbouring dwellings to maintain reasonable levels of privacy.



During the notification of the development, submissions from owners of the neighbouring apartment building at No.3 Nathan street raised concern about potential crossviewing between the proposed first floor addition and livign areas of the apartments.

The ground floor windows along the southern elevation of the development remain largely unchanged (except for the removal of one window at the location of the new staircase), and therefore are not considered to raise concern in relation to visual privacy. To the first floor, windows W04 (staircase) and W05 (bathroom), are propsoed to be treated with obscured glazing, reducing overlooking to neighbouring sites. W05 to the bathroom is located directly opposite bathrooms of the neighbouring apartment building, which similarly feature obscured glazing.

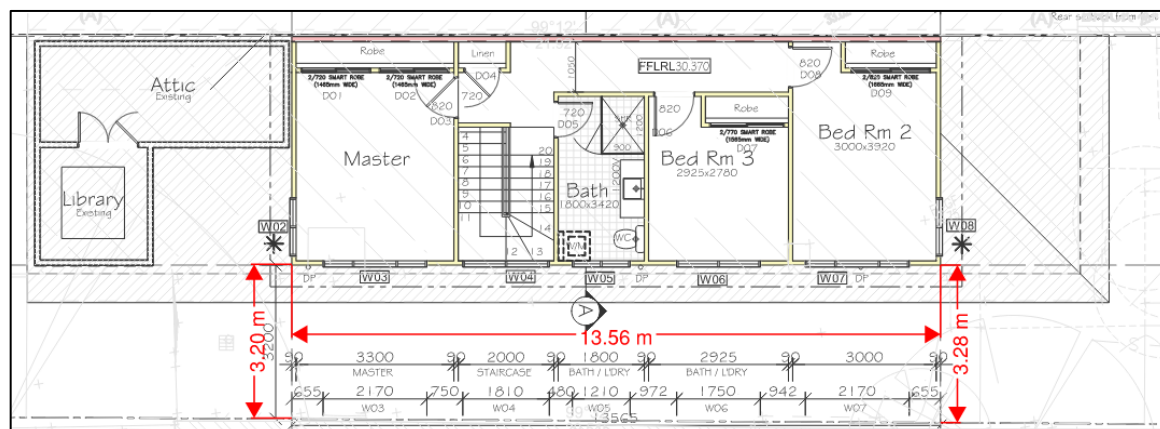
Bedroom windows along the southern elevation (W03, W06 and W07) feature variable sill heights of 900mm to 1.2m from the finished floor level. While the windows are slightly staggered from living room and kitchen windows of the neighbouring apartment building, the positioning of the windows would enable general sightlines to and from multiple levels of apartments at No.3 Nathan Street .

To ensure reaosnable privacy is retained between the two sites, conditions are recommended to require windows W03,W06 and W07 to be amended to feature a minimum sill height of 1.6m above the finished floor level, or alternatively translucent glazing or privacy screen treatments to a height of 1.6m above the finished floor level.

Subject to the recommended condtions, Council is satisfied that reaosnable privacy will be retained between No.3 and No.5 Nathan Street.

### **Building Articulation**

Part C1 Section 4.1 requires side elevations to be divide side elevations into sections of no more than 12m in length. The first floor addition provides unarticulated wall lengths of 13.65m (Figure 10.) to the southern elevation, exceeding the maximum wall length requirements of the RDCP.



**Figure 11.** Unarticulated wall length to the southern elevation (Source: Sydney Drafting Concepts & Design). The minor variation to the wall length control is considered to remain consistent with the objectives of section 4 of RDCP, and acceptable on merit for the following reasons:

- The first floor addition is recessed from the ground floor envelope to the front and the rear, reducing the visual bulk associated with the proposal as viewed from the street.
- The overall form and massing of the addition appropriately responds to the site's constraints and the established built form. Generous side setbacks of 3.2 metres—significantly greater than the 0.9 metre minimum—assist in mitigating bulk and preserving visual separation from adjoining properties.
- The site has a constrained frontage width of 7.95 metres. The combination of narrow site dimensions and the generous side setbacks limits the potential for articulation without compromising the internal functionality of the dwelling. Requiring further recesses would negatively impact the internal layout and usability of the floor plan.

- Visual articulation between the existing ground floor and the proposed first floor is achieved through variation in materials and finishes, with traditional brickwork retained below and contemporary treatments applied above. Additionally, window openings along the southern elevation help break up the façade and reduce the impact of an unarticulated wall lengths.

In light of the above, while the development does not strictly comply with the articulation requirements of the RDCP, the overall design of the development delivers a built form outcome which balances the visual presentation of the dwelling from the public domain and surrounding properties, while providing an internal configuration which provides functionality and amenity for the occupants.

**Parking facilities**

Under Section 3.2, Part B7 of the DCP:

*Where development comprises an extension, modification or change of use to an existing development, Council will generally only require that additional parking be provided to cater for the additional demands arising from increases in floor space or changes in use.*

The proposed development involves additional floor space, increasing the number of bedrooms from two (2) to from (4). The additional bedrooms increase the required parking rates for the residence. The required parking rates relevant to the proposal are shown in Table 1 of Section 3.2, Part B7 of the RDCP 2013. The relevant rate is replicated below:

Proposed use	Vehicle	Motor cycle/scooter
RESIDENTIAL		
Dwelling houses/dual occupancies, semi-detached dwellings, attached dwellings	1 space per dwelling house with up to 2 bedrooms 2 spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed	

**Figure 12.** Parking rate requirements under Part B7 of RDCP 2023 (Source: Randwick City Council).

While the proposal increases the number of bedrooms, it seeks to retain the existing single car parking space. Despite the variation to required parking rates under the RDCP 2013, the proposed development is considered acceptable on merit through consideration of the following matters:

- The scale and extent of the proposed alterations and additions to the dwelling house. The proposed extension is modest in size and overall will improve the internal amenity of the residence.
- The dimensions and constraints of subject site – noting that the site is already built-up and highly modified with limited areas within the front setback to accommodate any additional parking onsite.
- The subject site having reasonable access to public transportation, with bus routes to Bondi Junction and the Sydney CBD located along Carrington Road (within 300m of the site).

Based on the above considerations and on balance, the proposed variation to the minimum parking rates for the development demonstrates merit and is regarded as reasonable and acceptable. As such, the proposed parking arrangement in-combination with the additional floor space/bedrooms for the residence, is considered a supportable outcome.

## 9. Conclusion

That the application to alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the R3 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- To improve the proposed development in relation to the objectives and controls of the RDCP 2023, the following non-standard conditions are recommended:
  - Privacy treatments to be applied to the first floor bedroom windows along the southern elevation (W03, W06 & W07). – (Condition 2)
  - The exposed party wall along the northern elevation to be treated with high-quality, durable and non-reflective external finishes. The finishes must be compatible with the remainder of the development. – (Condition 5)

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## Appendix 1: Referrals

### 1. Internal referral comments:

#### 1.1. Heritage Planner

##### **The Site**

*Subject site is not a heritage item nor located within a heritage conservation area. However the site is adjacent locally listed Inter War residential flat building, 1487.*

##### **Background**

*Approved DA/920/2014 - New front car space and associated staircases*

##### **Proposal**

*Alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition*

##### **Submission**

*D05765465 – Architectural drawings*

*D05765478 - HIS*

##### **Controls**

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

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

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

##### **Comments**

*The proposed development appears to have no significant visual or material impact on the heritage item.*

##### **Recommendation**

*The proposal is supported from a heritage perspective, no further condition is required.*

**Assessment officer comment:** The Heritage Planner's comments and have been considered in the assessment of the application. No further conditions are included in relation to heritage conservation.

#### 1.2. Development Engineer and Landscape Development Officer

*An application has been received for alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition.*

*This report is based on the following plans and documentation:*

- *Architectural Plans by Sydney Drafting Concepts and Designs dated 22/5/2025.*
- *Statement of Environmental Effects by Sydney Drafting Concepts and Designs dated 22/3/2025.*
- *Detail & Level Survey by C & A Surveyors dated 7/2/2025.*
- *Stormwater Drainage Plan by TCSM Engineering Consultants dated 14/5/2025.*

##### **General Comments**

*The application is not supported due to a proposed off-street parking shortfall, conditions have been provided should the application be approved.*



## Parking Issues

### Current Situation/Context

The site currently comprises of a 2-bedroom dwelling which under Part B7 of Council's DCP 2013 would require the minimum provision of 1 off-street carspace. One space has been provided within the existing hardstand and so the site presently fully complies with its parking obligations under the DCP.

### Proposed Development

The application proposes a new first floor addition. The number of bedrooms will increase from 2 to 4 bedrooms which will generate an additional parking demand of 1 space under the DCP Parking rates.

No additional parking has been proposed and so this demand will be burdened by the surrounding street network. As a result, there is a parking shortfall of one carspace.

The locality is experiencing high parking pressures with only very limited on-street parking available in Nathan St.

An examination of Google Street view images as well as a site inspection conducted on 2/7/2025 and 3/7/2025 at 11am and 2pm indicates a very high demand for on-street parking with no parking available at the time of the first inspection. On the second inspection there was one available carspace in Nathan St (see photos below).

**Nathan Street (view north) – 11am 2/7/2025    Nathan Street (view east) – 11am 2/7/2025**



**The high on-street parking demand and proposed parking shortfall prevents Development Engineering from supporting this application.**

### **Drainage Comments**

The submitted stormwater management plans indicate stormwater runoff from the redeveloped portion of the site will be connected into the existing system which then drains to the street gutter. This is acceptable to Development Engineering, however, to provide flexibility at the construction certificate stage the stormwater plans shall not be approved as part of this consent.

*Instead, Development Engineering has included a condition detailing the stormwater drainage requirements which shall be implemented to the satisfaction of the Certifier with details are to be included in the construction certificate:*

*Generally surface water/stormwater is to be drained and discharged to the street gutter or, subject to site suitability, the stormwater may also be drained to a suitably designed absorption pit;*

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

*It is noted that the mains power pole is located on the opposite side of the street. As a result, should the existing overhead power feed from the Ausgrid Power Pole need to be reconnected it may be reconnected as either of the following methods:*

- a) From the power pole directly to the façade of dwelling/s, similar to the existing connection, to the satisfaction of Ausgrid.*
- b) Relocate the existing overhead power feed from the distribution pole in the street to the development site via a private pole.*

#### **Tree Management & Landscape Comments**

*The site inspection of 11 August 2025 (see D05816585) revealed that the large and mature Gum tree that is located just beyond the southwest site corner, wholly in the front setback of the adjoining private property at no.3, close to the common boundary, will not be impacted by these works, as despite the northern aspect of its crown overhanging above almost the entire width of this development site, it is at such a height that no conflict would result from machinery, the delivery of materials and similar, and is also physically separated at ground level by the existing low brick wall and dividing fence, so conditions are not needed in this case.*

*Now progressing within the development site, about halfway along the southern side setback is a mature, 10m tall Cocos Palm that has already grown up and through the existing open timber awning/pergola and has been shown for removal on the Site Plan (sheet 4).*

*This species is exempt from the DCP, meaning it could already be removed at any time, without consent, even irrespective of this development, so while no works are indicated for this area, the necessary approval for its removal has been included in this report.*

*Still within the subject site, further to the east, near the eastern end of the open awning/pergola is then a 6-8m tall, multi-trunk Archontophoenix cunninghamiana (Bangalow Palm) which while being a non-endemic native feature species that is protected by the DCP, is growing in a very restricted area surrounded by brick paving, with a 1.5m high sandstone block retaining wall also immediately to its south.*

*Whilst no works are shown for this area, it is not significant to the site or local environment in any way, so no objections are raised to its removal as sought, with there being insufficient space due to the presence of the awning and wall described above to provide any meaningful replacement plantings back in this same area.*

*It also seems obvious that the open awning/pergola structure will be covered with roof sheets at some stage to provide weather protection for the courtyard, which would also then improve their privacy and amenity by reducing direct overlooking into the private open space from the adjoining unit complex at no.3 to the south.*

*Still within the rear of this development site, around in the eastern setback is another twin trunk, 6-8m tall Archontophoenix cunninghamiana (Bangalow Palm) which is already exempt from the DCP due its location hard up against the eastern wall of the existing dwelling (due to being within a 2 metre radius), meaning it could also be removed at any time, without consent, independent of these works, so the relevant consent for this has also been provided.*

*The other shrubs and trees on neighbouring properties, close to the common boundaries will not be impacted given that all works associated with the new First Floor will be contained within the footprint of the existing Ground Floor Level, so no other conditions are needed.*

*And lastly, as this application will not increase site coverage by 10% or more, this means the Deep Soil & Permeable Surfaces and Landscaping & Tree Canopy Cover controls at Sections 2.5 – 2.6 of the C1 DCP do not apply.*

**Assessment officer comment:** The comments from Council's Development Engineer and Landscape Development Officer have been considered in the assessment of the application. The shortfall in parking spaces is acknowledged, however considered acceptable on merit in this instance. Refer to Key Issues section for discussion.

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**Appendix 2: DCP Compliance Table****Part B2: Heritage**

The matters in relation to the heritage have been assessed and addressed by Council's Heritage Officer.

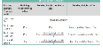
**Part C1: Low Density Residential (2023)**

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	
<b>2</b>	<b>Site planning</b>	Site = 236.9sqm	
<b>2.1</b>	<b>Minimum lot size</b>		
<b>2.4</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% *Site area is measured on the overall site area (not proposed allotment areas)	Proposed = 46.43% (110/236.9sqm)	Yes
<b>2.5</b>	<b>Deep soil permeable surfaces</b>		
	Up to 300 sqm = 30% 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 between the pair of dwellings.	Proposed: 27.4% (65sqm/236.9sqm).  The site does not change site coverage by more than 10% and therefore does not trigger the site wide deep soil requirements.  The proposed development will improve the deep soil outcome at the site by removing an existing shed and associated paving within the rear yard, and replacing the groundcover with soft landscaping.  Deep soil within the front setback = 53% (12.8sqm/24sqm)	Considered acceptable
<b>2.6</b>	<b>Landscaping and tree canopy cover</b>		
	Minimum 25% canopy coverage Up to 300 sqm = 2 large trees i) Minimum 25% front setback area permeable surfaces ii) 60% native species	The site does not change site coverage by more than 10% and therefore does not trigger the site wide canopy tree requirements.  The development involves the removal of 2 x palm trees and an arrangement of small shrubs within the rear yard. Council's landscape officer has reviewed the proposal	Considered acceptable



DCP Clause	Controls	Proposal	Compliance
		and raises no objection to the vegetation removal subject to conditions of consent. Vegetation on neighbouring sites is considered to provide appropriate canopy coverage to the subject site.  landscaping within the front setback = 53% (12.8sqm/24sqm)	
<b>2.7</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	Up to 300 sqm = 5m x 5m	Proposed = 6.2m x 4.2m continuous area achieved at the rear of the property. Additional private open space is afforded along the southern side setback of the property due to the generous width in excess of 3m.  Private open space is directly accessible from the living room.  The private open space features a suitable mix of lawned areas, garden beds, and paved courtyard, supporting a mix of passive recreational activities.	Considered acceptable due to existing built form constraints at the site.
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = merit</b>	Proposed = 0.71:1 (168sqm/236.9sqm)	Refer to Key Issues section
<b>3.2</b>	<b>Building height</b>		
	<b>Building height LEP 2012 =</b>	Proposed = 7.6m	Yes
	i) Habitable space above 1st floor level must be integrated into roofline ii) Minimum ceiling height = 2.7m iii) Minimum floor height = 3.1m (except above 1st floor level) iv) Maximum 2 storey height at street frontage v) Alternative design which varies 2 storey street presentation may be accepted with regards to: <ul style="list-style-type: none"> <li>- Topography</li> <li>- Site orientation</li> <li>- Lot configuration</li> <li>- Flooding</li> </ul>	Two storey height and street frontage achieved. No habitable space is provided above the first floor level  Minimum ceiling heights of 2.7m achieved.	Yes

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>Lot dimensions</li> <li>Impacts on visual amenity, solar access, privacy and views of adjoining properties.</li> </ul>		
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b> <ul style="list-style-type: none"> <li>i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment.</li> <li>ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> <li>900mm for allotments with primary frontage width of less than 7m</li> <li>1500mm for all other sites</li> <li>Should align with setbacks of adjoining dwellings</li> </ul> </li> <li>iii) Do not locate swimming pools, above-ground rainwater tanks and outbuildings in front.</li> </ul>	<u>Proposed</u>  GF: 3m ( as existing) FF: 8.5m  The first floor addition is sited behind the apex of the ridgeline, and achieves a comparable front setback to the recently constructed first floor addition at No.11 Nathan Street (DA/2/2023).	Yes
<b>3.3.2</b>	<b>Side setbacks</b> 	<u>Proposed</u>  GF: 2.95m – 3.11m  FF: 3.2m-3.27m	Yes
<b>3.3.3</b>	<b>Rear setbacks</b> <ul style="list-style-type: none"> <li>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</li> <li>ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> <li>Existing predominant rear setback line</li> <li>Reasonable view sharing (public and private)</li> <li>Protect the privacy and solar access</li> </ul> </li> <li>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions.</li> <li>iv) For irregularly shaped lots = merit assessment on basis of:- <ul style="list-style-type: none"> <li>Compatibility</li> <li>POS dimensions comply</li> <li>minimise solar access, privacy and view sharing impacts</li> </ul> </li> </ul> <p><i>*Definition: predominant rear setback is the average of adjacent dwellings on either side and is determined separately for each storey.</i></p> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings.</p>	Minimum = 7.38m (29.545m/4)  <u>Existing</u> GF : 3.15m-4.47m  <u>Proposed</u>  GF: 4.47m (partial improvement on existing through removal of store room addition at the rear)  FF: 7.405m  The proposed development maintains and improves the existing rear setback to the ground floor. The first floor rear setback complies with the minimum numerical requirements based on the allotment dimensions.  With regards to control ii) the development is considered to achieve comparable rear	Yes

DCP Clause	Controls	Proposal	Compliance
		<p>setbacks to the neighbouring residential flat building at No. 3 Nathan Street, and the recently constructed first floor addition at No.11 Nathan Street (minimum rear setback of 7.4m).</p> <p>The proposed rear setback does not impact upon significant views within the locality.</p> <p>While some overshadowing to No. 3 Nathan Street will occur, this impact is primarily a result of site orientation rather than any design non-compliance. Given the existing built form configuration—particularly the substantial side setbacks at ground level—any requirement for a deeper rear setback would unreasonably limit the achievable and reasonable built form on the site.</p> <p>In light of the above, the proposed rear setback is considered to be appropriate in the site context.</p>	
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> <li>• balconies appropriately sized</li> <li>• Minimum bedroom sizes: 10sqm master bedroom (3m dimension), 9sqm bedroom (3m dimension).</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous wall length of 13.5m, considered acceptable due to constrained arrangement of the site, and providing side setbacks well in excess of minimum requirements.</li> <li>• No balconies proposed</li> <li>• Bedrooms 3</li> </ul>	<p>Considered acceptable refer to Key Issues on articulation</p>

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DCP Clause	Controls	Proposal	Compliance
		achieves dimensions of 2.925m x 2.78m (excluding wardrobe). The minor non-compliance with minimum dimension requirements is considered acceptable due to the existing built form constraints associated with the narrow dwelling width. The bedrooms achieves dimensions of 2.925m x 3.42m when the wardrobe is included. The remaining three bedrooms exceed the dimension requirements.	
<b>4.3</b>	<b>Alterations and additions to semi-detached and dual occupancy (attached) dwellings</b>		
	<ul style="list-style-type: none"> <li>• Respect and enhance architectural character of pair, including symmetry</li> <li>• Setback upper addition from street (to rear) with substantial portion of existing front intact</li> <li>• Locate upper addition behind apex of hipped roofed houses</li> <li>• Setback upper addition from gable end 100% of the height increase and retain any existing gable features and chimneys</li> <li>• Low profile roof form that is visually secondary to existing</li> <li>• Avoid exposure of existing blank party walls</li> <li>• Materials enhance character of the pair</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed first floor addition is not considered to impact upon the character of the pair of semi-detached dwellings</li> <li>• The addition is located behind the apex of the hipped roof form, and setback in excess of 8m from street.</li> <li>• The addition incorporates a low profile skillion roof form which remains secondary to the hipped roof form addressing the street.</li> <li>• No existing party walls exposed by the proposal.</li> <li>• The proposed development will result in the exposure of a blank party wall along the common boundary, due to the adjoining</li> </ul>	Yes – subject to conditions



DCP Clause	Controls	Proposal	Compliance
		semi-detached dwelling remaining as a single storey building. Conditions are included to ensure that the exposed party walls are appropriately treated on both sides	
<b>4.5</b>	<b>Roof design and features</b>		
	<p><i>Dormers</i></p> <ul style="list-style-type: none"> <li>i) Dormer windows do not dominate</li> <li>ii) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</li> <li>iii) Multiple dormers consistent</li> <li>iv) Suitable for existing</li> </ul> <p><i>Clerestory windows and skylights</i></p> <ul style="list-style-type: none"> <li>v) Sympathetic to design of dwelling</li> </ul> <p><i>Mechanical equipment</i></p> <ul style="list-style-type: none"> <li>vi) Contained within roof form and not visible from street and surrounding properties.</li> </ul>	N/A	
<b>4.6</b>	<b>Colours, Materials and Finishes</b>		
	<ul style="list-style-type: none"> <li>i) Schedule of materials and finishes.</li> <li>ii) Finishing is durable and non-reflective and uses lighter colours.</li> <li>iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration)</li> <li>iv) Articulate and create visual interest by using combination of materials and finishes.</li> <li>v) Suitable for the local climate to withstand natural weathering, ageing and deterioration.</li> <li>vi) Recycle and re-use sandstone</li> </ul>	<p>The proposed colours, materials and finishes include a mix of light neutral tones, in addition to retaining original brickwork to the ground floor of the development.</p> <p>Conditions are recommended to ensure the exposed party wall along the northern elevation is treated with appropriate finishes.</p>	Yes - subject to conditions.
<b>4.7</b>	<b>Earthworks</b>		
	<ul style="list-style-type: none"> <li>i) Excavation and backfilling limited to 1m, unless gradient too steep</li> <li>ii) Minimum 900mm side and rear setback</li> <li>iii) Subterranean spaces must not be habitable</li> <li>iv) Step retaining walls.</li> <li>v) If site conditions require setbacks &lt; 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm.</li> <li>vi) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping)</li> <li>vii) cut and fill for POS is terraced</li> </ul>	Not proposed	N/A

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DCP Clause	Controls	Proposal	Compliance
	<p>where site has significant slope:</p> <p>viii) adopt a split-level design</p> <p>ix) Minimise height and extent of any exposed under-croft areas.</p>		
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	<p>i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June</p> <p>ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</p>	<p>The development does not feature any north facing windows, as the northern elevation is the party wall adjoining No. 7 Nathan Street.</p> <p>The development will receive solar access to living areas in the morning hours due to the east facing doors and windows which lead to the private open space at the rear of the site.</p> <p>The POS of the site receives sufficient solar access on June 21<sup>st</sup>.</p>	Considered acceptable
	<b>Solar access to neighbouring development:</b>		
	<p>i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June.</p> <p>iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</p> <p>v) Solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not &lt;6m above ground) of neighbouring dwellings.</p> <p>vi) Variations may be acceptable subject to a merits assessment with regard to:</p> <ul style="list-style-type: none"> <li>Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>Topography of the subject and adjoining allotments.</li> <li>Location and level of the windows in question.</li> <li>Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	<p>Due to the orientation of the site, the development will overshadow north facing living rooms windows of the neighbouring apartment building at No.3 Nathan Street.</p> <p>The extent of overshadowing is limited to ground floor windows, and is attributed to site orientation rather than inappropriate design.</p> <p>Council considers that any two storey structure at the site would result in overshadowing impacts to the neighbouring property.</p> <p>The communal open space of the neighbouring apartment building will</p>	Refer to Key Issues section

DCP Clause	Controls	Proposal	Compliance
		continue to receive sufficient solar access between 8am and 4pm on June 21 <sup>st</sup> .	
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	<p>i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as:</p> <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> </ul> <p>ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries</p> <p>iii) Living rooms contain windows and doors opening to outdoor areas</p> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>	<p>The development application is supported by a satisfactory BASIX certificate, demonstrating consistency with energy efficiency targets for new development.</p> <p>Natural daylight and ventilation is provided to all habitable areas of the dwelling, including bathrooms.</p> <p>Fixed windows to the new stairwell provide natural daylight to circulation areas of the dwelling.</p>	Yes
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	<p>i) Proposed habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures:</p> <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up to 1600mm minimum.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> <p>ii) Orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)</p>	<p>Conditions are included to address potential privacy impacts between the first floor addition and neighbouring apartments at No.3 Nathan Street.</p> <p>Refer to Key Issues section.</p>	Refer to Key Issues section
<b>5.4</b>	<b>Acoustic Privacy</b>		
	<p>i) Noise sources not located adjacent to adjoining dwellings bedroom windows</p> <p><i>Attached dual occupancies</i></p> <p>ii) Reduce noise transmission between dwellings by:</p> <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each other.</li> <li>- Locate less sensitive areas adjacent to the party wall to serve as noise buffer.</li> </ul>	Council is satisfied that the development will not result in unreasonable noise transmission to neighbouring properties.	Yes
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings,	Council is satisfied that the proposed	Yes

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DCP Clause	Controls	Proposal	Compliance
	<p>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>development achieves reasonable view sharing.</p> <p>Submissions from the neighbouring residential flat building have raised concern that the development will result in a loss of vistas across the locality. Council has considered the submissions and notes that the outlooks which will be most affected are of low significance, being partial and obstructed land views without icons.</p> <p>The views are considered to be 'borrowed views' in that their existence relies upon the existing single store residence to remain unchanged and the subject land to remain underdeveloped (not developed to the full potential as allowed by Council's planning provisions and controls).</p> <p>Vista outlooks from the second floor apartments will be partially retained, due to the height from which these outlooks are obtained.</p>	



6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	All dwellings		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m; and - Consistent with pattern in the street; and - Landscaping provided in the front yard. v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces)	As existing – single parking space and crossover to Nathan Street retained.	N/A

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### 3.2 Section B7: Transport, Traffic, Parking and Access

DCP Clause	Controls	Proposal	Compliance
3.2	Vehicle Parking Rates		
	1 x Space per dwelling house with up to 2 bedrooms 2 x Spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed.	4 bedrooms proposed.  1 parking space provided.	No – refer to Key Issues section

**Responsible officer:** Elizabeth James, Environmental Planning Officer

**File Reference:** DA/613/2025

## Draft Development Consent Conditions (Dwellings and Dual Occupancies)



<b>Folder /DA No:</b>	DA/613/2025
<b>Property:</b>	5 Nathan Street, COOGEE NSW 2034
<b>Proposal:</b>	Alterations and additions to existing semi-detached dwelling including changes to ground floor layout and new first floor addition.
<b>Recommendation:</b>	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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
Site Plan – Sheet 4 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Demolition Plan – Sheet 8 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Proposed Ground Floor Plan – Sheet 9 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Proposed First Floor Plan – Sheet 10 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Proposed Roof Plan – Sheet 11 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Proposed Elevations – Sheet 12 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Proposed Elevations – Sheet 13 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Section A-A – Sheet 14 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025
Window & Door Schedule – Sheet 15 – Rev 8	Sydney Drafting Concept & Design	13 August 2025	14 August 2025

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
A1796561	22 May 2025	1 July 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.

Condition	
2.	<p><b>Amendment of Plans &amp; Documentation</b></p> <p>The approved plans and documents must be amended in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>The following window/s must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height: <ul style="list-style-type: none"> <li>W03 (Master bedroom), W06 (Bedroom 3), W07 (Bedroom 2)</li> </ul> </li> <li>The exposed party wall along the northern elevation (common boundary between No. 5 and No.7 Nathan Street) must be nominated to be treated with appropriate materials and finishes.</li> </ol> <p>Amended plans must be submitted to and approved by the Principal Certifier prior to the issue of any construction certificate.</p> <p>The above amendment/s must be reflected in the final construction plans and any documentation submitted as part of any construction certificate.</p> <p>Condition Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.</p>

## BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
3.	<p><b>Consent Requirements</b></p> <p>The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.</p> <p>Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.</p>
4.	<p><b>External Colours, Materials &amp; Finishes</b></p> <p>The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.</p> <p>Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.</p> <p>Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.</p>
5.	<p><b>Section 7.12 Development Contributions</b></p> <p>Development Contributions are required in accordance with the applicable Randwick City Council Development Contributions Plan, based on the development cost of \$329,000.00 the following applicable monetary levy must be paid to Council: \$3,290.00.</p> <p>The levy must be paid in <b>cash, bank cheque</b> or by <b>credit card</b> 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</p>

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Condition

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telephone **9093 6000** or **1300 722 542** for the indexed contribution amount prior to payment.

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

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

Council's Development Contributions Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

Condition Reason: To ensure relevant contributions are paid.

#### 6. 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.

#### 7. 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.

	Condition
8.	<p><b>Sydney Water</b> All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> <li>• Building plan approvals</li> <li>• Connection and disconnection approvals</li> <li>• Diagrams</li> <li>• Trade waste approvals</li> <li>• Pressure information</li> <li>• Water meter installations</li> <li>• Pressure boosting and pump approvals</li> <li>• Change to an existing service or asset, e.g. relocating or moving an asset.</li> </ul> <p>Sydney Water's Tap in™ online service is available at: <a href="https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm">https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</a></p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
9.	<p><b>Building Code of Australia</b> In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and 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>
10.	<p><b>Structural Adequacy</b> Certificate of Adequacy supplied by a professional engineer shall be submitted to the Certifier (and the Council, if the Council is not the Certifier), certifying the structural adequacy of the existing structure to support the first floor addition.</p> <p>Condition Reason: To ensure the structural integrity of the building is maintained.</p>
11.	<p><b>BASIX Requirements</b> 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</p>



	Condition
	<p>and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
12.	<p><b>Excavation Earthworks and Support of Adjoining Land</b></p> <p>Details of proposed excavations and support of the adjoining land and buildings are to be prepared and be included in the construction certificate, to the satisfaction of the appointed Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
13.	<p><b>Excavation, Earthworks and Support of Adjoining Land</b></p> <p>A report must be obtained from a professional engineer prior to undertaking demolition, excavation or building work in the following circumstances, which details the methods of support for any buildings located on the adjoining land, to the satisfaction of the Principal Certifier:</p> <ul style="list-style-type: none"> <li>• when undertaking excavation or building work within the zone of influence of the footings of a dwelling or other building that is located on the adjoining land;</li> <li>• when undertaking demolition work to a wall of a dwelling or other substantial structure that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);</li> <li>• when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land; and</li> <li>• as otherwise may be required by the Certifier for the development.</li> </ul> <p>The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure adjoining land is adequately supported.</p>
14.	<p><b>Stormwater Drainage</b></p> <p><u>Stormwater plans shall not be approved as part of this consent.</u> Surface water runoff from building work and structures must satisfy the following requirements (as applicable), to the satisfaction of the Certifier and details are to be included in the construction certificate:</p> <ol style="list-style-type: none"> <li>a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);</li> <li>b) The surface water/stormwater is to be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;</li> <li>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 or cause a nuisance;</li> <li>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;</li> </ol>

Condition
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.

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

### BEFORE BUILDING WORK COMMENCES

Condition
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**15. 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.

**16. 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.

**17. Dilapidation Reports**

A dilapidation report must be obtained from a Professional Engineer, Building

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Condition

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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.

**18. Construction Site Management Plan**

A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

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

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

A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

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

Condition	
19.	<p><b>Construction Site Management Plan</b></p> <p>A <i>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>
20.	<p><b>Construction Noise &amp; Vibration Management Plan</b></p> <p>Noise and vibration from the works are to be minimised and mitigated by implementing appropriate noise management and mitigation strategies.</p> <p>A Construction Noise &amp; Vibration Management Plan Guideline must be prepared by a suitably qualified person in accordance with the Environment Protection Authority Construction Noise and the Assessing Vibration: A Technical Guideline and be implemented throughout the works. A copy of the Construction Noise Management Plan must be provided to the Principal Certifier and Council prior to the commencement of any site works.</p> <p>Condition Reason: To protect the amenity of the neighbourhood during construction.</p>
21.	<p><b>Public Utilities</b></p> <p>A <i>Public Utility Impact Assessment</i> must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>
22.	<p><b>Public Utilities</b></p> <p>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.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>

## DURING BUILDING WORK

Condition	
23.	<p><b>Site Signage</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>showing the name, address and telephone number of the principal certifier for the work, and</li> <li>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</li> <li>stating that unauthorised entry to the work site is prohibited.</li> </ol> <p>The sign must be—</p> <ol style="list-style-type: none"> <li>maintained while the building work is being carried out, and</li> <li>removed when the work has been completed.</li> </ol>

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Condition

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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.

24. **Restriction on Working Hours**

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

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

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

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

25. **Construction Site Management**

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

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

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

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

Notes:

- Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.
- A separate Local Approval application must be submitted to and approved



- |     | Condition   |
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|     | <i>by Council's Health, Building &amp; Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.</i>   |
|     | Condition Reason: To require measures that will protect the public, and the surrounding environment, during site works and construction.  |
| 26. | <p><b>Public Safety &amp; Site Management</b></p> <p>Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p> |
| 27. | <p><b>Excavations and Support of Adjoining Land</b></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</p>  |

	Condition
	<p>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>
28.	<p><b>Building Encroachments</b></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>
29.	<p><b>Road / Asset Opening Permit</b></p> <p>A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.</p> <p>The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.</p> <p>For further information, and access to the Asset Opening Permit application form please visit Council's website at</p> <p><a href="https://www.randwick.nsw.gov.au/services/roads/road-and-footpath-excavations">https://www.randwick.nsw.gov.au/services/roads/road-and-footpath-excavations</a></p> <p>or ring the call centre on 1300 722 542</p> <p>Condition Reason: To ensure protection and/or repair of Council's Road &amp; footpath assets and ensure public safety.</p>
30.	<p><b>Ausgrid Power Feed Connection</b></p> <p>Should the existing overhead power feed from the Ausgrid Power Pole need to be reconnected to the site during any stage of building works it is to comply with either of the following methods:</p> <ol style="list-style-type: none"> <li>From the power pole directly to the façade of dwelling/s, similar to the existing connection, to the satisfaction of Ausgrid.</li> <li>Relocate the existing overhead power feed from the distribution pole in the street to the development site via a private pole.</li> </ol> <p>Condition Reason: To minimise the use of private poles in accordance with Council's resolution and protect street amenity.</p>
31.	<p><b>Tree Management</b></p> <p>Approval is granted for removal of the following vegetation from within this development site:</p> <ol style="list-style-type: none"> <li>The mature Cocos Palm about halfway along the southern side setback, which has already grown up and through the existing open timber awning/pergola, as this species is exempt from the DCP, meaning it could already be removed at any time, without consent, even irrespective of this development.</li> </ol>

Condition	
b.	Further to the east, near the eastern end of the open awning/ pergola, the multi-trunk <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) as despite no works being indicated for this area and being protected by the DCP, it is growing in a very restricted area surrounded by brick paving at ground level, a sandstone block retaining wall/fence immediately to its south and a pergola structure above, with its removal to improve accessibility of the private open space as well as allow future weather protection of the courtyard.
c.	Still within the rear of this development site, around in the eastern setback, another twin trunk <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) as this one is also exempt from the DCP due its location hard up against the eastern wall of the existing dwelling (due to being within a 2 metre radius), meaning it could also be removed at any time, without consent, independent of these works.

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

### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
32.	<p><b>Occupation Certificate Requirements</b></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>
33.	<p><b>BASIX Requirements</b></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>
34.	<p><b>Council's Infrastructure, Vehicular Crossings and Street Verge</b></p> <p>The Applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb &amp; gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.</p> <p>Condition Reason: To ensure works on Council property are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
35.	<p><b>Council's Infrastructure, Vehicular Crossings and Street Verge</b></p> <p>All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings</p>

Condition	
	Policy" and the following requirements:
	<p>(a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 8 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.</p> <p>(b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.</p> <p>(c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.</p>

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

36. **Stormwater Drainage**

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

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

## OCCUPATION AND ONGOING USE

Condition	
37.	<p><b>Use of Premises</b></p> <p>The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.</p> <p>Condition Reason: To ensure the development is used for its intended purpose.</p>
38.	<p><b>External Lighting</b></p> <p>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>
39.	<p><b>Waste Management</b></p> <p>Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.</p> <p>Condition Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste.</p>
40.	<p><b>Plant &amp; Equipment</b></p> <p>Noise from the operation of all plant and equipment upon the premises shall not give</p>

	Condition
	rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i> .
	Condition Reason: To protect the amenity of the surrounding area and residents.
41.	<p><b>Use of parking spaces</b></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>

### DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

	Condition
42.	<p><b>Demolition Work</b></p> <p>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"> <li>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.</li> <li>b) The Demolition Work Plan must include the following details (as applicable): <ul style="list-style-type: none"> <li>• The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor</li> <li>• Details of hazardous materials in the building (including materials containing asbestos)</li> <li>• Method/s of demolition (including removal of any hazardous materials including materials containing asbestos)</li> <li>• Measures and processes to be implemented to ensure the health &amp; safety of workers and community</li> <li>• Measures to be implemented to minimise any airborne dust and asbestos</li> <li>• Methods and location of disposal of any hazardous materials (including asbestos)</li> <li>• Other measures to be implemented to ensure public health and safety</li> <li>• Date the demolition works will commence/finish.</li> </ul> </li> </ol> <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 10m<sup>2</sup> of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.</i></p>



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Condition

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

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

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DURING DEMOLITION WORK

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Condition

## 43. 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.

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

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works.

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

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://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.