

# Randwick Local Planning Panel (Electronic) Meeting

Thursday 12 March 2026



**RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING**

Notice is hereby given that a Randwick Local Planning Panel (Electronic) meeting will be held online via Microsoft Team on Thursday, 12 March 2026

**Declarations of Pecuniary and Non-Pecuniary Interests**

**Development Application Reports**

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Meryl Bishop  
**DIRECTOR CITY PLANNING**

## Development Application Report No. D9/26

**Subject:** 201 Darley Road, Randwick (DA/1276/2025)

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### Executive Summary

<b>Proposal:</b>	Alterations and additions to existing semi-detached dwelling including changes to and rear extension of ground floor layout, new side gate at secondary street frontage and construction of a new deck, swimming pool and side fencing (Heritage Item and North Randwick Heritage Conservation Area).
<b>Ward:</b>	North Ward
<b>Owner:</b>	Mr M B Paradise
<b>Cost of works:</b>	\$242,000
<b>Reason for referral:</b>	The development involves alterations and addition to a heritage item.

### 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/1276/2025 for Alterations and additions to existing semi-detached dwelling including changes to and rear extension of ground floor layout, new side gate at secondary street frontage and construction of a new deck, swimming pool and side fencing, at No. 201 Darley Road, Randwick, subject to the development consent conditions attached to the assessment report.

### Attachment/s:

-  [Conditions of Consent - DA/1276/2025 - 201 Darley Road, RANDWICK NSW 2031 - DEV - Randwick City Council](#)

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**1. Executive summary**

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

The proposal seeks consent for the alterations and additions to an existing semi-detached dwelling including changes to and rear extension of the ground floor layout, a new side gate at the secondary street frontage and the construction of a new deck, swimming pool and side fencing. The existing semi-detached dwelling is identified as Heritage Item ('1351') and is within the North Randwick Heritage Conservation Area.

The proposed development was advertised and notified in accordance with the Randwick City Community Engagement Strategy. No submissions were received as a result of the notification process.

The subject site is identified as 201 Darley Road, Randwick, legally described as Lot B in DP 404043. Pursuant to Schedule 5: Environmental heritage, Part 1 & Part 2 of the Randwick Local Environmental Plan 2012, the subject site is a listed heritage item described as 'Semi-detached

pair' (reference number I351) and is within the Heritage Conservation Area 'North Randwick'. (reference number C1).

The subject site is zoned R2 Low Density Residential under the Randwick Local Environmental Plan 2012. The proposed alterations and additions are associated with the current land use as semi-detached dwelling which is permissible with development consent within the zone. The proposal is consistent with the objectives of the zone and the existing use of the site as a 'Semi-detached dwelling' is to be maintained without resulting in any significant adverse amenity or environmental impacts on the surrounding properties or the existing streetscape character. Furthermore, the proposed development enhances the internal and external amenity of the occupants through an enlarged and improved internal configuration while retaining the visual dominance and presentation of the existing Heritage Item.

The proposed works are primarily concentrated at the rear of the existing dwelling and subject site. They include a rear building addition to the existing southern external wall, internal fit out works and the construction of a swimming pool, deck and ancillary and landscaping works.

The key issues associated with the proposal relate to the provision of adequate deep soil permeable surfaces and ensuring that the setbacks of the proposed addition remain consistent with the existing building envelope while mitigating potential impacts on the adjoining property and preserving the Heritage Item and local character of the Heritage Conservation Area.

The development application was referred to Council's Development Engineer, Landscape Development Officer and Heritage Planner who raised no objections to the proposed works, subject to conditions.

Overall, the proposal will contribute positively to the ongoing residential use of the site by enhancing internal and external amenity, maintaining consistency with the established building envelope, mitigating impacts on adjoining properties and preserving the significance and visual prominence of the Heritage Item within the Heritage Conservation Area.

The proposal is recommended for approval subject to non-standard conditions that require minor design amendments and heritage considerations in respect to the existing Heritage Item and Heritage Conservation Area.

## **2. Site Description and Locality**

The subject site is identified as 201 Darley Road, Randwick, legally described as Lot B in DP 404043. The site is a corner lot located on the southern side of Darley Road and western side of Market Street and opposite of Queens Park.

The site is a rectangular shaped allotment with a total site area of 316.2sqm, a northern oriented street frontage of 7.84m to Darley Road, an eastern secondary street frontage of 41.22m to Market Street, a southern rear boundary of 7.58m and an eastern side boundary of 41.26. The site is generally level, with minimal variation in elevation across the site.

The site contains a single storey semi-detached dwelling. Significant vegetation across the site includes two (2) Magnolia trees located at the rear with one (1) of those trees proposed to be removed. On-site parking is provided at the rear of the subject site with vehicular access via Market Street.

Along the primary street frontage is a rendered boundary fence with hedges above and a centrally located gate. The gate opens onto a paved area leading to the front porch and entry of the existing dwelling. Hedges also extend along the boundary fences and the common boundary fence to the adjoining property to the west at 199 Dalrey Road.

Along the secondary street frontage is a 1.80m Colorbond boundary fence. Immediately behind the fence is a paved area extending from the front yard along the boundary fence to the rear yard.

Attached to the rear of the existing semi-detached dwelling is a timber deck extending along the southern external wall. Adjoining the deck is a paved area. To the south of the paved area is a

landscaped area with lawn, followed by a concrete area at the southern rear boundary, extending between the eastern side boundary and western secondary street boundary.

The subject site sits within a R2 Low Density Residential zone. The surrounding area is characterised by 1 and 2-storey dwelling houses, semi-detached dwellings and 3-storey residential flat buildings. Adjoining the site to the south is at 2 Market Street is a 1-2 storey semi-detached dwelling and to the west at 199 Darley Road is a 1-2 storey semi-detached dwelling, being the attached dwelling that forms the pair with the subject site.

The site is listed as Heritage Item 'I351' and is within the Heritage Conservation Area 'North Randwick'.

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**Figure 1:** Existing Street elevations, viewed from the corner of Darley Road and Market Street



**Figure 2:** Existing secondary street elevation, viewed from the corner of Darley Road and Market Street



**Figure 3:** Existing backyard, viewed from the gate / footpath at the south-eastern corner of the subject site at Market Street

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**Figure 4:** Existing backyard and first floor of neighbouring dwelling at 199 Darley Road, viewed from the gate / footpath at the south-eastern corner of the subject site



**Figure 5:** Existing backyard and first floor of neighbouring dwelling at 199 Darley Road, viewed from the gate / footpath at the south-eastern corner of the subject site



**Figure 6:** Existing rear elevation, viewed from southern (rear) boundary

### 3. Relevant history

Council's records of the development site have been reviewed and the following development application associated with the subject site have been found:

**DA/1260/2025** – *The development application had been returned.*

### 4. Proposal

The proposal seeks consent for the alterations and additions to existing semi-detached dwelling including changes to and rear extension of the ground floor layout, a new side gate at the secondary street frontage and the construction of a new deck, swimming pool and side fencing. The existing semi-detached dwelling is identified as Heritage Item ('I351') and is within the North Randwick Heritage Conservation Area.

The scope of works comprises the following:

- **Demolition** of internal walls and fireplace walls
- **Tree removal** of one (1) Magnolia tree and planting of one (1) new tree within the front yard
- **Construction** of a new eastern and western external wall (extension), a new powder room / laundry and internal fit out works within the existing addition, a new side gate at the secondary street frontage to Market Street, a new swimming pool and side fencing to the neighbouring property at 199 Darley Road, a new deck (paved area) and an awning at the eastern elevation

A Request for further information has been issued on 4 February 2026. Amended plans and documents have been received on 17 February 2026. The amendments include revised architectural plans and a revised BASIX Certificate.

The following plans are the amended plans and the assessment is based on the revised plans. The amendments have an increased impact compared to the initial proposal, particularly on the adjacent

property to the west at 199 Darley Road. As owners consent from the owners of the neighbouring property has been provided in support of the proposed (amended) development, Council was not required to re-notify the amended plans in accordance with Section 5.4.2 of the Randwick Community Engagement Strategy.

The below Figure illustrate the (amended) scope of works:

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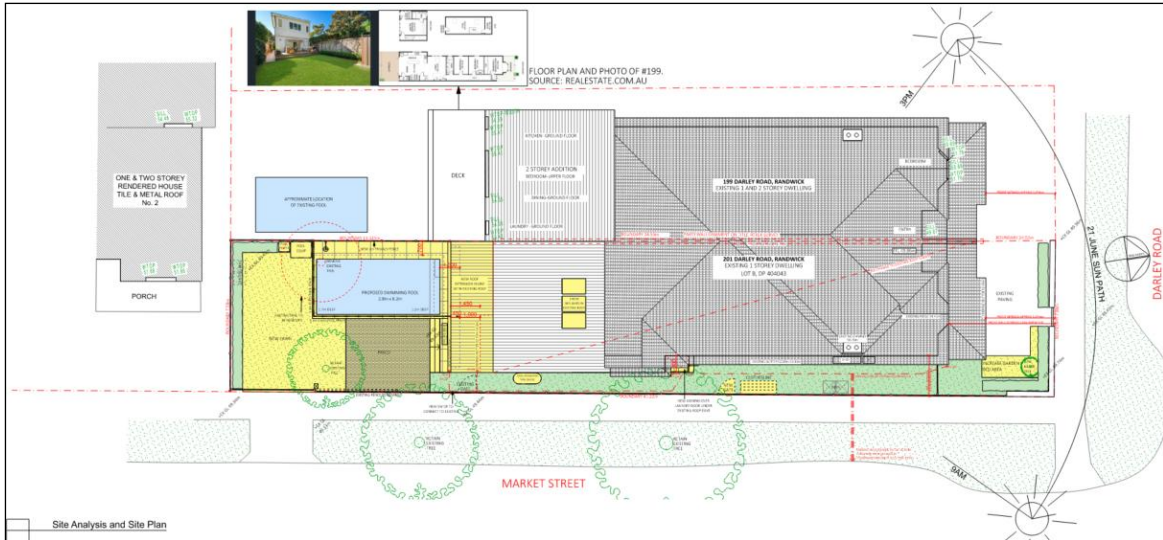


Figure 7: Proposed Site Plan (Source: Hatch Architects Pty Ltd, dated 17/02/2026)

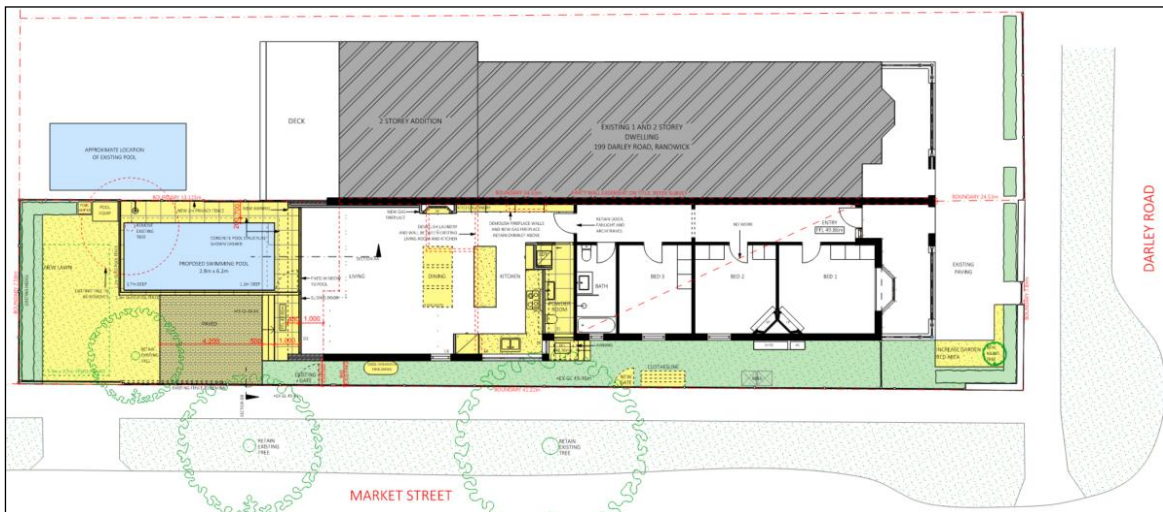
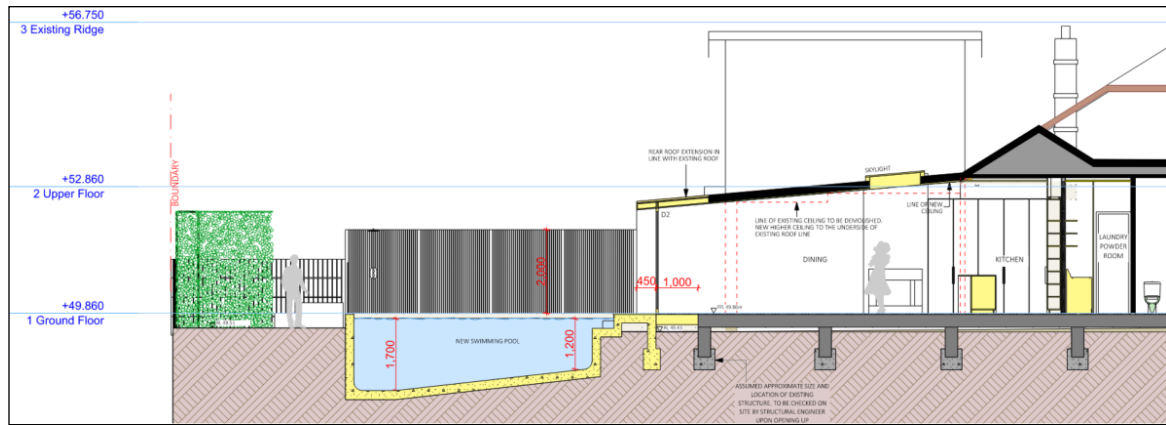


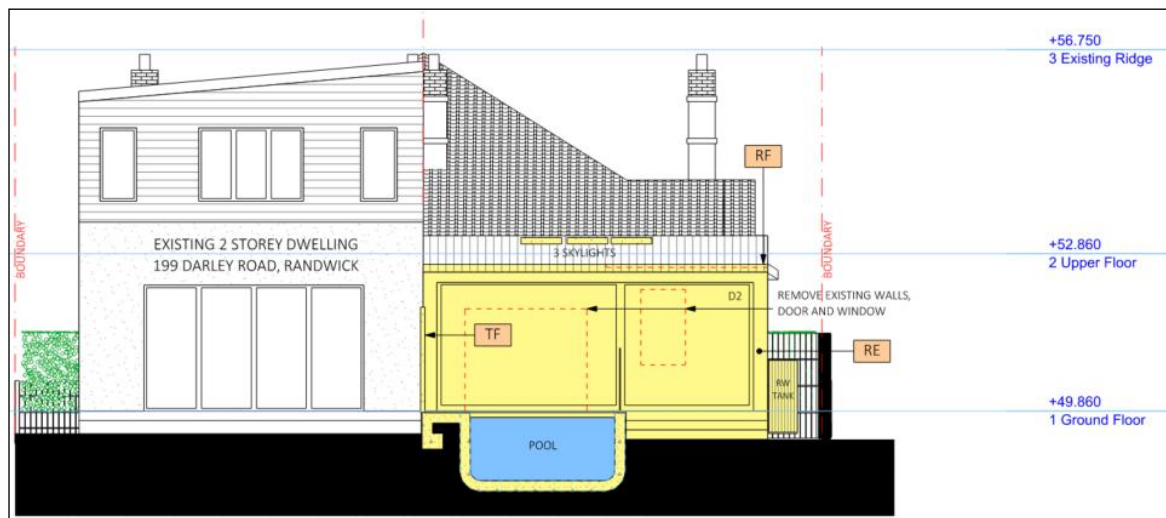
Figure 8: Proposed Ground Floor Plan (Source: Hatch Architects Pty Ltd, dated 17/02/2026)



Figure 9: Proposed Eastern Elevation (Source: Hatch Architects Pty Ltd, dated 17/02/2026)



**Figure 10:** Proposed Section AA (Source: Hatch Architects Pty Ltd, dated 17/02/2026)



**Figure 11:** Proposed South Elevation / Pool Section BB (Source: Hatch Architects Pty Ltd, dated 17/02/2026)

**Amended Plans received on 17 February 2026**

In response to Council’s request for Information (RFI) letter, the Applicant submitted an amended set of plans and additional information for final assessment. It is noted that these amended plans have addressed the issues and concerns raised by Council including the proposed building addition, location of the proposed swimming pool, landscaped area and internal fit out works.

The amended design has been assessed and considered to be an improved outcome in terms of compliance with Council’s planning policies. As per Council’s Community Engagement Strategy, the re-notification of the amended plans (received on 17 February 2026) has not been triggered by the revised scheme as owners consent from the owners of the neighbouring property at 199 Darley Road has been provided in support of the proposed (amended) development. It is noted that any amended plans and additional information are accessed off the DA Tracker on Council’s website.

**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. No submissions were received as a result of the notification process.

**6. Relevant Environment Planning Instruments**

**6.1. SEPP (Sustainable Buildings) 2022**

A BASIX certificate has been submitted in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and the Sustainable Buildings SEPP. The submitted BASIX Certificate includes a BASIX materials index which calculates the embodied emissions and therefore the consent authority can be satisfied the embodied emissions attributable to the development have been quantified.

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

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

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

The proposed development 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. 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 R2 Low Density Residential under Randwick Local Environmental Plan 2012 and the proposal is permissible with consent.

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will 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)
Cl. 2.7 Demolition	The demolition of a building or work may be carried out only with	The proposed demolition works are shown on the submitted Ground	Yes

	development consent.	Floor Plan and Elevations.	
CI 4.3: Building height (max)	9.50m	There are no changes proposed to the existing maximum height of building.	N/A
CI 4.4: Floor space ratio (max)	N/A	N/A (Refer to Clause 4.4A)	N/A
CI 4.4A: Exceptions to Floor space ratio (max)	0.75:1	0.43:1 (137m <sup>2</sup> /316.2m <sup>2</sup> )	Yes

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#### 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.

#### 6.4.2. Clause 6.2 Earthworks

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

The proposal involves excavation works up to 1.70m depth to accommodate the swimming pool and fill works up to 0.20m to raise the floor level for the pool coping. A satisfactory geotechnical report prepared by Fortify Geotech, dated 24 October 2025, has been submitted with this development application.

The development satisfies clause 6.2(3) in that:

- Conditions of consent are imposed to minimise impact on drainage patterns, soil stability, and adjoining structures;
- The proposed excavation area is suitably scaled for the subject site and is unlikely to have an adverse impact on the likely future use or redevelopment of the land;
- The site has been used for residential purposes for an extended period of time and is unlikely to contain contaminated soil;
- Subject to conditions, the proposed excavation will not result in any adverse impact on the amenity of adjoining properties;
- Conditions of consent are imposed to manage the removal of demolition and excavation waste;
- The proposal is unlikely to disturb relics – the site is not in a heritage conservation area nor is listed as a heritage item; and
- The scale and siting of the proposal minimises impact on waterways, water catchments, and environmentally sensitive areas.

## 7. Development control plans and policies

### 7.1. Randwick Comprehensive DCP 2013

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

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

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

**8. Environmental Assessment**

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 3 and the discussion in key issues below.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the dominant 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	No submissions were received during the course of the assessment.

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

## 8.1. Discussion of key issues

### Deep soil permeable surfaces

Clause 2.5 of Part C1 of the Randwick Comprehensive Development Control Plan (RDCP) 2013 requires development proposals that include alterations and additions changing the existing site coverage by more than 10% to meet the numerical controls for deep soil.

The assessment is based on the data and plans provided for 201 Darley Road only. No information have been provided for the neighbouring property at 199 Darley Road. Notwithstanding, it is noted that the proposed development does not change the site coverage by more than 10% as swimming pools are excluded from that calculation and the numerical requirements are not applicable. However, the proposed swimming pool results in a reduction of potential deep soil permeable surfaces within the rear setback.

In assessing the reasonableness of the proposal, Council has considered the site's orientation, existing deep soil areas and the proposed location of the swimming pool. The following is noted and considered:

- The development proposal increases the total deep soil permeable surface area from 14.2% (44.9sqm) to 26.4% (83.4sqm).
- The development proposal increases the deep soil permeable surface area forward of the building line to 27%, exceeding the minimum requirement of 25% under Clause 2.5 (iv) of Part C1 of the RDCP 2015.
- The location of the existing dwelling house constraints the location of the proposed swimming pool within the rear, limiting its location to either the western or eastern property boundary. The proposed swimming pool was initially proposed along the western boundary at the secondary street frontage to Market Street. However, this arrangement required the increase of the boundary fence height along Market Street resulting in an undesirable visual impact on the public domain. It also required the removal of two (2) trees identified as being in a healthy condition and recommended for retention.  
Accordingly, Council requested the relocation of the swimming pool to the western side boundary to minimise visual impacts on the public domain when viewed from Market Street. The revised location requires the removal of only one (1) tree and increases the deep soil permeable surface within the rear setback.
- The pool coping and surrounding tiling have been designed to a minimum extend necessary regarding building standards and accessibility. The pool coping extends approximately 0.20m from the eastern and southern end of the pool, 1m from the northern end and 0.90m from the western end of the pool providing safe and convenient pool access.
- The remaining deep soil permeable surfaces are capable of providing planting areas for canopy trees and general vegetation. The increase of deep soil areas, especially in the front yard, along the secondary street boundary and at the rear boundary facilitate stormwater infiltration, reduce overland flow and to improve climate resilience of the site. Accordingly, the proposal satisfies the objectives of Clause 2.5 of the RDCP 2013
- The proposed swimming pool and adjacent paved area improve the functionality and amenity of the private open space as a recreational area whilst preserving a reasonable amount of deep soil areas to meet the objectives under Clause 2.5 of the RDCP 2013.

In summary, the proposed provision of deep soil permeable surfaces is considered reasonable and acceptable having regard to the site's orientation, the increase of deep soil permeable surfaces and the proposed location of the swimming pool. The construction of the proposed swimming pool has minimal environmental impacts and continues to achieve the planning objectives under Clause 2.4, 2.5 and 2.6 of Part C1 of the RDCP 2013.

#### Floor-to-ceiling height

Clause 3.2 of Part C1 the RDCP 2013 requires a minimum ceiling height of 2.70m. It is noted that the proposed internal fit out works result in ceiling heights between 2.49m at the southern external wall and 3.12m at the existing kitchen which does not fully comply with this provision. However, Part 10.3 (Room heights) of the National Construction Code 2022 - Building Code of Australia (BCA) requires a minimum ceiling height of 2.40m for habitable rooms which the proposal fully complies with. The non-compliance with the minimum ceiling height under Clause 3.2 of the RDCP 2013 is a maximum of 0.21m which is considered minor and acceptable and is therefore supported. Furthermore, the existing ceiling heights are at or below the proposed heights and are non-compliant as existing. The slight increase in the ceiling heights improves the amenity of the space for the occupants.

#### Secondary street setback

Clause 3.3.1 (ii) of Part C1 of the RDCP 2013 requires a minimum setback of 1.50m from the secondary street frontage for corner allotments with a primary frontage width of more than 7m. The proposed rear extension has a setback of 0.98m and therefore does not comply with this provision, resulting in a variation of 0.52m.

Notwithstanding the non-compliance, the proposed secondary street setback is considered acceptable as it aligns with the secondary street setback of the existing building addition and ensures the overall building addition remains visually subordinate to the existing Heritage Item. The proposed addition does not have any adverse visual impacts when viewed from the public domain.

#### Rear setback

The proposed building addition at the rear results in a rear setback that is 1.60m less than that of corresponding pair at 199 Darley Road. However, the minor encroachment is considered acceptable as it improves internal amenity while also serving as a privacy measure, particularly regarding the increased wall openings of the living area facing the rear yard (refer to RDCP Clause 5.3). Furthermore, owner's consent from the owners of the adjacent property at 199 Darley Road has been provided, supporting the proposed rear addition.

#### Side boundary fence

Clause 7.3 (i) of Part C1 of the RDCP 2013 requires a maximum side fencing height of 1.80m. The proposed side fence along the common boundary to 199 Darley Road has a height of 2.00m when measured from the top of the proposed pool coping and therefore exceeds the control by 0.20m.

It is noted that the pool coping is raised by 0.50m from the existing natural ground level, resulting in the fence presenting at an increased height when viewed from the neighbouring property. However, the boundary fence forms part of the required pool fence and is therefore required to comply with AS1926.1-2012, which prescribes a minimum pool fence height of 1.80m when measured from the top of the pool coping.

The variation of 0.20m is supported as it does not only satisfy the requirement for pool fencing under AS1926.1-2012, but also provides an appropriate privacy screen for both properties. In particular, it mitigates potential cross-viewing and overlooking between the respective swimming pool areas. Furthermore, owner's consent from the owners of the adjacent property at 199 Darley Road has been provided, supporting the proposed side fencing along the common boundary.

## **9. Conclusion**

That the application to alterations and additions to an existing semi-detached dwelling including changes to and rear extension of ground floor layout, new side gate at secondary street frontage and construction of a new deck, swimming pool and side fencing (Heritage Item and North Randwick Heritage Conservation Area) be approved (subject to conditions) for the following reasons:

- The proposed development has addressed the requirements of the relevant planning instruments and development controls. The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the R2 Low Density Residential zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The proposed development will contribute positively to the ongoing residential use of the site by enhancing internal and external amenity, maintaining consistency with the established building envelope, mitigating impacts on adjoining properties and preserving the significance and visual prominence of the Heritage Item within the Heritage Conservation Area. Potential impacts on both the natural and built environment have been assessed and the proposed development is considered satisfactory in terms of its impacts.

## Appendix 1: Referrals

### 1. Internal referral comments:

#### 1.1. Heritage

The development application was referred to Council's Heritage Planner for review. The referral raised no objections to the proposed development, subject to conditions imposed (should consent been granted).

The heritage referral comments are provided below:

#### **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 2013 provided Objectives and Controls in relation to heritage properties.*

#### **Recommendations for RFI (2 February 2026):**

- *The hallway is intact and should not be altered. The fanlight and architraves above the new door in the hallway must be retained.*
- *The fireplace and chimney breast must not be removed or relocated.*
- *The side extension to the existing rear addition is not supported. To maintain the subservient form of the existing addition to a heritage item, consider a secondary addition or extension within the rear setback.*

*Updated drawings were provided for assessment.*

#### **Recommended conditions**

*The following conditions should be included in any consent:*

#### **Heritage Requirements - Amended Plans & Documentation**

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

- *The original internal features in the heritage items must be retained, in particular the chimney breast, the fanlight and architraves above the new door in the hallway and mouldings.*
- *The skylights must be flush with the roof form.*

*The above requirements must be reflected in Construction Certificate documentation. Any amended plans/documentation, as required under this condition, must be submitted to and approved by Council's Heritage Planner and Coordinator Development Assessment prior to the release of any construction certificate.*

*Condition Reason: To ensure the heritage significance of the site is maintained*

#### **General heritage works**

- a) *All development, conservation, and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.*

- b) *The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.*
- c) *The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.*
- d) *The original brick corners of the building are to be left intact and the brick extension and the new work is to be separated from the old by an expansion joint.*
- e) *Existing mortar joints should be repointed if necessary using a soft mortar mix. A soft mortar mix is required to avoid long term fretting of the surface of the sandstone blocks.*
- f) *Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.*
- g) *The new windows and doors on the existing building must match the original material.*
- h) *Face brickwork, stone and/or tiles must not be rendered, painted or coated.*

## **1.2. Engineering**

The development application was referred to Council's Development Engineer for review. The referral raised no objections to the proposed development, subject to conditions imposed (should consent been granted).

The engineering referral comments are provided below:

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

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

- *Amended Architectural Plans by Hatch Architects and dated 17/2/26;*
- *Arboriculture Impact Assessment Report by Malcolm Bruce dated 5/11/2025;*
- *Statement of Environmental Effects by Avenue Town Planning dated 19/11/2025;*
- *Detail & Level Survey by C&A Surveyors REV V3, dated 24/6/2025;*

### **Amended Plan Comments**

*The submitted amended plans now show the proposed pool in the rear yard being located adjacent to the western side boundary.*

### **Car Parking Rear Yard Requirements**

*Should the owner wish to maintain the use of the Council driveway off Market Street the plans should clearly show an off-street car space located in the rear yard opposite the driveway entrance. A partial hard paved area/strips is required needs to be installed. Council does not accept a car space located on just grass.*

*Development Engineering recommends the Council Planner include a condition which requires at least 2 x 600mm wide paving strips in the rear yard , both at least 5.00m long, so as to identify an off-street car space within the rear yard*

### **Flood Comments**

*Council's Development Engineers have reviewed Council's Flood Modelling Data for the site and note there is a possible minor overland flowpath thru the rear of the site in major storm events. As the proposal is for internal reconfigurations for the rear of the dwelling and a now a swimming pool along the western side boundary a Council Flood Report was not required.*

*For the record the existing ground floor level is shown as RL 49.86m AHD and the calculated 1:100yr Flood Level is RL 49.55m AHD.*

*Council's Development Engineers note that with the relocation of the pool and the removal of the decking then some conditions in the original report will no longer be required.*

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

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

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

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

### **1.3. Landscaping**

The development application was referred to Council's Landscape Development Officer for review. The referral raised no objections to the proposed development, subject to conditions imposed (should consent been granted).

The landscape referral comments are provided below:

*Site inspection was undertaken on Wednesday 28<sup>th</sup> January 2026 with photos of all vegetation on D05942123 & D05972467 & D06003606 & D06003462*

*Most of works are to be within rear of property, within eastern Market Street council verge, two council street trees are shown, first species, adjacent side setback of subject site, mature *Eucalyptus racemosa* (Snappy Gum **T4**) 11m high, good condition and health, to be retained and protected against physical and mechanical damage, deliveries and such, measuring north of existing crossover, mature *Eucalyptus globoidea* (White Stringybark **T3**) 8m high, fair to good health, small deadwood within crown, moderate lean towards eastern Market Street, unbalanced crown, removal has been applied within Arboriculture Assessment Report.*

*Whilst species has been nominated for removal, council officer conducted a site visit and assessed **T3**, the species was found to be in still good sound and structure, some eastern aspect trunk scars from vehicles, lean to the east, with some remedial pruning works applied, the species can be retained and protected successfully, this species has been nominated for removal before under different applications, which council tree supervisor deemed it healthy and retention was the outcome, so with no further ado this tree must be retained and protected.*

*With **T3** now to be **retained and protected**, conditions in this report will be applied to protect against physical and mechanical damage, with site visit, council officer noticed canopy had some sporadic random branches protruding from its western aspect canopy, which, one in particular was noticeably protruding over western footpath and protruding within western aspect of subject site, this western branch must be pruned back to trees western upper main branch, this clearance from property will protect the species against physical and mechanical damage from property works.*

***T3** measured 2300mm to western boundary of property, 6m to proposed internal pool, well clear from its critical SRZ (Structural Root zone) so, to protect remaining street tree's root system the proposed new pavers must be shortened in width to now measure 2680mm leaving 1m deep soil area along the eastern side set back.*

*While removal of above branch will give dwelling clearances, the species must also have some remedial works completed prior to protection of tree, Council Officer, or and Tree Team member must be onsite to coordinate works, which are as follows;*

- *All lower lateral branches need pruning/uplifting, this pruning will uplift canopy, provide protection against physical and mechanical damage, clearances from deliveries and such.*
- *Eastern aspect canopy, which overhangs Market Street must also be pruned to achieve more suitable height above parked cars, this remedial works will provide a neat canopy balance which will see the species become more aesthetically pleasing to eye and provide additional space for tree protection batons.*
- *Its eastern upper canopy also protrudes heavily over public road, which large trucks are causing damage to its eastern canopy, without pruning, this may become more problematic and pose some serious damage to tree, removals must be carefully provided so not to take too much from its canopy but take away enough to reduce stress of its already eastern lean.*
- *Lastly, removal of deadwood within canopy will create more air circulation within tree.*
- *Council officer to attend site for these pruning's, if this cannot be attended by officer for any reasons, all onsite pictures will be sent by email to Councils Tree Team, these cutting areas will be provided within existing site pictures with cutting highlighted in red for accuracy.*

*Moving wholly within rear of property, two semi mature Magnolia grandiflora (Magnolia T1&2) T1, 7 m high, good health, T2, 9m high, fair health, proposed rear pool is now relocated to western aspect of property, T1 can now be removed and T2 to be retained, with eastern aspect and immediate area around T2 to be remained as undisturbed deep soils.*

*The existing hedging shrubs along eastern and southern side setbacks are to be retained, western existing hedges can now be removed for proposed pool, all remaining vegetation within rear property are of small size and insignificant.*

*An assessment against the C1 DCP 2023 controls with a site area of 301 to 450sqm revealed that compliance is achieved with:*

- *In excess of 25% of front setback area is already planted out.*
- *Clause 2.6: Native species. With existing vegetation, the plant schedule does meet the minimum 60% native species target*

*Deficiencies/amendments required to Landscape Plans to achieve compliance:*

- *Clause 2.5: Site coverage/deep soil (minimum 35% required) while relocation of pool to western aspect of property, retaining eastern side setback deep soils, providing new permeable deep soils within hardstand, the percentage requirements are slightly closer to be more achievable which planner and Council Officer are happy to waive the remaining.*
- *Minimum quantity of 3 trees must be plotted within site to comply with controls, with one been removed, one retained, two additional canopy trees need to be plotted within subject site, one to be plotted back within rear southeastern aspect of property between existing T2 and existing dwelling, one within frontage to comply with controls.*

**Appendix 2: DCP Compliance Table**

**3.1 Part B2: Heritage**

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

**3.2 Part B4: Landscaping and Biodiversity**

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

**3.3 Part B5: Preservation of Trees and Vegetation**

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

**3.4 Part B6: Recycling and Waste Management**

Council is satisfied that the proposed development meets the waste requirements in accordance with Part B6 of RDCP 2013. A satisfactory Waste Management Plan has been submitted with this development application.

**3.5 Part B7: Transport, Traffic, Parking and Access**

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

**3.6 Part C1: Low Density Residential (dated 27 June 2023)**

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	
<b>2</b>	<b>Site planning</b>	Site = 316.2sqm	
<b>2.4</b>	<b>Site coverage</b>		
	301 to 450 sqm = 55%	Existing = 44.8% (141.6sqm) Proposed = 47.4% (150.1sqm)  The site coverage increases by 6% (8.5sqm).	Yes
<b>2.5</b>	<b>Deep soil permeable surfaces</b>		
	i) 301 to 450 sqm = 35% ii) Deep soil minimum width 900mm iii) Retain existing significant trees iv) 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.	i) The proposed alterations and additions do not change the existing site coverage by more than 10%. Therefore, the 35% deep soil requirement is not applicable.  ii) Compliant  iii) <i>Refer to detailed</i>	Yes

DCP Clause	Controls	Proposal	Compliance
		<p>assessment by Council's Landscape Officer.</p> <p>iv) 27% (7.7m<sup>2</sup> / 28.5m<sup>2</sup>)</p>	
<b>2.6</b>	<b>Landscaping and tree canopy cover</b>		
	<p>Minimum 25% canopy coverage 301 to 450 sqm = 3 large trees</p> <p>i) Minimum 25% front setback area permeable surfaces</p> <p>ii) 60% native species</p>	<p>The proposed alterations and additions do not change the existing site coverage by more than 10% and therefore, the 25% canopy coverage requirement is not applicable.</p>	Yes
	<b>Dual occupancies and semi-detached dwellings</b>		
	<p>Calculated on the overall site area and must be evenly distributed between the pair of dwellings.</p>	<p>No information have been provided for the neighbouring property at 199 Darley Road.</p> <p>Notwithstanding, the development proposal does not change the existing site coverage by more than 10%. The proposal increases the provision of deep soil and landscaped areas and complies with the objectives under Clause 2.4, 2.5 and 2.6 of Part C1 of the RDCP 2013.</p>	Yes
	<p>The front setback must contain at least one (1) tree per dwelling.</p>	<p>There is no existing tree within the front setback. The development application proposes one (1) tree within the front setback. <i>(Refer to Referral Landscape Officer)</i></p>	Yes
<b>2.7</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	<p>301 to 450 sqm = 6m x 6m</p>	<p>The proposed private open space is an irregular shaped area with maximum dimensions of 9.00m x 6.85m and a total area of 42.6sqm, directly accessible from the internal living area. Although the proposed private open space</p>	Yes

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DCP Clause	Controls	Proposal	Compliance																							
		does not fully comply with the minimum required dimensions, it satisfies the minimum required area and is therefore considered acceptable.																								
<b>3</b>	<b>Building envelope</b>																									
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1</b>	Proposed = 0.43:1	Yes																							
<b>3.2</b>	<b>Building height</b>																									
	<b>Building height LEP 2012 =</b>	<i>Remains unchanged.</i>	N/A																							
	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, Alternative design which varies 2 storey street presentation may be accepted with regards to: <ul style="list-style-type: none"> <li>- Topography</li> <li>- Site orientation</li> <li>- Lot configuration</li> <li>- Flooding</li> <li>- Lot dimensions</li> <li>- Impacts on visual amenity, solar access, privacy and views of adjoining properties.</li> </ul>	i) The single storey dwelling height remains. There is no first floor or habitable space above a first floor proposed.  ii) Proposed floor-to-ceiling height living area = 2.49m – 3.12m  iii) N/A (single-storey dwelling)  iv) The single storey presentation at both street frontages remains.	Yes       No <i>(Refer to 'Key Issues')</i>  Yes																							
<b>3.3</b>	<b>Setbacks</b>																									
<b>3.3.1</b>	<b>Front setbacks</b>																									
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> <li>- 900mm for allotments with primary frontage width of less than 7m</li> <li>- 1500mm for all other sites</li> <li>- Should align with setbacks of adjoining dwellings</li> </ul> iii) Do not locate swimming pools, above-ground rainwater tanks and outbuildings in front.	i) There are no changes proposed to the existing front setback to the primary street frontage.  ii) Primary frontage width = 7.84m  Proposed = 0.98m at the rear addition.  iii) The proposed swimming pool is located behind the building line.	Yes       No <i>(Refer to 'Key Issues')</i>  Yes																							
<b>3.3.2</b>	<b>Side setbacks</b>																									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Existing primary frontage width</th> <th colspan="3">Minimum side setbacks</th> </tr> <tr> <th>Building heights 0m to 4.5m</th> <th>Building heights &gt;4.5m to 7m</th> <th>Building heights &gt;7m</th> </tr> </thead> <tbody> <tr> <td>Less than 6m</td> <td colspan="3" style="text-align: center;"><i>Merit assessment</i></td> </tr> <tr> <td>6m to less than 9m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">0.9m + (building height – 7m)</td> </tr> <tr> <td>9m to less than 12m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;"><math>0.9m + \frac{\text{building height} - 4.5m}{4}</math></td> <td style="text-align: center;"><math>1.5m + 2 \times (\text{building height} - 7m)</math></td> </tr> <tr> <td>12m and above</td> <td style="text-align: center;">1.2m</td> <td style="text-align: center;"><math>1.2m + \frac{\text{building height} - 4.5m}{4}</math></td> <td style="text-align: center;"><math>1.8m + 2 \times (\text{building height} - 7m)</math></td> </tr> </tbody> </table>	Existing primary frontage width	Minimum side setbacks			Building heights 0m to 4.5m	Building heights >4.5m to 7m	Building heights >7m	Less than 6m	<i>Merit assessment</i>			6m to less than 9m	0.9m	0.9m	0.9m + (building height – 7m)	9m to less than 12m	0.9m	$0.9m + \frac{\text{building height} - 4.5m}{4}$	$1.5m + 2 \times (\text{building height} - 7m)$	12m and above	1.2m	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$	There are no changes proposed to the existing zero side setback to the western side boundary.	N/A
Existing primary frontage width	Minimum side setbacks																									
	Building heights 0m to 4.5m	Building heights >4.5m to 7m	Building heights >7m																							
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9m to less than 12m	0.9m	$0.9m + \frac{\text{building height} - 4.5m}{4}$	$1.5m + 2 \times (\text{building height} - 7m)$																							
12m and above	1.2m	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2 \times (\text{building height} - 7m)$																							
<b>3.3.3</b>	<b>Rear setbacks</b>																									
	i) Minimum 25% of allotment depth or 8m,	Existing = 12.50m Minimum = 8m	Yes																							

DCP Clause	Controls	Proposal	Compliance
	<p>whichever lesser. Note: control does not apply to corner allotments.</p> <p>ii) Provide greater than aforementioned or demonstrate not required, having regard to:</p> <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> <p>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of:-</p> <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</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>Proposed = 11m</p>	

4	Building design		
4.1	General		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> <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>	<p>The existing building envelope generally remains unchanged, except for a building addition at the rear. The proposed building addition aligns with the existing secondary street setback of the existing building addition. Therefore, the proposed rear addition is unlikely to result in any adverse impacts on the existing streetscape and neighbourhood character as it is unlikely to increase the visual bulk when viewed from the public domain. The proposed alterations are limited to internal fit out works within the existing building addition. No changes are</p>	<p>Yes</p>

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		proposed to the existing bedrooms.	
<b>4.3</b>	<b>Alterations and additions to semi-detached and dual occupancy (attached) dwellings</b>		
	<ul style="list-style-type: none"> <li>i) Respect and enhance architectural character of pair, including symmetry</li> <li>ii) Setback upper addition from street (to rear) with substantial portion of existing front intact</li> <li>iii) Locate upper addition behind apex of hipped roofed houses</li> <li>iv) Setback upper addition from gable end 100% of the height increase and retain any existing gable features and chimneys</li> <li>v) Low profile roof form that is visually secondary to existing</li> <li>vi) Avoid exposure of existing blank party walls</li> <li>vii) Materials enhance character of the pair</li> </ul>	<ul style="list-style-type: none"> <li>i) There are no changes proposed to the existing front elevation and the architectural character and symmetry of the pair remains.</li> <li>ii-v) There is no upper / first floor addition proposed.</li> <li>vi) The proposed alterations and addition do not result in the exposure of existing blank party walls.</li> <li>vii) Compliant. <i>(Refer to DCP Clause 4.6 below)</i></li> </ul>	Yes
<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>	<ul style="list-style-type: none"> <li>i)-iv) N/A</li> <li>v) The proposed skylights are located on the existing building addition. Their proposed location and size are sympathetic to the overall design and unlikely to be visible from the public domain.</li> <li>vi) N/A</li> </ul>	Yes
<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>There has no schedule of colours, materials and finishes been submitted with this development application. However, the proposed colours and materials are shown on the submitted floor plans and elevation, further subject to conditions of consent.</p>	Yes
<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 <i>where site has significant slope:</i></li> <li>viii) adopt a split-level design</li> <li>ix) Minimise height and extent of any exposed under-croft areas.</li> </ul>	<p>Proposed excavation = 1.70m</p> <p>Proposed fill = 0.20</p> <p><i>(Refer to Cl. 6.2 of the RLEP 2012)</i></p> <p>A satisfactory geotechnical report submitted with this development application</p>	<p>Yes</p>
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	<ul style="list-style-type: none"> <li>i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June</li> <li>ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</li> </ul>	<p>The subject site has a north-south orientation. The south-facing living room windows are unlikely to be impacted by the proposed development.</p> <p>The proposed rear addition may result in minor overshadowing impacts to the private open space in proximity to the rear of the dwelling. However, the majority of the private open space will continue to receive sufficient solar access.</p>	<p>Yes</p>
	<b>Solar access to neighbouring development:</b>		
	<ul style="list-style-type: none"> <li>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.</li> <li>iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</li> <li>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.</li> <li>vi) Variations may be acceptable subject to a merits assessment with regard to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks</li> </ul> </li> </ul>	<p>Due to the site's orientation, the proposed rear addition is likely to result in minor impacts on the adjoining properties, to the west at 199 Darley Road, particularly in the morning. No additional impacts are anticipated past midday.</p>	<p>Yes</p>

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	<p>and site coverage controls.</p> <ul style="list-style-type: none"> <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>		
<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>i) The proposed skylights increase the provision of day light in the existing living area.</p> <p>ii) The proposed powder room receive sufficient natural ventilation.</p> <p>iii) The existing living area has direct access to the private open space at the rear.</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>The proposed modifications involve the removal of the south-facing living room window and sliding door and the construction of a rear addition that includes a new door and a fixed window overlooking the rear yard</p> <p>It is noted that the new fixed window and sliding door are larger in size and may result in potential overlooking issues to the adjoining property to the west at 199 Darley Road. However, the proposed openings are similar in size to the one at 199 Darley Road. Furthermore, the extension of the common boundary</p>	Yes

		wall, together with the existing boundary fence, provides adequate screening and mitigates potential overlooking impacts.	
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) Noise sources not located adjacent to adjoining dwellings bedroom windows <i>Attached dual occupancies</i> ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> <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>	The room layout remains unchanged. The proposed alterations solely include the extension of the existing living area.	Yes
<b>5.5</b>	<b>Safety and Security</b>		
	i) Dwelling main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 sqm) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	The existing bedroom 1 and entry door face Darley Road. All bedrooms and the living area face Market Street.	Yes
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	<b>All dwellings</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: <ul style="list-style-type: none"> <li>- Frontage &gt;12m; and</li> <li>- Consistent with pattern in the street; and</li> <li>- Landscaping provided in the front yard.</li> </ul> v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces)	Vehicular access is provided off the secondary street frontage via Market Street.	Yes
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: <ul style="list-style-type: none"> <li>- Single driveway – 3m</li> <li>- Double driveway – 5m</li> </ul> Must taper driveway width at street boundary and at property boundary	The existing driveway crossover remains unchanged.	Yes
<b>6.7</b>	<b>Hardstand Car Space Configuration</b>		
	i) Permeable materials in between concrete wheel strips. ii) 2.4m x 5.4m minimum dimensions	The existing hardstand car space at the rear of the subject site will be removed. There is no new hardstand car space proposed. However, the deep soil area at the rear provides sufficient	

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		space (2.4m x 5.4m) to accommodate a single parking space, further subject to conditions of consent.	
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	<ul style="list-style-type: none"> <li>i) Use durable materials</li> <li>ii) Sandstone not rendered or painted</li> <li>iii) Do not use steel post and chain wire, barbed wire or dangerous materials</li> <li>iv) Avoid expansive surfaces of blank rendered masonry to street</li> </ul>	<p>The existing front, secondary street and rear fencing remains unchanged.</p> <p>Changes are proposed to the boundary fence along the common boundary to 199 Darley Road, comprising the replacement of the existing fence with a timber fence.</p>	Yes
<b>7.2</b>	<b>Front Fencing</b>		
	<ul style="list-style-type: none"> <li>i) 1200mm max. (solid portion not exceeding 600mm), except for piers.                             <ul style="list-style-type: none"> <li>- 1800mm max. provided upper two-thirds partially open (30% min), except for piers.</li> </ul> </li> <li>ii) Light weight materials used for open design and evenly distributed</li> <li>iii) 1800mm max solid front fence permitted in the following scenarios:                             <ul style="list-style-type: none"> <li>- Site faces arterial road</li> <li>- Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment).</li> </ul> <p><i>Note: Any solid fences must avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants))</i></p> </li> <li>iv) 150mm allowance (above max fence height) for stepped sites</li> <li>v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible</li> <li>vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes.</li> <li>vii) Gates must not open over public land.</li> <li>viii) The fence must align with the front property boundary or the predominant fence setback line along the street.</li> <li>ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.</li> </ul>	<p>The existing front fencing along Darley Road and to Market Street remains unchanged.</p>	Yes
<b>7.3</b>	<b>Side and rear fencing</b>		
	<ul style="list-style-type: none"> <li>i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max.</li> </ul>	Proposed = 2.00m high side boundary	No (Refer to

	<p>2.2m).</p> <ul style="list-style-type: none"> <li>ii) Fence may exceed max. if level difference between sites</li> <li>iii) Taper down to front fence height once past the front façade alignment.</li> <li>iv) Both sides treated and finished.</li> </ul>	<p>fence along the common boundary to 199 Darley Road</p>	<p><i>'Key Issues'</i></p>
<b>7.5 Swimming pools and Spas</b>			
	<ul style="list-style-type: none"> <li>i) Locate behind the front building line</li> <li>ii) Minimise damage to existing tree root systems on subject and adjoining sites.</li> <li>iii) Locate to minimise noise impacts on the adjoining dwellings.</li> <li>i) Pool and coping level related to site topography (max 1m over lower side of site).</li> <li>ii) Where pool coping height is above natural ground level, pool to be located to avoid pool boundary fencing exceeding 2.2m from existing ground level from adjoining properties.</li> <li>iii) Where above natural ground and has potential to create privacy impacts, appropriate screening or planting along full length of pool to be provided. Planting to comply with legislation for non-climbable zones.</li> <li>iv) Incorporate screening or planting for privacy as above, unless need to retain view corridors.</li> <li>v) Position decking to minimise privacy impacts.</li> <li>vi) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>i) a) The proposed swimming pool is located behind the front building line.</li> <li>b) The revised pool location impacts only one (1) tree that must be removed instead of two (2) trees as initially proposed.</li> <li>c) The pool equipment will be located along the common boundary to No. 199 Darley Road, adjoining the neighbouring pool area. With the condition of consent to contain the pool equipment in an acoustic enclosure, the proposed location is considered acceptable.</li> <li>iii) The maximum RL of the proposed pool and pool coping is 0.54m above the natural ground level (NGL).</li> <li>iv) A 2m high privacy fence is proposed along the common boundary to 199 Darley Road and is considered an adequate privacy measure.</li> <li>v) N/A</li> <li>vi) The area immediately surrounding the proposed swimming pool is elevated by 500mm. However,</li> </ul>	

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		<p>this space in intended to provide access to the pool rather than function as a deck large enough to accommodate a seating area. A separate paved area for this purpose is located between the proposed pool area and the secondary street boundary.</p> <p>vii) The pool equipment and heater are located along the common boundary to No. 199 Darley Road adjacent to the neighbouring swimming pool area.</p> <p>The proposed location is considered appropriate as there will not be any direct impacts on the neighbouring dwelling rather than its swimming pool area which generates similar use and noise levels.</p>	
<b>7.8</b>	<b>Clothes Drying Facilities</b>		
	<p>i) Located behind the front alignment and not be prominently visible from the street</p>	<p>The proposed clothesline is located at the secondary street boundary fence. Due to the height of the fence, it is unlikely to be visible from the public domain.</p>	<p>Yes</p>

**Responsible officer:** Isabelle Wuttke, Environmental Planning Officer

**File Reference:** DA/1276/2025

**Development Consent Conditions**

**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 (including any deferred commencement conditions):

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA 1.00 R02 Site Analysis and Site Plan, Proposed FSR and Landscaped Areas	Hatch Architects	17 February 2026	17 February 2026
DA 2.00 R02 Proposed Plan and Elevations	Hatch Architects	17 February 2026	17 February 2026

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A1823213_02	16 February 2026	17 February 2026

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

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

2. **Amendment of Plans & Documentation**  
The approved plans and documents must be amended in accordance with the following requirements:

**a. Heritage Requirements**

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

- The original internal features in the heritage items must be retained, in particular the chimney breast, the fanlight and architraves above the new door in the hallway and mouldings.
- The skylights must be flush with the roof form.

The above requirements must be reflected in Construction Certificate documentation. Any amended plans/documentation, as required under this condition, must be submitted to and approved by Council's Heritage Planner and Manager Development Assessment/Coordinator Development Assessment prior to the release of any construction certificate.

Condition Reason: To ensure the heritage significance of the site is maintained.

3. **General heritage works**
- a) All development, conservation, and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
  - b) The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

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	Condition
	<p>c) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.</p> <p>d) The original brick corners of the building are to be left intact and the brick extension and the new work is to be separated from the old by an expansion joint.</p> <p>e) Existing mortar joints should be repointed if necessary using a soft mortar mix. A soft mortar mix is required to avoid long term fretting of the surface of the sandstone blocks.</p> <p>f) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.</p> <p>g) The new windows and doors on the existing building must match the original material.</p> <p>h) Face brickwork, stone and/or tiles must not be rendered, painted or coated.</p> <p>Condition Reason: To ensure the heritage significance of the site is maintained.</p>
4.	<p><b>Geotechnical Report</b></p> <p>The development must comply with the Geotechnical Report (Report Ref. S2882_SC_01_Rev1) by Fortify Geotech, dated 24 October 2025, at any time.</p> <p>Any recommendations made in the above Geotechnical Report must be complied with at all times.</p> <p>Building plans and specifications submitted for approval with any Construction Certificate application must comply with the above report.</p> <p>The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.</p> <p>Condition Reason: To ensure the structural integrity of the subject site and adjoining sites during excavation and to ensure excavation works do not adversely impact adjoining structures and properties.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
5.	<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>
6.	<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 the Certifier prior to issuing a construction certificate for the development.</p>

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Condition

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

7. **Section 7.12 Development Contributions**

In accordance with Council's Randwick City Development Contributions Plan 2024, effective from 31 July 2024, based on the development cost of \$242,000 the following applicable monetary levy must be paid to Council: **\$2,420**.

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

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

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

Where:

**IDC** = the indexed development cost

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

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

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

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

Condition Reason: To ensure relevant contributions are paid.

8. **Security Deposits**

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

- **\$1,000.00** - **Damage / Civil Works Security Deposit**

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

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

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

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

9. **Sydney Water**

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

	Condition
	<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™ 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>
10.	<p><b>Building Code of Australia</b></p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
11.	<p><b>BASIX Requirements</b></p> <p>In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.</p> <p>The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
12.	<p><b>Stormwater Drainage</b></p> <p>A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifier and details are to be included in the construction certificate:-</p>

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Condition

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- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

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

13. **Excavation Earthworks and Support of Adjoining Land**  
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.

Condition Reason: To ensure adjoining land is adequately supported.

14. **Excavation, Earthworks and Support of Adjoining Land**  
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:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or other building that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling or other substantial structure that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land; and
- as otherwise may be required by the Certifier for the development.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the Principal Certifier.

Condition Reason: To ensure adjoining land is adequately supported.

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

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

Temporary pool safety fencing is also required to be provided to swimming pools pending the completion of all building work and swimming pools must not be filled until a fencing

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Condition

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inspection has been carried out and approved by the Principal Certifier.

*Note: This development consent does not approve the design and location of swimming/spa pool safety barriers. Swimming/spa pool safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2018 and relevant Standards. Details of compliance are required to be included in the Construction Certificate, to the satisfaction of the appointed Certifier for the development.*

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

16. **Swimming Pool Safety**

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

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

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

17. **Landscape Plan**

The Adopted Landscape Plans by Hatch Architects, Dwg DA1.00 R02, dated 17/2/2026 now showing proposed rear pool located within western aspect of property, with a semi mature *Magnolia grandiflora* (Magnolia T1) to be removed, the following must now be amended to include the following requirements:

- a) While existing hardstand is to be retained, the existing pavers within hardstand are to be removed and two (2) new car landing wheel strips are to be constructed, both at least 600mm wide and 5m long to identify an off-street car space within the rear yard. The remainder of hardstand can be of grass or gravel to provide additional permeable deep soil to the property.
- b) The proposed swimming pool, originally located within **rear eastern aspect** of property, is now relocated to western side set back, adjacent western neighbouring property boundary, T1 tree species can now be removed, two thirds of western hedging shrubs, adjacent proposed western pool, will now be removed due to being in direct conflict with pool works.
- c) T2 to be retained, a replacement tree for T1 must be applied within site, must be of same Magnolia species, must measure 2.5 metres from any part of the dwelling and must be clear from pool fencing, if this cannot be plotted within site, an amenity fee will need to be applied at applicant's costs.

*The cost of the street planting fee which includes the planting, staking, mulching, watering, general pruning care for the life of the tree, can be found on [https://www.randwick.nsw.gov.au/data/assets/pdf\\_file/0004/345469/Technical-Services-and-Domestic-Waste.pdf](https://www.randwick.nsw.gov.au/data/assets/pdf_file/0004/345469/Technical-Services-and-Domestic-Waste.pdf) (Clause Part 2.6, point ii) of the C1 DCP, fee structure is found in our Councils website, Fees & Charges, Technical Services, Street Trees (page 4, Street Tree Planting Fee = \$1,765.00)*

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Condition

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

- d) The proposed paved area located between pool and eastern boundary must be reduced in size, this will create similar width like eastern side setback deep soil area, which measures 1m wide, this must continue along eastern side setback towards existing tree, this will reduce the proposed paving to a measurement of 2680mm.

This proposed area must remain **undisturbed deep soils** to protect any potential roots from external street trees that may protrude within the property, existing hedging shrubs, along eastern side setback are to be removed to accommodate sliding gate, this area can now be of turf or small plantings to applicants' discretion, lastly all southern hedges to be retained.

A revised scheme complying with the requirements specified above must then be submitted to, and be approved by, the Principal Certifier, prior to any Construction Certificate

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

18. **Protection of trees within street**

To ensure retention of mature *Eucalyptus globoidea* (White Stringybark **T3**) 8m high, located north of existing crossover, mature *Eucalyptus racemosa* (Snappy Gum **T4**) centrally adjacent eastern side setback of subject site, the following measures are to be undertaken:

1. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of their trunks, canopies, TPZ's to be clearly and accurately shown on all plans in relation to the proposed works.
2. Prior to the commencement of any site works, the trunks of each tree are to be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. **NO nailing to the trunk.**
3. These trunk protections shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: **"TREE PROTECTION ZONE (TPZ), DO NOT REMOVE"**.
4. Where major roots with a diameter of 50mm or more are encountered within the subject site and Council's officer determines they must be retained, the area within the site must be retained as undisturbed dep soil.
5. Where roots with a diameter of less than 50mm are found which are in direct conflict with the approved works, and permission is given for their pruning, they may be cut cleanly using hand-held tools only, with the affected area to then being backfilled with clean site soil as soon as practically possible.
6. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil as soon as practically possible.

Condition
7. Ground levels within the TPZ's must not be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which is to remain as undisturbed, deep soil.
8. The applicant is not authorised to perform any other works to this public tree and must contact Council's Landscape Development Officer on 9093-6633 should additional clearance pruning or similar be necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, <b>GIVING UP TO SIX WEEKS NOTICE</b> , with payment to be received prior to pruning or any Occupation Certificate.
9. Within the TPZ there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
10. The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

A refundable deposit in the form of cash, credit card, cheque OR bank guarantee for an amount of **\$2500.00** must be paid into **Tree Amenity Income** via Council's Customer Service Centre, **prior to a Construction Certificate being issued for the development** to ensure compliance with the conditions listed in this consent, and preservation of the tree.

The refundable deposit will be eligible for refund following an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form' and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6633)

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

Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

19. **Protection of tree within property**

To ensure retention of **T2** Magnolia tree, in good vigour, good health, located wholly within rear southeastern side set back of subject site, the following measures are to be undertaken:

- a) All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of its trunk, canopy, SRZ, TPZ to be clearly and accurately shown on all plans in relation to the proposed works.
- b) This tree must be physically protected by installing evenly spaced star pickets at a setback of 1000 mm of its trunk, matching up with eastern common boundary fence to which, safety tape/para-webbing shall then be permanently attached to completely enclose the tree for the duration of works.

Condition
<p>c) This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: <b>“TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER”</b>.</p> <p>d) Where major roots with a diameter of 50mm or more are encountered within the paving to its north and Council’s officer determines they must be retained, then paving must be reduced to accommodate these roots.</p> <p>e) Where roots with a diameter of less than 50mm are found which are in direct conflict with the approved works, then permission is given for their pruning, they may be cut cleanly using hand-held tools only, with the affected area to then being backfilled with clean site soil as soon as practically possible.</p> <p>f) Ground levels within the TPZ <b>must not be altered by more than 200mm</b>, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which is to remain as undisturbed, deep soil.</p> <p>g) Within the TPZ there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.</p> <p>h) The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of work and prior to any Occupation Certificate.</p>

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

### BEFORE BUILDING WORK COMMENCES

Condition
<p>20. <b>Building Certification &amp; Associated Requirements</b> The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:</p> <p>a) a <i>Construction Certificate</i> must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.</p> <p>b) a Registered (Building) Certifier must be appointed as the <i>Principal Certifier</i> for the development to carry out the necessary building inspections and to issue an occupation certificate; and</p> <p>c) a principal contractor must be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the <i>Home Building Act 1989</i>, and the Principal Certifier and Council must be notified accordingly (in writing); and</p> <p>d) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the</p>

	Condition
	Principal Certifier; and
	<p>e) at least two days' notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.</p> <p>Condition Reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.</p>
21.	<p><b>Home Building Act 1989</b> In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and sections 69 &amp; 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>, in relation to residential building work, the requirements of the <i>Home Building Act 1989</i> must be complied with.</p> <p>Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifier and Council.</p> <p>Condition Reason: Prescribed condition under section 69 &amp; 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
22.	<p><b>Dilapidation Reports</b> A dilapidation report must be obtained from a Professional Engineer, Building Surveyor or other suitably qualified person to the satisfaction of the appointed Registered Certifier for the development, in the following cases:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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);</li> <li>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</li> <li>as may be required by the Principal Certifier for the development.</li> </ul> <p>The dilapidation report shall include details of the current condition and status of any dwelling, or other structures located upon the adjoining premises and shall include relevant photographs of the structures.</p> <p>The dilapidation report must be submitted to the Principal Certifier, the Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
23.	<p><b>Construction Site Management Plan</b> A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:</p> <ul style="list-style-type: none"> <li>location and construction of protective site fencing and hoardings</li> </ul>

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	Condition
	<ul style="list-style-type: none"><li>• location of site storage areas, sheds, plant &amp; equipment</li><li>• location of building materials and stock-piles</li><li>• tree protective measures</li><li>• dust control measures</li><li>• details of sediment and erosion control measures</li><li>• site access location and construction</li><li>• methods of disposal of demolition materials</li><li>• location and size of waste containers/bulk bins</li><li>• provisions for temporary stormwater drainage</li><li>• construction noise and vibration management</li><li>• construction traffic management details</li><li>• provisions for temporary sanitary facilities</li><li>• measures to be implemented to ensure public health and safety.</li></ul> <p>The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.</p> <p>A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.</p> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
24.	<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>
25.	<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>
26.	<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>
27.	<p><b>Street Tree Management</b></p> <p>The applicant must submit a payment of <b>\$1119.00</b> to cover the following costs for Council to prune the mature <i>Eucalyptus globoidea</i> (White Stringybark T3) within</p>

Condition	
	<p>Market Street council verge, which is plotted near southeastern subject site existing crossover, the following pruning must be applied:</p> <ul style="list-style-type: none"> <li>a) There are some sporadic random branches protruding out of western aspect of canopy, with one noticeably protruding over western footpath and western aspect of subject site, this must be pruned back to the trees western upper main branch for internal work clearances.</li> <li>b) All lower lateral branches must be pruned/uplifting, this pruning will uplift canopy and will protect against any physical or mechanical damage and deliveries and such, this will aesthetically bring the lower canopy to become more horizontally balanced and make it aesthetically pleasing to the eye, to which protection batons will then be fitted without any interruptions.</li> <li>c) Eastern aspect canopy must be pruned slightly higher to achieve more suitable heights above parked cars.</li> <li>d) Upper eastern branches need cleared from passing larger trucks, these removals will also lessen the load for already eastern leaning tree</li> <li>e) Lastly, removal of deadwood within the canopy, this will create more air circulation within centre of species</li> <li>f) All pruning works must be carried out under the supervision of Council Officer <a href="mailto:peter.napier@randwick.nsw.gov.au">peter.napier@randwick.nsw.gov.au</a> or a member of the Council Tree Team 9093 6728 or (6964) or (6687)</li> </ul> <p>If Council Officer is unable to attend the site meeting, Officer will provide photographs of proposed pruning areas via email to Council Tree Staff for these removals/prunings, supervision will ensure that all branch cuts are correctly identified so species is protected, pruning must be performed to appropriate arboriculture standards, and the final outcome remains aesthetically appropriate.</p> <p>This fee must be paid into <b>Tree Amenity Income</b> at the Cashier on the Ground Floor of the Administrative Centre <b>prior to a Construction Certificate being issued for the development.</b></p> <p><b>The applicant must contact Council's Landscape Development Officer on 9093-6633 (quoting the receipt number) AND GIVING UP TO SIX WEEKS NOTICE to arrange for pruning.</b></p> <p><b>After advising of the receipt number, any further enquiries regarding scheduling/timing of tree pruning works are to be directed to Council's Tree Preservation &amp; Maintenance Officers on 9093 6964 (North Area).</b></p> <p>Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.</p>

### DURING BUILDING WORK

Condition	
28.	<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> <ul style="list-style-type: none"> <li>a) showing the name, address and telephone number of the principal certifier for the work, and</li> </ul>

**Condition**

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

The sign must be—

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

This section does not apply in relation to—

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

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

**29. Restriction on Working Hours**

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <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 (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.

**30. Public Safety & Site Management**

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.

	Condition
	<p>c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.</p> <p>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.</p> <p>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.</p> <p>f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.</p> <p>g) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to the site to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.</p> <p>h) Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.</p> <p>i) <i>If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or articles or, operate a crane, hoist or concrete pump on or over Council land, a Local Approval application must be submitted to and approved by Council beforehand.</i></p> <p>j) 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.</p> <p>k) Noise and vibration from the works are to be minimised and mitigated by implementing appropriate noise management and mitigation strategies, in accordance with the Noise and Vibration Management Plan prepared in accordance with the relevant EPA guidelines.</p> <p>l) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.</p> <p>m) 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 6000 for further details.</p>

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

31. **Building Encroachments**  
There must be no encroachment of any structures or building work onto Council's

Condition	
	road reserve, footway, nature strip or public place.
	Condition Reason: To ensure no encroachment onto public land and to protect Council land.
32.	<p><b>Tree Management</b></p> <p>Approval is granted for removal of T1 Magnolia tree with this site, due to it being in direct conflict with proposed new western pool, a replacement tree of same species is to be plotted within property, two thirds of western aspect hedging shrubs, adjacent proposed western pool, to be removed due to being in direct conflict with pool works, eastern aspect hedging shrubs also to be removed to accommodate gate entry mechanism and gate, all other vegetation are to be retained and protected.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>
33.	<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, please contact Council's Road / Asset Opening Officer on 9093 6691 or 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>

### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
34.	<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>
35.	<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>

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	Condition
36.	<p data-bbox="491 320 1118 349"><b>Council's Infrastructure, Vehicular Crossings and Street Verge</b></p> <p data-bbox="491 349 1267 443">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 data-bbox="491 465 1267 584">All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:</p> <ul style="list-style-type: none"> <li data-bbox="528 607 1267 748">a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.</li> <li data-bbox="528 770 1267 920">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.</li> <li data-bbox="528 943 1267 1016">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.</li> </ul> <p data-bbox="491 1039 1267 1158">That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.</p> <p data-bbox="491 1180 1267 1232">Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
37.	<p data-bbox="491 1256 719 1285"><b>Swimming Pool Safety</b></p> <p data-bbox="491 1285 1267 1379">Swimming Pools [and Spa Pools] are to be provided with a child-resistant barrier (i.e. fence, in accordance with the <i>Swimming Pools Act 1992</i>; the <i>Swimming Pools Regulation 2018</i> and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).</p> <p data-bbox="491 1402 1267 1453">Condition Reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
38.	<p data-bbox="491 1471 719 1500"><b>Swimming Pool Safety</b></p> <p data-bbox="491 1500 1267 1594">A 'warning notice' must be installed in a prominent position in the immediate vicinity of a Swimming Pool [or Spa Pool], in accordance with the provisions of the <i>Swimming Pools Regulation 2018</i>, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.</p> <p data-bbox="491 1617 1267 1668">Condition Reason: To ensure compliance with relevant legislation and standards, and ensure the safety of the pool/spa area prior to use.</p>
39.	<p data-bbox="491 1686 719 1715"><b>Swimming Pool Safety</b></p> <p data-bbox="491 1715 1267 1760">The owner of the premises must 'register' their Swimming Pool [or Spa Pool] on the NSW Swimming Pool Register, in accordance with the <i>Swimming Pools Act 1992</i>.</p>

Condition	
	<p>The Swimming Pool Register is administered by the NSW Government and registration on the Swimming Pool Register may be made on-line via their website <a href="http://www.swimmingpoolregister.nsw.gov.au">www.swimmingpoolregister.nsw.gov.au</a>.</p> <p>Registration must be made prior to the issue of an Occupation Certificate for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifier and Council accordingly.</p> <p>Condition Reason: To ensure registration of the swimming pool/spa in accordance with relevant legislation.</p>
40.	<p><b>Landscape Certification</b></p> <p>Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Amended Landscape Plans, Site Analysis and Site Plan, Dwg DXA1.00 R02, dated 17/2/2026.</p> <p>Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of development.</p> <p>Condition Reason: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.</p>

## OCCUPATION AND ONGOING USE

Condition	
41.	<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>
42.	<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>
43.	<p><b>Plant &amp; Equipment</b></p> <p>Noise from the operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i>.</p> <p>Condition Reason: To protect the amenity of the surrounding area and residents.</p>

## DEMOLITION WORK

### BEFORE DEMOLITION WORK COMMENCES

Condition	
44.	<p><b>Demolition Work Plan</b></p> <p>A demolition work plan must be developed and be implemented for any demolition works in accordance with AS2601 (2001)- Demolition of Structures.</p> <p>The demolition work must be carried out in accordance with relevant SafeWork NSW</p>

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

### DURING DEMOLITION WORK

Condition
<p>45. <b>Demolition Work</b></p> <p>Any demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard - AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a demolition work plan, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>• 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),</li> <li>• Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant Regulations</li> <li>• A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",</li> <li>• Council is to be given at least two days written notice of demolition works involving materials containing asbestos,</li> <li>• Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,</li> <li>• 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.</li> </ul> <p>Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.</p> <p>Condition Reason: To ensure that the handling and removal of asbestos from the site is appropriately managed.</p>

## Development Application Report No. D10/26

**Subject:** 6-10 Dine Street, Randwick (DA/1256/2025)

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
### Executive Summary

<b>Proposal:</b>	Alterations and additions to the existing dwelling (Unit 22) including southern ground floor addition (variation to floor space ratio standard & heritage conservation area).
<b>Ward:</b>	East Ward
<b>Applicant:</b>	Mr R Monckton
<b>Owner:</b>	Mr C M Sittinger & Mrs A J Hickson
<b>Cost of works:</b>	\$165268.40
<b>Reason for referral:</b>	The development involves a variation of more than 10% to development standards for FSR and Heritage Conservation Area

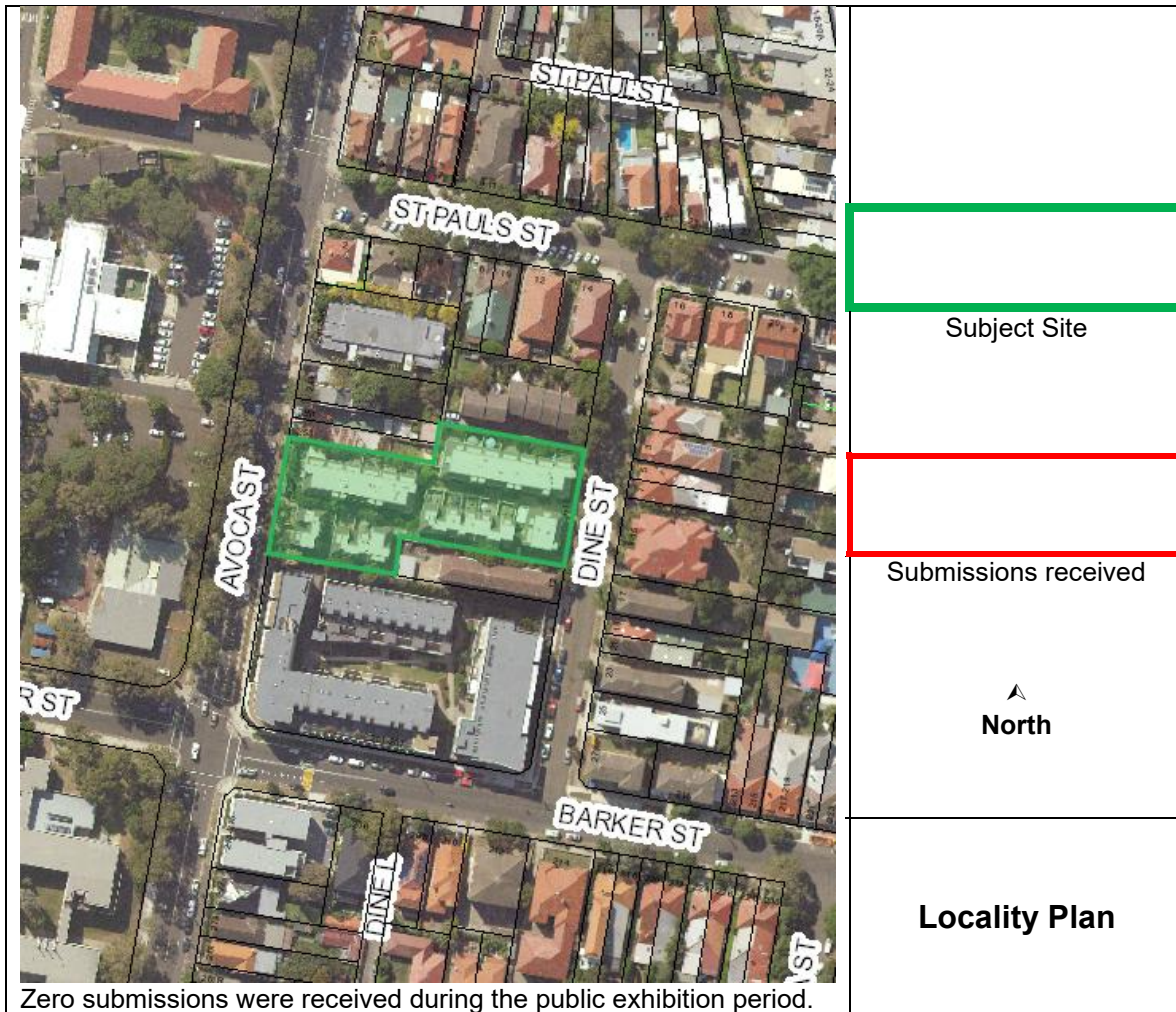
### Recommendation

- A. That the RLPP is satisfied that the Applicant's written requests to vary the non-discretionary development standards relating to Floor Space Ratio in Clause 172 (2) of the State Environmental Planning Policy (Housing) 2021 – Chapter 6 (Low and Mid-Rise Housing Code) have demonstrated that:
- i. Compliance with the relevant development standard is unreasonable or unnecessary in the circumstances of the case; and
  - ii. There are sufficient environmental planning grounds to justify the contravention of the relevant development standard.
- B. That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 1256/2025 for Alterations and additions to the existing dwelling (Unit 22) including southern ground floor addition, at No. 6-10 Dine Street, Randwick, subject to the development consent conditions attached to the assessment report.

### Attachment/s:

1.  [RLPP Dev Consent Conditions \(general\) - DA/1256/2025 - 6-10 Dine Street, RANDWICK, NSW 2031 - DEV - R Monckton](#)

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**1. Executive summary**

The application is referred to the Randwick Local Planning Panel (RLPP) as the development contravenes the development standard for floor space ratio by more than 10%

The proposal seeks development consent for alterations and additions to the existing dwelling (Unit 22) including southern ground floor addition (variation to floor space ratio standard & heritage conservation area)

The key issues associated with the proposal relate to:

- A 47.16% variation to the FSR standard (0.7:1) set out in the non-discretionary development standards relating to Floor Space Ratio in Clause 172 (2) of the State Environmental Planning Policy (Housing) 2021 – Chapter 6 (Low and Mid-Rise Housing Code).
- A shortfall in relation to Clause 2.2.2 Deep Soil Area within the C2 Medium Density Residential Randwick City Council DCP.
- A merit assessment in regard to Clause 2.2.1 Landscaped Area within the C2 Medium Density Residential Randwick City Council DCP.

**2. Site Description and Locality**

The subject site is known as 6-10 Dine Street, Randwick 2031 and is legally described as SP 45299. The total site is 3,270m<sup>2</sup>. The site is irregular in shape and has a 36.525m frontage to Avoca Street to the west, a 39.56m and 51.90m boundary to the south, a 36.625m frontage to Dine Street and a 45.72m and 45.720m boundary to the north. The site contains 25 medium density townhouses with basement parking.

The application specifically relates to works at Unit 22 within SP 45299. Unit 22 is situated in the south-west corner of 6-10 Dine Street with frontage to Avoca Street. Unit 22 is accessed from Avoca Street. Unit 22 is a three-storey, attached townhouse with an associated courtyard area and basement car space.

The site is substantially flat with a minimal 0.3m slope to the south. Unit 22 contains a site area of 188.42m<sup>2</sup>. This site is also referred to as 22/255 Avoca Street, Randwick within the Statement of Environmental Effects.

Surrounding development consists of the other townhouses within the subject site (6-10 Dine Street, Randwick). To the south are three-storey residential flat buildings and across Avoca Street is health infrastructure buildings associated with the Prince of Wales Hospital.

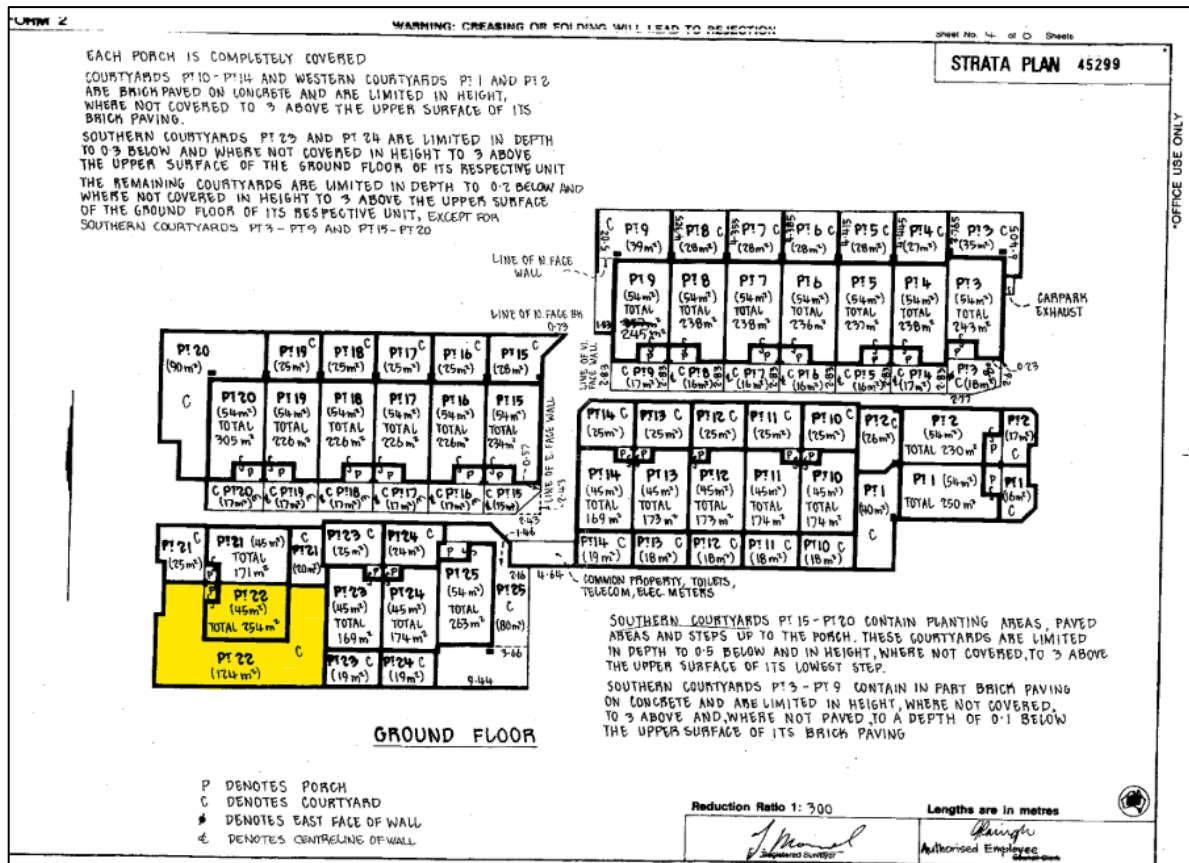


Figure 1. Strata Plan 45299 with Unit 22 highlighted.

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**Figure 2.** Front of subject townhouse – viewed from Avoca Street (Source Council Officer).



**Figure 3.** Front of existing townhouse development – view from Avoca Street (Source Council Officer).



Figure 4. Front of subject townhouse (Source Council Officer).



Figure 5. Existing living and dining room (Source Council Officer).

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**Figure 6.** Courtyard subject to ground floor addition facing east (Source Council Officer).



**Figure 7.** Courtyard subject to ground floor addition facing west (Source Council Officer).



**Figure 8.** Remaining courtyard area (Source Council Officer).



**Figure 9.** Remaining covered paved private open space (Source Council Officer).

### 3. Relevant history

#### Previous Applications

- **CDC/130/2004** was approved in 2004 for the removal of internal walls and renovations to Unit 22 (The subject site). An occupation certificate was obtained in 2005.
- **DA/1259/92** was approved for eleven townhouses in 1993 and subsequently subdivide into strata units 1993 under **SC/42/1993**.

#### Subject Application

- On 20 January 2026, a letter was sent to the Applicant requesting additional information to be submitted to Council. Council request existing floor plans of the townhouse development to enable the assessing officer to determine the gross floor area (GFA) and calculate the floor space ratio (FSR). The letter also required the Clause 4.6 Statement to be updated to accurately measure the GFA and FSR variation. The original plans made a slight error in the calculation through only measuring the stairwell once rather than twice as is required for a three-storey dwelling.
- On 22 January 2026, additional information was received which addressed the RFI letter. Council received an updated set of architectural plans with amendments to the floor space calculations to include two levels of stairs as GFA for the purposes of the FSR calculation and an amended Clause 4.6 variation with updated floor space calculations and percentage figures.
- On 2 February 2026, an email was sent to the Applicant requesting additional information to be submitted to Council. Council requested amended GFA calculation plans which incorporate the internal walls between the attached townhouses. Additionally, it was identified that the subject development site is subject to the provisions of Chapter 6 (Low and mid-rise housing code) of the State Environmental Planning Policy (Housing) 2021. Under this code the maximum floor space ratio for multi-dwelling housing is 0.7:1 and the Clause 4.6 was to be updated to reflect this SEPP (Housing) control.

### 4. Proposal

The proposal seeks consent for alterations and additions to a townhouse dwelling (Unit 22) within an existing townhouse development. Specifically, southern ground floor addition within the courtyard of the dwelling (variation to floor space ratio standard).

The proposal includes the following:

#### Removal/Internal Reconfiguration

- Removal of existing paved terrace and timber posts in the ground floor,
- Removal of existing kitchen to install a new kitchen.
- Reconfigure internal spaces in the ground floor including the lounge, kitchen and dining.
- Removal of existing stepping stone pavers to replace it with a new river stone paver pathway.

#### Construction/New works

- A new glazed conservatory style extension in place of the existing paved terrace in the ground floor to accommodate a new lounge space.
- Associated landscaping works with existing landscaped area to incorporate additional planting.

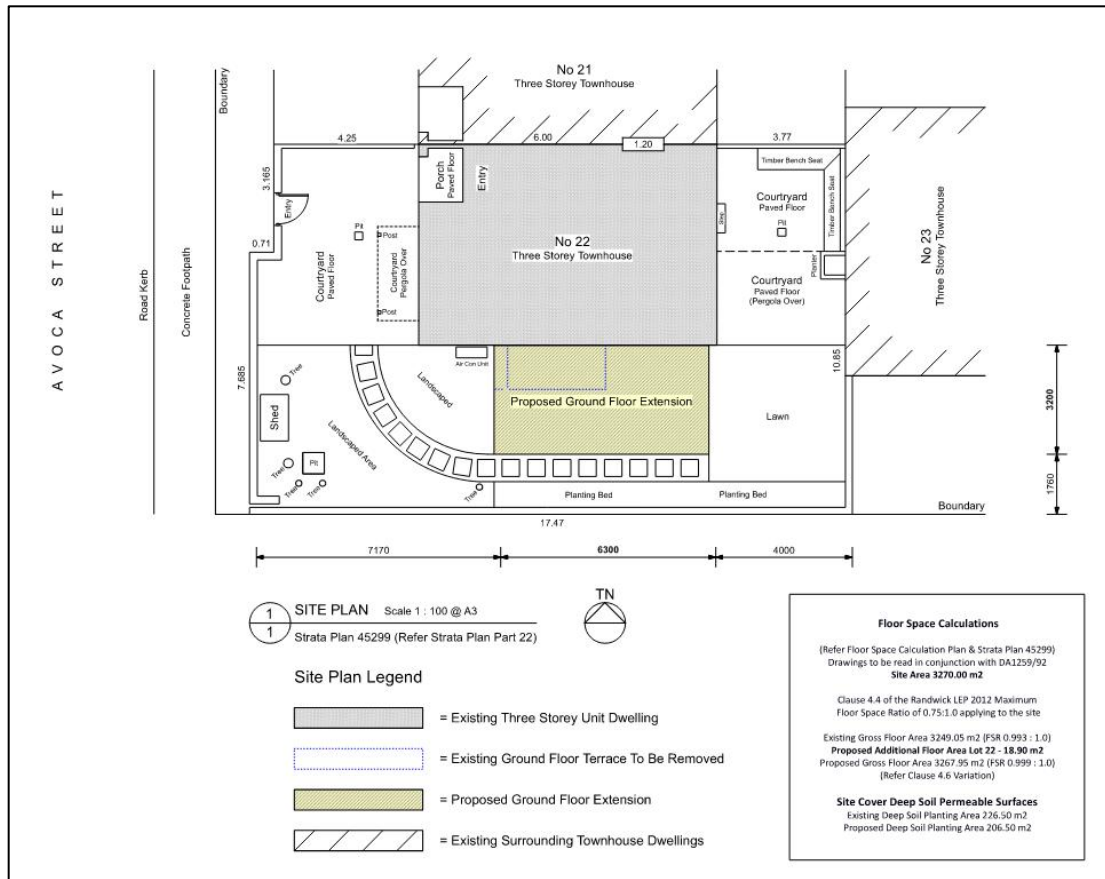


Figure 10. Proposed Site Plan (Source: Red Rock Design).

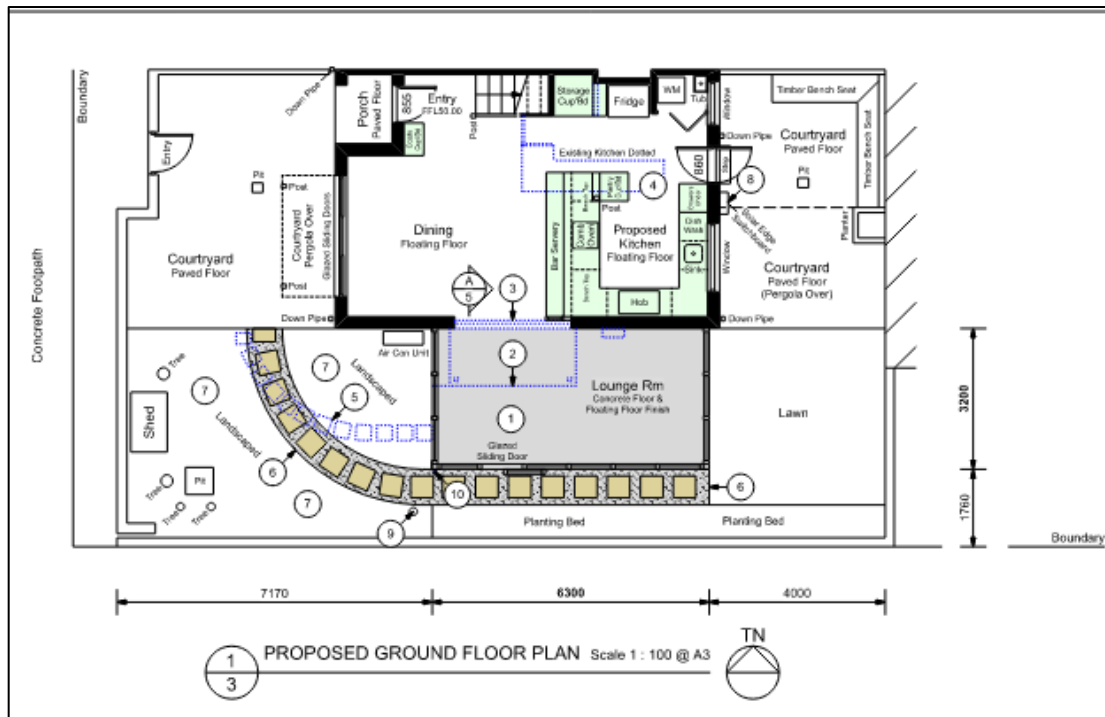


Figure 11. Proposed Ground Plan (Source: Red Rock Design).



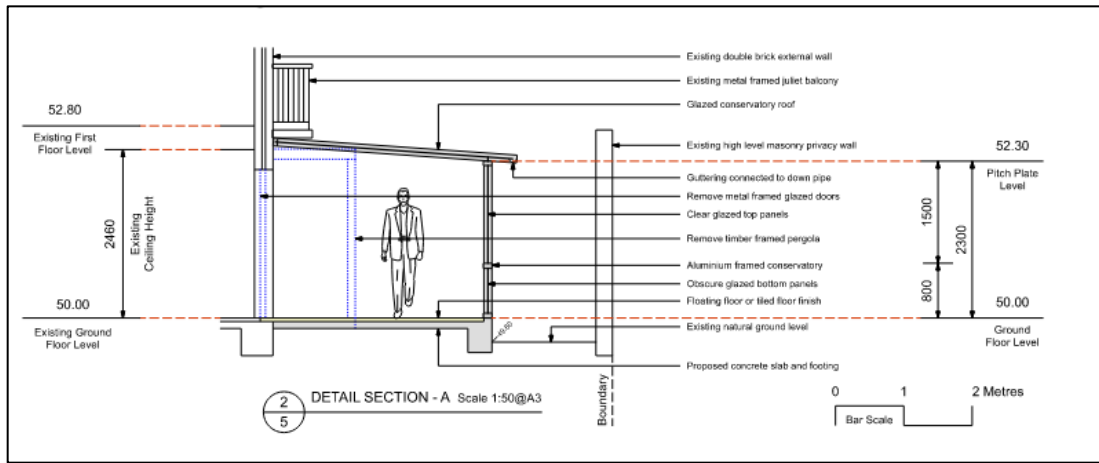


Figure 15. Proposed Section Plan (Source: Red Rock Design).

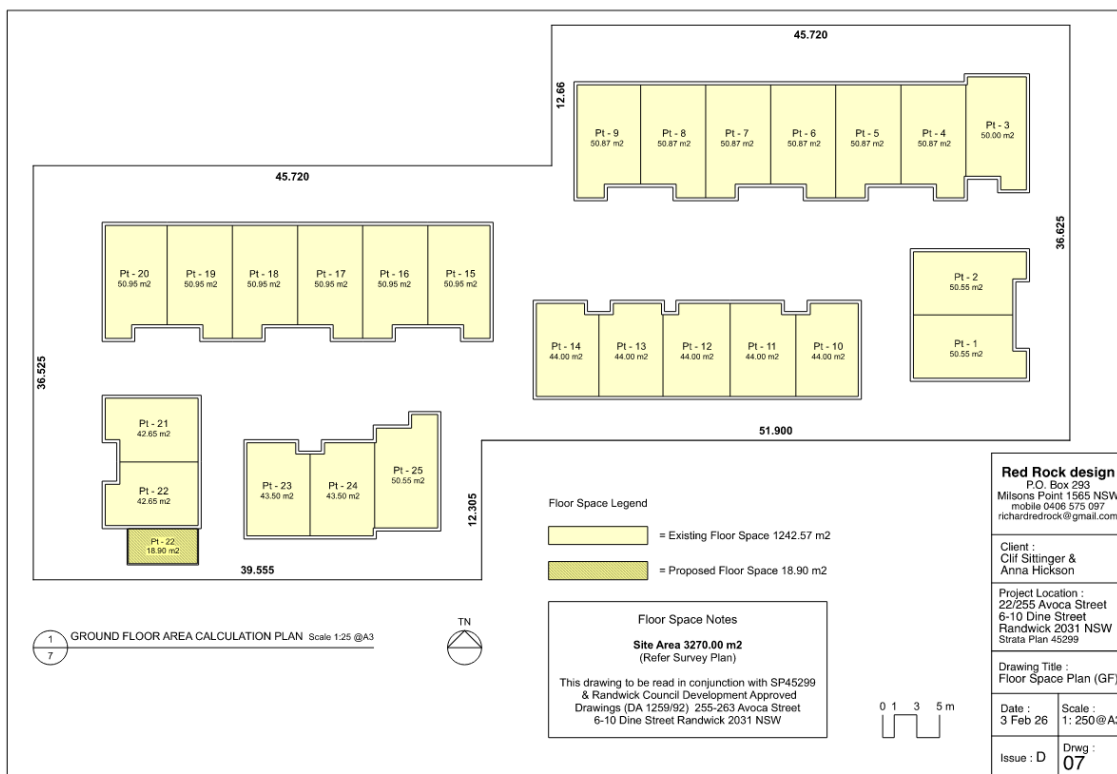


Figure 16. Ground floor Calculation Plan (Source: Red Rock Design).

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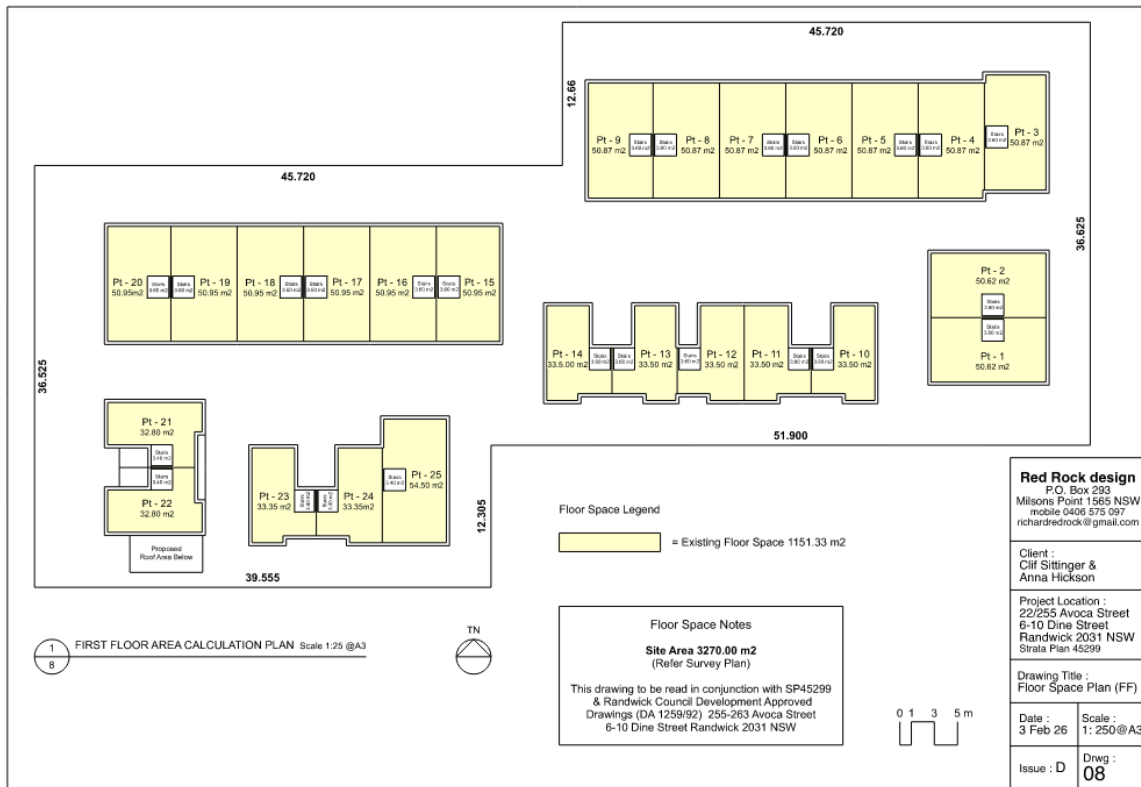


Figure 17. First floor Calculation Plan (Source: Red Rock Design).

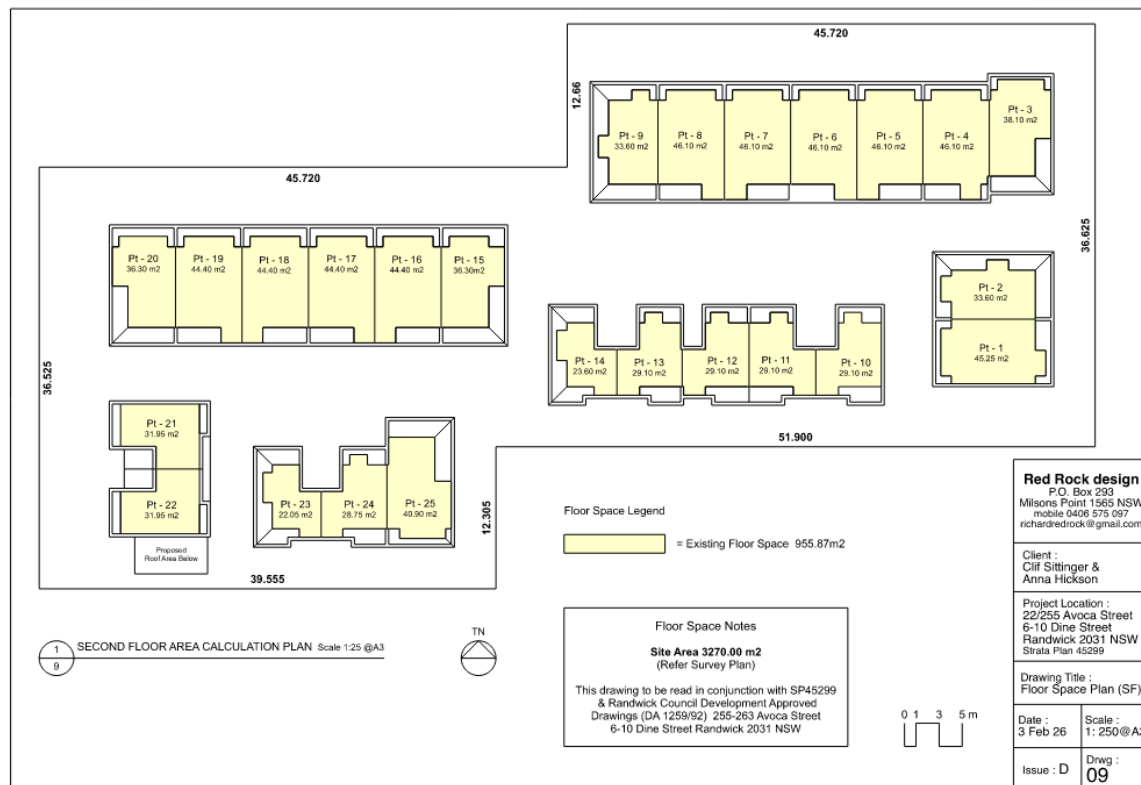


Figure 18. Second floor Calculation Plan (Source: Red Rock Design).

## 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. Nil submissions were received as a result of the notification process.

## 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.

SEPP (Biodiversity and Conservation) 2021

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

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

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

### 6.2 SEPP (Housing) 2021

#### Chapter 6 'Low and Mid Rise Housing'

Chapter 2, Part 3 of the Housing SEPP relates to development for the purpose of multi dwelling housing or attached dwellings that are within the low and mid rise housing area.

Council notes that whilst the development type of multi-dwelling housing and attached dwellings are permitted in the R3 Zone (pursuant to the RLEP 2012), the provisions of the Housing SEPP are applicable and prevail over the RLEP 2012 (pursuant to clause 1.9).

The proposed development is defined as multi dwelling housing in accordance with the Randwick Local Environmental Plan 2012.

***multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.***  
*Note.*

See Appendix 3 for detailed consideration of the relevant SEPP provisions.

Overall, Council is supportive of the proposed development and the variations sought to the respective development standards. See Section 7 of this report below for a detailed Clause 4.6 assessment.

### 6.2. 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 the existing residential townhouse) are such that any applicable provisions and requirements of the SEPP have been satisfactorily addressed.

**6.3. 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 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)
Cl 4.4: Floor space ratio (max)	0.75:1	1.03:1 Overall increase in floor space is 18.9m <sup>2</sup> .	No

Although, the development standards under Randwick Local Environmental Plan 2012 apply to the proposal, The non-discretionary development standards of the State Environmental Planning Policy (Housing) 2021 – Chapter 6 (Low and Mid-Rise Housing Code) also apply. In this situation, the SEPP (Housing) 2021 prevails over the RLEP 2012 and therefore a Clause 4.6 assessment is undertaken against the provisions of the SEPP. Additionally, the application is assessed against objectives of Clause 4.4 (1) of RLEP 2012 as the SEPP provisions do not directly relate to excessive floor space.

**6.3.1. Clause 4.6 - Exceptions to development standards**

The non-compliances with the development standards are discussed in section 7 below.

**6.3.2. Clause 5.10 - Heritage conservation**

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. The site is located within *The Spot General Conservation Area (C16)* under the provisions of the Randwick LEP 2012. The heritage officer considers HCA within the heritage referral.

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## 7. Clause 4.6 exception to a development standard

The proposal seeks to vary the following development standards contained within Chapter 6 of the Housing SEPP 2021:

Clause	Development Standard	Proposal	Proposed variation	Proposed variation (%)
Section 172(3)(d): Maximum Floor Space Ratio	0.7:1	1.03:1	18.9sqm of additional GFA (proposed total GFA is 3,368.67sqm)	47.16%

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

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

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

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

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

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

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

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

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

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 reinforces the previous decision in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 regarding how to determine whether the Applicant's written

request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

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

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

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

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

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

### **7.1. Exception to the Floor Space Ratio (FSR) development standard (Clauses 172(3)(d))**

The Applicant’s written justification for the departure from the FSR standard is contained in Appendix 2. The Applicant’s written justification notes that there are no stated objectives within SEPP Housing 2021 in relation to this clause. However, the justification addresses the principles of SEPP Housing and the objectives contained within the RLEP 2012 in relation to floor space ratio.

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

The Applicant’s written request seeks to justify the contravention of the FSR development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case because the relevant objectives of the standard are still achieved.

The objectives of the FSR standard are set out in Clause 4.4 (1) of RLEP 2012. The Applicant has addressed each of the objectives as follows:

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

The Applicant’s written justification demonstrates that this objective is satisfied by noting that the proposal maintains a medium density residential land use without resulting in adverse impacts to the locality or neighbouring properties. The works in relation to the Clause 4.6 variation do not add significant bulk and scale to property and are minimal in consideration of the existing site and established character.

- The 18.9 m<sup>2</sup> FSR departure, achieves an appropriate planning outcome without adverse environmental or amenity impacts.
- The variation is arranged to avoid adverse environmental or amenity impacts on neighbours or the public realm and is considered negligible due to the location within the private courtyard.

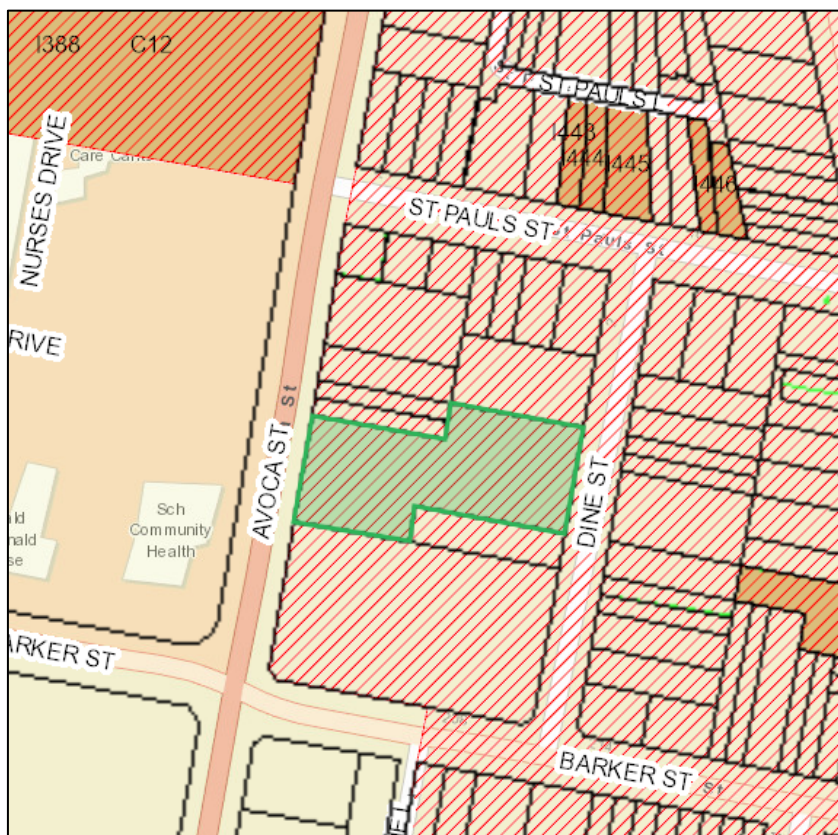
(b) *to ensure that buildings are well articulated and respond to environmental and energy needs*

The Applicant’s written justification demonstrates that this objective is satisfied by noting that compliance with BASIX requirements is achieved cross ventilation is satisfactorily provided. The intent of the addition is to provide a sunlit living space which can enhance the amenity of the existing dwelling.

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

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

The Applicant’s written justification demonstrates that this objective is satisfied by noting that due to the age of the buildings (constructed in the mid 1990’s, the subject site is not considered a contributory building to the Heritage Conservation Area. Although, Council must still consider the impacts to the overall appearance on the HCA. In summary, the proposal cannot be viewed from the street and does contribute to the streetscape. Therefore, in congruence with the heritage officer the proposal is considered acceptable. The SEE considers that the development is within *The Spot General Conservation Area* (C16) under the provisions of the Randwick LEP 2012. The heritage officer considers HCA within the heritage referral.



**Figure 17.** RLEP Heritage Map (Source: Interactive Mapping)

(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.*

The Applicant’s written justification demonstrates that this objective is satisfied by noting that the works do not result in additional overshadowing, loss of view or impact on outlook to any neighbors. The visual bulk of the proposal is considered acceptable as it is limited to the ground floor and cannot be viewed from the streetscape.

There are no objectives specifically relating to the Floor space ratio standard in the Housing SEPP. As such, the Applicant’s written justification argues that the principles of the Housing SEPP have been achieved, as per the following:

<b>Provision of SEPP 2021</b>	<b>Comment</b>
<i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i>	<i>The works will enhance the usability of an existing dwelling. The housing type is retained and enhanced.</i>
<i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	<i>This principle is not directly relevant to the subject works.</i>
<i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i>	<i>The works will enhance amenity by providing additional living space in lieu of part of the private open space. The private open space retains large usable area.</i>
<i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i>	<i>This principle is not directly relevant to the subject works.</i>
<i>(e) minimising adverse climate and environmental impacts of new housing development,</i>	<i>The new work is accompanied by a BASIX certificate committed to energy saving commitments.</i>
<i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i>	<i>This principle is not directly relevant to the subject works.</i>
<i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i>	<i>This principle is not directly relevant to the subject works.</i>
<i>(h) mitigating the loss of existing affordable rental housing.</i>	<i>The site does not contain affordable rental housing.</i>

Assessing officer’s comment: In conclusion, the Applicant’s written request has adequately demonstrated that compliance with the floor space ratio development standard and the provisions of SEPP (Housing) 2021 is unreasonable or unnecessary in the circumstances of the case.

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

The Applicant’s written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the FSR development standard as follows:

- The area to which the proposal relates to has no bearing on the neighbours amenity. No view is affected, no additional overshadowing is created, and the bulk of the overall development is not increased from any public space.
- The density of the overall dwelling is appropriate and relates well to the zones objective and surrounding development.

- The FSR variation provides increase amenity to the occupants of the dwelling through access to sunlight during winter months.
- The dwelling will still contain sufficient private open space.

Assessing officer’s comment: In conclusion, the Applicant’s written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

**Conclusion**

On the basis of the above assessment, it is considered that the requirements of Clause 4.6(3) have been satisfied and that development consent may be granted for development that contravenes the FSR development standard. Additionally, Council understands the more variations to FSR for the subject site will be difficult to justify as the other dwellings within the site contain smaller POS areas. Therefore, this DA does not seek to set a precedent which will allow expanded ground floor areas for all other dwellings in the subject allotment.

**8. Development control plans and policies**

**8.1. 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 4.

**9. Environmental Assessment**

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

<b>Section 4.15 ‘Matters for Consideration’</b>	<b>Comments</b>
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
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 4 and the discussion in key issues below.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.

Section 4.15 'Matters for Consideration'	Comments
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 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	<p>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.</p>
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	<p>No submissions received.</p>
Section 4.15(1)(e) – The public interest	<p>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.</p>

**9.1. Discussion of key issues**

Deep Soil Area

A minimum of 25% of the site area (3,270m<sup>2</sup>), equating to 817.5m<sup>2</sup>, is required to be provided as deep soil area. These areas must be of sufficient size and dimension to accommodate canopy trees and significant landscaping.

The development proposes a total deep soil area of 206.9m<sup>2</sup>, representing a reduction of 20m<sup>2</sup> associated with the addition.

It is acknowledged that the site, as originally approved under DA/1259/92, does not comply with the current deep soil area requirements. However, when considering the site as a whole, Council is of the view that the proposed reduction is minor in the context of the overall development.

Specifically, Unit 22 provides 61.38m<sup>2</sup> of deep soil area within a total strata lot area of 184.49m<sup>2</sup>. This equates to approximately 33% of the individual lot being provided as deep soil, which exceeds the 25% control when assessed proportionately at the lot level. The extent and configuration of the deep soil area within Unit 22 are considered adequate to achieve the objectives of the control, including facilitating meaningful planting and maintaining groundwater permeability. The proposal is therefore considered to result in minimal environmental impact in this regard.

Landscaped Area

Details of the total landscaped area approved under DA/1259/92 are not readily accessible. Accordingly, Council has assessed the landscaping provision on merit, having regard to the portion of the site subject to the current proposal.

Unit 22 provides landscaping to the front, side and rear of the dwelling. The extent and distribution of landscaping are considered appropriate and capable of delivering adequate visual amenity, shading and softening of built form. On this basis, the proposal is considered acceptable in relation to landscaped area provision.

**10. Conclusion**

That the application for alterations and additions to the existing dwelling (Unit 22) including southern ground floor addition (variation to floor space ratio standard & heritage conservation area) be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R3 Medium Density Residential zone in that the proposed built form will provide for the housing needs of the community whilst causes a minimal impact to the aesthetic character and protecting the amenity of surrounding 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.

## Appendix 1: Referrals

### 1. Internal referral comments:

#### 1.1. Heritage planner

##### 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 development proposal appears to be consistent with RDCP and does not have any significant adverse material or visual impact on the HCA.

##### Recommendation

Supported from a heritage perspective, no further condition is required.

#### 1.2. Development Engineer

An application has been received for alterations and additions to the existing dwelling (Unit 22) including southern ground floor addition (variation to floor space ratio standard & heritage conservation area).

This report is based on the following plans and documentation:

- Architectural Plans by Red Rock Design dated 10/11/2025
- Statement of Environmental Effects by Damian O'Toole dated August 2025
- Detail & Level Survey by C&A Surveyors dated 17/7/2025
- Stormwater Drainage plan by Red Rock Design Dwg 06 Issue B dated 10<sup>th</sup> Nov 2025

##### General Comments

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

##### Strata Comments

The subject property forms part of a strata scheme and is known as Lot 22 in Strata Plan 45299. The proposed development will not change the total area or boundaries of the strata lot but will change the makeup with the courtyard area being decreased and internal floor area being increased. New strata plans that incorporate the proposed additions into the strata scheme are required. A suitable condition has been included in this report.

##### Parking Comments

One car space in the basement carpark is currently allocated to the property via strata plan SP 45299.

The proposed development will not increase the number of bedrooms and will not increase the parking demand on the site. Development Engineering has no objection to the development in terms of parking.

##### Drainage Comments

The Planning Officer is advised that the submitted drainage plans indicate stormwater from the redeveloped portion of the site is to be discharged to the existing sites stormwater system which eventually discharges to Dine Street. This is

acceptable however the Applicant is to submit detailed drainage plans to the Principal Certifier for approval prior to the issuing of a construction certificate.

**Undergrounding of power lines to site**

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

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

It is noted that the proposed works are located within a strata development where the existing power is already underground. Subsequently the condition has not been recommended in this instance.

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**Appendix 2: Clause 4.6 Statement***22/255 Avoca Street, Randwick NSW 2031***REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO  
CLAUSE 4.6 OF RANDWICK LOCAL ENVIRONMENTAL PLAN 2012****TO ACCOMPANY A DEVELOPMENT APPLICATION TO  
RANDWICK CITY COUNCIL FOR ALTERATIONS AND ADDITIONS TO A MULTI UNIT DWELLING**

**Property:** 22/255 Avoca Street, Randwick NSW 2031.  
**Proposal:** Alterations and additions to a multi unit dwelling.  
**Zoning:** R3 Medium Density Residential.

**Development standard to which the request to vary the standard is taken:**

State Environmental Planning Policy (Housing) 2021 – Chapter 6 (Low and mid-rise housing code) contains the relevant FSR control of 0.7:1 (Clause 172 (2) - Non-discretionary development standards—multi dwelling housing).

**1. The Aim of the request**

To allow an FSR of 1.03:1 to the site, a non-compliance of 47.16% (being a GFA of 3368.67m<sup>2</sup> on a site area of 3270m<sup>2</sup>). The additional GFA is only 18.9m<sup>2</sup>. The existing GFA is 3349.77m<sup>2</sup>, or a FSR of 1.02:1.

Clause 4.6 of LEP 2012 allows the applicant to request a departure from compliance with a development standard.

**2. Objectives of the Standard**

There are no stated objectives within SEPP (Housing 2021) in relation to this clause, however the principles of the Housing SEPP will be addressed and the objectives contained within Council's LEP 2012 in relation to Floor Space Ratio will be addressed also.

**3. Application and Assessment of Clause 4.6 Exceptions to development standards**

Clause 4.6 of LEP 2012 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
4. Moskovich v Waverley Council [2016] NSWLEC 1015
5. Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118
6. Hansimikali v Bayside Council [2019] NSWLEC 1353
7. Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

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*22/255 Avoca Street, Randwick NSW 2031*

In the assessment of using Clause 4.6 it is particularly relevant to address part (3) of the clause, being,

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that —

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

In assessment of the proposal against parts 3 the following is offered.

**How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the non-compliance. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a). Furthermore in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the applicant must demonstrate that Clause 4.6(3) must be adequately justified. The standard method is in using the five part *Wehbe* test (as noted in the judgment) as an approach in justifying this requirement.

The five part test described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

As stated the principles of the Housing SEPP 2021 are addressed in absence of specific objectives for the standard.

Principles of the SEPP (Housing) 2021	Comment
(a) enabling the development of diverse housing types, including purpose-built rental	The works will enhance the usability of an existing dwelling. The housing type is retained

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housing,	and enhanced.
(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability	This principle is not directly relevant to the subject works.
(c) ensuring new housing development provides residents with a reasonable level of amenity,	The works will enhance amenity by providing additional living space in lieu of part of the private open space. The private open space retains large usable areas.
(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,	This principle is not directly relevant to the subject works.
(e) minimising adverse climate and environmental impacts of new housing development,	The new work is accompanied by a BASIX certificate committing to energy saving commitments.
(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,	This principle is not directly relevant to the subject works.
(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,	This principle is not directly relevant to the subject works.
(h) mitigating the loss of existing affordable rental housing.	The site does not contain affordable rental housing.

Additionally the objectives in relation to Floor Space Ratio that are contained with Randwick LEP 2012 are also addressed below.

- (a) to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) to ensure that buildings are well articulated and respond to environmental and energy needs,*
- (c) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (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.*

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Comment

The works are entirely reasonable given the built form context of the site.

The additional bulk provided is minor and is within a large ground floor garden of a unit to the interior of the development, well away from any street frontage. The works that relate to additional GFA do not add significant bulk that materially alter the character or appearance of the structure. The new form is modest and it relates well with the existing massing. The character of the site or the locality is not detrimentally affected or altered.

Accordingly, the proposed built form is consistent with surrounding development in that it will also result in a reasonable non-compliance with the development standard.

The size and scale of the overall development is not materially altered by the works.

The works do not result in additional overshadowing, loss of view or impact to outlook to any neighbour. The works are single level and are sufficiently separated from the closest neighbour.

In light of the above, this request provides that the non-compliant FSR satisfies the most relevant objectives in question.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

A comparable degree of non-compliance was permitted on the adjoining sites recently.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

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The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. For the subject application, the proposed development which seeks to also vary the FSR standard, achieves a better response to the objectives of the subject R3 Medium Density Residential Zone in that it provides a high level of amenity for occupants and safeguards the street appearance of the site which is consistent with various LEP and DCP requirements.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

#### **Sufficient environmental planning grounds to justify the contravention**

In satisfying Clause 4.6 (3)(b) the consent authority must be satisfied that the applicant has submitted justification that there are sufficient environmental planning grounds to justify the contravention.

This request provides that there is sufficient environmental planning ground to justify the contravention. These ground are:

It has been demonstrated that the proposal and its FSR breach remains consistent with the objectives of the subject zone as well as the principles of the SEPP (Housing) 2021 and the objective contained within Clause 4.4 of the Randwick LEP 2012 in relation to Floor Space Ratio and with Clause 4.6 of the Randwick LEP 2012, despite the numerical non-compliance.

The additional GFA is provided with an addition to the ground floor level main living space. The area to which the additional GFA relates have no bearing on neighbours amenity. No view is affected, no additional overshadowing is created that would fall onto a neighbours property, the bulk of the development when viewed from any public place is not increased, and from neighbouring sites is not increased in any meaningful way.

The non-compliant new structure will not provide any material additional overshadowing, with additional overshadowing falling onto the subject site and fencing.

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The works do not create any unreasonable visual impact or loss of views. The area to which the works relate is not visible from the public domain and only visible from the immediate neighboring properties. In relation to the overall bulk of the existing structure the new works are minimal.

The density of the built form is appropriate and relates well to surrounding development.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

The non-compliant FSR does not result in any unreasonable visual impacts.

The FSR non-compliance assists with providing improved internal amenity for future residents.

**Is the variation well founded?**

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Randwick LEP 2012, that:

Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

The development achieves and is consistent with the objectives of the development standard and the objectives of the R3 Medium Density Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

Prepared by Damian O'Toole Town Planning Pty Ltd

**Appendix 3: Housing SEPP Compliance Table**

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Standard	Proposal	Compliance																
<b>Part 3 'Attached dwellings, multi dwelling housing and multi dwelling housing (terraces)'</b>																		
<b>Division 1 Preliminary</b>																		
<b>170 Development permitted with development consent</b>																		
Development for the purposes of multi dwelling housing or attached dwellings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential.	Proposal is for a multi dwelling housing (terrace) in a low and mid rise housing area in R3 Medium Density Residential.	N/A																
<b>171 Landscaping—multi dwelling housing or multi dwelling housing (terraces)</b>																		
(1) This section applies to development for the purposes of multi dwelling housing or multi dwelling housing (terraces) in a low and mid rise housing area in the Zone R3 Medium Density Residential.	Proposal is for a multi dwelling housing (terrace) in a low and mid rise housing area in R3 Medium Density Residential.	Yes, complies																
(2) Before granting development consent to development to which this section applies, the consent authority must consider the <i>Tree Canopy Guide for Low and Mid Rise Housing</i> , published by the Department in February 2025.  Table 4. Tree canopy and deep soil – Multi-dwelling (terraces) (applies to each proposed dwelling) <table border="1" data-bbox="220 987 842 1162"> <thead> <tr> <th>Site area</th> <th>Tree canopy (min % site area)</th> <th>Deep soil (min % site area)</th> <th>Tree planting rate</th> </tr> </thead> <tbody> <tr> <td>&lt;150 m<sup>2</sup></td> <td>15%</td> <td>15%</td> <td>Plant at least one small tree in the deep soil area per dwelling.</td> </tr> <tr> <td>150-300 m<sup>2</sup></td> <td>20%</td> <td>20%</td> <td>For every 200 m<sup>2</sup> of site area or part thereof, plant at least one small tree in the deep soil area.</td> </tr> <tr> <td>&gt;300 m<sup>2</sup></td> <td>25%</td> <td>25%</td> <td>For every 225 m<sup>2</sup> of site area or part thereof, plant at least one medium tree in the deep soil area.</td> </tr> </tbody> </table>  <i>*Deep soil definition as per the Guide.</i>	Site area	Tree canopy (min % site area)	Deep soil (min % site area)	Tree planting rate	<150 m <sup>2</sup>	15%	15%	Plant at least one small tree in the deep soil area per dwelling.	150-300 m <sup>2</sup>	20%	20%	For every 200 m <sup>2</sup> of site area or part thereof, plant at least one small tree in the deep soil area.	>300 m <sup>2</sup>	25%	25%	For every 225 m <sup>2</sup> of site area or part thereof, plant at least one medium tree in the deep soil area.	Overall, the site approved under DA/1259/92 is noncompliant with current deep soil area controls. Council considers that the overall change in deep soil area is very minor when taking into consideration the entire site. The specific townhouse (Unit 22) provides 61.38m <sup>2</sup> of deep soil out of the total 184.49m <sup>2</sup> of total area for the individual strata lot (Unit 22). 33% of the strata unit is deep soil which provides suitable area for the objectives of the control for this part of the lot and poses a minimal impact on ground water permeation.	No - See Key Issues.
Site area	Tree canopy (min % site area)	Deep soil (min % site area)	Tree planting rate															
<150 m <sup>2</sup>	15%	15%	Plant at least one small tree in the deep soil area per dwelling.															
150-300 m <sup>2</sup>	20%	20%	For every 200 m <sup>2</sup> of site area or part thereof, plant at least one small tree in the deep soil area.															
>300 m <sup>2</sup>	25%	25%	For every 225 m <sup>2</sup> of site area or part thereof, plant at least one medium tree in the deep soil area.															
<b>Division 2 Non-discretionary development standards—the Act, s 4.15</b>																		
<b>172 Non-discretionary development standards—multi dwelling housing</b>																		
(1) This section applies to development for the purposes of multi dwelling housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential.	Proposal is for a multi dwelling housing (terrace) in a low and mid rise housing area in R3 Medium Density Residential.	Yes, complies																
(3) The following non-discretionary development standards apply in relation to development for the purposes of multi dwelling housing (terraces)—																		

Standard	Proposal	Compliance
<b>Part 3 'Attached dwellings, multi dwelling housing and multi dwelling housing (terraces)'</b>		
(a) a minimum lot size of 500m <sup>2</sup> ,	Proposal = 2289m <sup>2</sup>	Yes.
(b) a minimum lot width at the front building line of 18m,	Yes – existing multi dwelling housing site.	Yes
(c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 0.5 car parking spaces per dwelling,	No increase in traffic producing development proposed.	n/a
(d) a maximum floor space ratio of 0.7:1,	Proposed = 1.03:1	No, see Clause 4.6 Assessment.
(e) a maximum building height of 9.5m.	No change in building height.	Yes

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**Appendix 4: DCP Compliance Table**

**Randwick Comprehensive DCP 2013**

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

The relevant provisions of the DCP are addressed in the tables below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

**Part B2: Heritage**

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

**Part B3: Ecologically Sustainable Development**

Council is satisfied that the proposed development meets the relevant ESD requirements in accordance with Part B3 of RDCP 2013.

**Part B4: Landscaping and Biodiversity**

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

**Part B5: Preservation of Trees and Vegetation**

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

**Part B8: Water Management**

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

**Part C2: Medium Density Residential**

DCP Clause	Control	Proposal	Compliance
<b>2.</b>	<b>Site Planning</b>		
<b>2.1</b>	<b>Site Layout Options</b>		
	Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> <li>• Two block / courtyard example</li> <li>• T-shape example</li> <li>• U-shape example</li> <li>• Conventional example</li> </ul>	The proposal has a small impact on the overall site layout. The extension is made possible due to large courtyard area of Unit 22 in which is not possible on other units within the complex.	Yes

DCP Clause	Control	Proposal	Compliance
<b>2.2</b>	<b>Landscaped open space and deep soil area</b>		
<b>2.2.1</b>	<b>Landscaped open space</b>		
	A minimum of 50% (1635m <sup>2</sup> ) of the site area (3270m <sup>2</sup> ) is to be landscaped open space.	Landscaped area is discussed within the key issues.	<b>No</b> - See <b>Key Issues</b> for discussion on landscaped open space
<b>2.2.2</b>	<b>Deep soil area</b>		
	(i) A minimum of 25% (817.5m <sup>2</sup> ) of the site area (3270m <sup>2</sup> ) should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	<p>Deep soil is calculated on the whole site rather than the individual townhouse.</p> <p>The original development was approved under DA/1259/92. No calculation plans can be obtained regarding the original DA.</p> <p>Deep soil proposed = 206.9m<sup>2</sup></p> <p>Reduction of 20m<sup>2</sup> for addition.</p> <p>Discussed in key issues.</p>	<b>No</b> - See <b>Key Issues</b> for discussion on landscaped open space
	(ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures.	No new deep soil areas proposed.	n/a
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting.	Deep soil area subject to new planting.	Yes
	(iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.	Considered within assessment.	Yes
	(v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.	Considered within assessment.	Yes
<b>2.3</b>	<b>Private and communal open space</b>		
<b>2.3.1</b>	<b>Private open space</b>		
	Private open space is to be: (i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also	The proposal expands into part of the southern aspect of the POS.	Yes

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DCP Clause	Control	Proposal	Compliance																
	contribute to passive surveillance of common areas.	88m2 of POS within individual townhouse. Complies with DCP.  Acceptable POS is located to the east and west of the dwelling.																	
<b>3. Building Envelope</b>																			
<b>3.4</b>	<b>Setbacks</b>																		
<b>3.4.1</b>	<b>Front setback</b>																		
	(i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries. (ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis. (iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings. (iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.	The front setback is not impacted by the proposal.  The proposal is totally within the existing private courtyard of Unit 22 and the addition does not propose a new front setback line.	Yes																
<b>3.4.1</b>	<b>Side setback</b>																		
	i) Comply with the minimum side setback requirements stated below for residential flat buildings and multi dwelling housing: <table border="1" data-bbox="384 1375 847 1561"> <thead> <tr> <th>Site Frontage Width</th> <th>Minimum Side Setbacks</th> </tr> </thead> <tbody> <tr> <td>Irregularly shaped allotments</td> <td>Merit assessment</td> </tr> <tr> <td>Less than 12m</td> <td>Merit assessment</td> </tr> <tr> <td>12m ≤ Width &lt; 14m</td> <td>2.0m</td> </tr> <tr> <td>14m ≤ Width &lt; 16m</td> <td>2.5m</td> </tr> <tr> <td>16m ≤ Width &lt; 18m</td> <td>3.0m</td> </tr> <tr> <td>18m ≤ Width &lt; 20m</td> <td>3.5m</td> </tr> <tr> <td>20m and above</td> <td>4.0m</td> </tr> </tbody> </table>	Site Frontage Width	Minimum Side Setbacks	Irregularly shaped allotments	Merit assessment	Less than 12m	Merit assessment	12m ≤ Width < 14m	2.0m	14m ≤ Width < 16m	2.5m	16m ≤ Width < 18m	3.0m	18m ≤ Width < 20m	3.5m	20m and above	4.0m	The addition proposes a 1.7m setback to the southern boundary. As the site is an irregular shaped allotment the setback is assessed on merit.  Due to the large boundary wall adjacent to the addition and the proposed paved path in the setback area. The proposed setback is acceptable as it enables access between the two POS areas and poses minimal impact to neighbours.	Yes
Site Frontage Width	Minimum Side Setbacks																		
Irregularly shaped allotments	Merit assessment																		
Less than 12m	Merit assessment																		
12m ≤ Width < 14m	2.0m																		
14m ≤ Width < 16m	2.5m																		
16m ≤ Width < 18m	3.0m																		
18m ≤ Width < 20m	3.5m																		
20m and above	4.0m																		
<b>4. Building Design</b>																			
<b>4.2</b>	<b>Roof design</b>																		

DCP Clause	Control	Proposal	Compliance
	<p>(i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building.</p> <p>(ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access.</p> <p>(iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape.</p> <p>(iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms.</p> <p>(v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape.</p> <p>(vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain.</p> <p>(vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:</p> <ul style="list-style-type: none"> <li>- There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences.</li> <li>- The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences.</li> <li>- Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street.</li> <li>- Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building.</li> </ul> <p>(viii) The provision of landscape planting on the roof (that is, “green roof”) is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>	<p>Simple skillion roof proposed.</p>	<p>Yes</p>
<p><b>4.4</b></p>	<p><b>External wall height and ceiling height</b></p>		

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DCP Clause	Control	Proposal	Compliance
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	Existing ceiling height of ground floor is 2.46m. Proposed extension continues existing height and slightly falls to 2.29m due to roof design. Considered acceptable.	Yes
<b>4.5</b>	<b>Pedestrian Entry</b>		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	Existing pedestrian access to remain from Avoca Street. No changes proposed.	Yes
<b>4.6</b>	<b>Internal circulation</b>		
	(i) Enhance the amenity and safety of circulation spaces by: <ul style="list-style-type: none"> <li>- Providing natural lighting and ventilation where possible.</li> <li>- Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors.</li> <li>- Allowing adequate space for the movement of furniture.</li> <li>- Minimising corridor lengths to give short, clear sightlines.</li> <li>- Avoiding tight corners.</li> <li>- Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor.</li> </ul>	Proposed sliding doors of new extension permit ventilation and airflow into main dwelling.	Yes
<b>4.7</b>	<b>Apartment layout</b>		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> <li>- Providing corner, cross-over, cross-through and double-height maisonette / loft apartments.</li> <li>- Limiting the depth of single aspect apartments to a maximum of 6m.</li> <li>- Providing windows or skylights to kitchen, bathroom and laundry areas where possible.</li> </ul> Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	Conservatory design allows ventilation and airflow to permeate the existing dwelling.	Yes
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	Proposal will accommodate further enhancement of the existing dwelling through a new lounge room.	Yes
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.	The reduction of courtyard area is viewed as acceptable due to the excess in	Yes

DCP Clause	Control	Proposal	Compliance
		space of the existing dwelling.	
<b>4.9</b>	<b>Colours, materials and finishes</b>		
	<p>(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans.</p> <p>(ii) The selection of colour and material palette must complement the character and style of the building.</p> <p>(iv) Use the following measures to complement façade articulation:</p> <ul style="list-style-type: none"> <li>- Changes of colours and surface texture</li> <li>- Inclusion of light weight materials to contrast with solid masonry surfaces</li> <li>- The use of natural stones is encouraged.</li> </ul> <p>(v) Avoid the following materials or treatment:</p> <ul style="list-style-type: none"> <li>- Reflective wall cladding, panels and tiles and roof sheeting</li> <li>- High reflective or mirror glass</li> <li>- Large expanses of glass or curtain wall that is not protected by sun shade devices</li> <li>- Large expanses of rendered masonry</li> <li>- Light colours or finishes where they may cause adverse glare or reflectivity impacts</li> </ul> <p>(vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration.</p> <p>(vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.</p>	The conservatory glazed design is deemed acceptable due to the orientation of the extension into the southern private open space. The addition is suitably shaded by the boundary walls and the three storey townhouse subject to the extension.	Yes
<b>4.12</b>	<b>Earthworks Excavation and backfilling</b>		
	<p>(i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification.</p> <p>(ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site.</p> <p>(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.</p>	No earthworks proposed.	n/a
	<p><b>Retaining walls</b></p> <p>(iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</p> <p>(v) Step retaining walls in response to the natural landform to avoid creating</p>	No retaining walls proposed.	n/a

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DCP Clause	Control	Proposal	Compliance
	monolithic structures visible from the neighbouring properties and the public domain. (vi) Where it is necessary to construct retaining walls at less than 900mm from the side or rear boundary due to site conditions, retaining walls must be stepped with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing).		
<b>5. Amenity</b>			
<b>5.1 Solar access and overshadowing</b>			
<b>Solar access for proposed development</b>			
	(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.	The proposal	
<b>Solar access for surrounding development</b>			
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June. (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June. (iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.	Neighbouring dwellings have no impacts on solar access due to the ground floor extension and the 2.7m boundary wall adjacent to the proposed addition.	Yes
<b>5.2 Natural ventilation and energy efficiency</b>			
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	Proposed extension is in a conservatory style which allows light to travel from the roof and all 3 new walls into the living spaces of the existing dwelling.	Yes
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.	As the proposal is attached to the main dwelling to the north. The existing dwelling provides suitable shading, and only residual light will enter through the new extension.	Yes
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory	Windows proposed in all elevations and roof.	Yes

DCP Clause	Control	Proposal	Compliance
	windows for natural lighting and ventilation is not acceptable.		
<b>5.3</b>	<b>Visual privacy</b>		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance. (iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy. (v) Incorporate materials and design of privacy screens including: <ul style="list-style-type: none"> <li>- Translucent glazing</li> <li>- Fixed timber or metal slats</li> <li>- Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings</li> <li>- Screen planting and planter boxes as a supplementary device for reinforcing privacy protection</li> </ul>	Visual privacy is achieved through this proposal due to the existing high boundary walls and existing landscaping. No privacy impacts are expected.	Yes
<b>5.4</b>	<b>Acoustic privacy</b>		
	(i) Design the building and layout to minimise transmission of noise between buildings and dwellings. (ii) Separate “quiet areas” such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities. (iii) Utilise appropriate measures to maximise acoustic privacy such as: <ul style="list-style-type: none"> <li>- Double glazing</li> <li>- Operable screened balconies</li> <li>- Walls to courtyards</li> <li>- Sealing of entry doors</li> </ul>	Proposal has minimal impact on acoustic privacy. Acceptable building separation is proposed, and landscaping provides suitable noise buffering.	Yes
<b>5.6</b>	<b>Safety and security</b>		
	(i) Design buildings and spaces for safe and secure access to and within the development.	Proposal has minimal impact of safety and security as the addition is totally within the existing private courtyard.	Yes
<b>7.1</b>	<b>Fencing</b>		

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DCP Clause	Control	Proposal	Compliance
	(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering. (ii) Sandstone fencing must not be rendered and painted. (iii) The following materials must not be used in fences: - Steel post and chain wire - Barbed wire or other dangerous materials (i) Expansive surfaces of blank rendered masonry to street frontages must be avoided.	No change to existing fencing.	Yes
<b>7.7</b>	<b>Laundry facilities</b>		
	(ii) Provide internal laundry for each dwelling unit.	No change to existing arrangement.	Yes

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DCP Clause	Control	Proposal	Compliance
<b>4</b>	<b>Heritage items and Contributory buildings</b>		
	i) Retain heritage items and contributory buildings. ii) Original fabric should be conserved, new work should be sensitive, and neighbouring development should be sympathetic to their character.	The proposal is not considered to have any impact on a contributory building and the proposed addition is not visible from the streetscape.	Yes

**Responsible officer:** Ned Halmarick, Environmental Planning Officer

**File Reference:** DA/1256/2025

## Development Consent Conditions

### 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 (including any deferred commencement conditions):

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Site Plan – 01	Red Rock Design	10/11/2025	26/11/2025
Proposed Ground Floor Plan - 03	Red Rock Design	10/11/2025	26/11/2025
Proposed South & East Elevation - 04	Red Rock Design	10/11/2025	26/11/2025
Proposed West Elevation and Section - 05	Red Rock Design	10/11/2025	26/11/2025

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A1807235	6/08/2025	26/11/2025

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.

### BUILDING WORK

#### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

2. **Consent Requirements**  
 The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.  
  
 Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.
3. **External Colours, Materials & Finishes**  
 The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.  
  
 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 the Principal Certifier prior to issuing a construction certificate for the development.  
  
 Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.
4. **Section 7.12 Development Contributions**

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Condition

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Development Contributions are required in accordance with the applicable Randwick City Council Development Contributions Plan, based on the development cost of \$165,268.40 the following applicable monetary levy must be paid to Council: \$826.34.

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

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

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

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.

5. **Long Service Levy Payments**

Before the issue of a Construction Certificate, the relevant long service levy payment must be paid to the Long Service Corporation of Council under the Building and Construction Industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Principal Certifier, in accordance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*.

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

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

6. **Sydney Water**

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

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

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

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations

Condition
<ul style="list-style-type: none"><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 <a href="https://www.sydneypwater.com.au/tapin">Tap in™</a> online service is available at: <a href="https://www.sydneypwater.com.au/tapin">https://www.sydneypwater.com.au/tapin</a></p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
<p>7. <b>Building Code of Australia</b></p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>8. <b>BASIX Requirements</b></p> <p>In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.</p> <p>The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>9. <b>Site stability, Excavation and Construction work</b></p> <p>A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed Certifier for the development:</p> <ol style="list-style-type: none"><li>(a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjoining properties.</li><li>(b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.</li><li>(c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.</li></ol>

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 Condition
 

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(d) Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.

(e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the appointed Certifier for the development prior to issue of a relevant construction certificate.

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

10. **Stormwater Drainage**

Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the existing stormwater drainage system on the site in general accordance with the stormwater plan by Red Rock Design Dwg 06 Issue B dated 10<sup>th</sup> Nov 2025 to the satisfaction of the Certifier with full details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

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

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**BEFORE BUILDING WORK COMMENCES**


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 Condition
 

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11. **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
	<p>Condition Reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.</p>
12.	<p><b>Home Building Act 1989</b></p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and sections 69 &amp; 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>, in relation to residential building work, the requirements of the <i>Home Building Act 1989</i> must be complied with.</p> <p>Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifier and Council.</p> <p>Condition Reason: Prescribed condition under section 69 &amp; 71 of the Environmental Planning and Assessment Regulation 2021.</p>
13.	<p><b>Dilapidation Reports</b></p> <p>A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which may be affected by the works, to the satisfaction of the <i>Principal Certifier</i> for the development.</p> <p>The dilapidation report must be submitted to the Principal Certifier, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
14.	<p><b>Construction Noise &amp; Vibration Management Plan</b></p> <p>Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.</p> <p>A <i>Construction Noise &amp; Vibration Management Plan</i> must be developed and implemented throughout demolition and construction work.</p> <p>(a) The <i>Construction Noise &amp; Vibration Management Plan</i> must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority <i>Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline</i> (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.</p> <p>(b) Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and mitigation strategies.</p> <p>(c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the <i>Construction Noise &amp; Vibration Management Plan</i> and which demonstrates compliance with relevant criteria.</p>

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Condition

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

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

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

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

15. **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.

16. **Construction Site Management Plan**

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

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

Condition

17. **Public Liability**

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

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

**DURING BUILDING WORK**

Condition

18. **Site Signage**

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

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

The sign must be—

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

This section does not apply in relation to—

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

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

19. **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>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

Condition	
	<p>An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building &amp; 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.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
20.	<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>
21.	<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>

### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
22.	<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>
23.	<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>

Condition
<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>
<p>24. <b>Structural Certification</b>                      A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the <i>Principal Certifier</i>. A copy of which is to be provided to Council.</p> <p>Condition Reason: To ensure the structural adequacy of the building and works.</p>
<p>25. <b>Sydney Water Certification</b>                      A <i>section 73 Compliance Certificate</i>, under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> &gt; <i>Building and developing</i> &gt; <i>Developing your Land</i> &gt; <i>Water Servicing Coordinator</i> or telephone 13 20 92.</p> <p>Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to issuing an Occupation Certificate or Subdivision Certificate, whichever the sooner.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
<p>26. <b>Noise Control Requirements &amp; Certification</b>                      The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997 and Regulations</i>.</p> <p>A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i>, NSW Environment Protection Authority (EPA) Noise Policy for Industry and Council's development consent.</p> <p>A copy of the report must be provided to the <i>Principal Certifier</i> and Council prior to an occupation certificate being issued.</p> <p>Condition Reason: To protect the amenity of the surrounding area and residents.</p>
<p>27. <b>Council's Infrastructure, Vehicular Crossings, street verge</b>                      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>
<p>28. <b>Council's Infrastructure, Vehicular Crossings, street verge</b></p>

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 Condition
 

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

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

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

29. **New Strata Plans**

New Strata Plans shall be prepared and registered for the site that to incorporate the proposed alterations & additions into the strata scheme. The developer shall obtain a strata/subdivision certificate and comply with all requirements of NSW Land Registry Services (LRS) in this regard. Confirmation of compliance must be obtained from a registered surveyor to the satisfaction of the Principal Certifier prior to the issuing of a final occupation certificate.

Condition Reason: To ensure the strata plans are consistent with the building as constructed.

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**OCCUPATION AND ONGOING USE**


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## Condition

30. **External Lighting**

External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

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

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**DEMOLITION WORK  
BEFORE DEMOLITION WORK COMMENCES**


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## Condition

31. **Demolition Work**

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

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Condition

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

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

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

*Notes: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 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.*

*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.

**DURING DEMOLITION WORK**

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Condition

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32. **Demolition Work and Removal of Asbestos Materials**  
 Demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a *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:

D10/26

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Condition

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- 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.