

Randwick Local Planning Panel (Electronic) Meeting

Thursday 26 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, 26 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. D14/26

Subject: 68 Beach Street, Coogee (DA/923/2023/A)

Executive Summary

Proposal:	Section 4.56 Modification to convert the rear storage and plant rooms at the ground floor level to facilitate a new wellness studio associated with Unit 3 at the first-floor level, minor reconfigurations to facilitate a new zen garden, planting and external stairs for access to the rear of Unit 3 and new roof balustrade.
Ward:	East Ward
Applicant:	Beach Street Development Pty Ltd
Owner:	Beach St Holdings Pty Ltd and Beach Street Parseh Pty Ltd
Cost of works:	\$3,871,286.00
Reason for referral:	It is made under Section 4.56 of Environmental Planning and Assessment Act (1979) and is not of minimal environmental impact.

Recommendation

That the RLPP, as the consent authority, refuses the application made under Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/923/2023/A for Section 4.56 Modification to convert the rear storage and plant rooms at the ground floor level to facilitate a new wellness studio associated with Unit 3 at the first-floor level, minor reconfigurations to facilitate a new zen garden, planting and external stairs for access to the rear of Unit 3 and new roof balustrade at No. 68 Beach Street, Coogee, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of *Environmental Planning and Assessment Act 1979*, the Modification fails to comply with the following environmental planning instruments:
 - Randwick Local Environmental Plan 2013:
 - The Modification is inconsistent with the R3 Zone objectives; and
 - The Modification exceeds the maximum Floor Space Ratio under clause 4.4 and is inconsistent with the relevant objectives of the standard.
2. Pursuant to Section 4.15(1)(a)(iii) of *Environmental Planning and Assessment Act 1979*, the Modification fails to comply with the following provisions under *Randwick Comprehensive Development Control Plan 2013*:
 - B6 Recycling and waste management;
 - C2 Medium Density Residential:
 - 2.2 Landscaped open space and deep soil area
 - 3.4 Setbacks;
 - 5.1 Solar access and overshadowing;
 - 5.2 Natural ventilation and energy efficiency;
3. Pursuant to Section 4.15(1)(b) of *Environmental Planning and Assessment Act 1979*, the likely impacts of the Modification are considered unacceptable;
4. Pursuant to Section 4.15(1)(c) of *Environmental Planning and Assessment Act 1979*, the site is not suitable for the development proposed;
5. Pursuant to Section 4.15(e) of *Environmental Planning and Assessment Act 1979*, the Modification is not considered to be in the public interest;

6. The submitted drawings and Statement of Environmental Effects are inconsistent, and the exact extent of the Modification is unclear. Consent accordingly should not be granted.

Attachment/s:

Nil

D14/26



D14/26

1. The Modification

This Report will assess DA/923/2023/A (*the Modification*) for 68 Beach Street, Coogee (*the Subject Site*) against the relevant heads of consideration under Section 4.56 of *Environmental Planning and Assessment Act 1979 (the Act)*.

The Modification seeks consent to amend the approved drawings under Condition 1 of the original consent to facilitate the following amendments:

1. *Reconfiguration of the ground floor services and storage area to become a “wellness studio” with associated zen garden, toilet, bar, and new stair access for exclusive use by Unit 3;*
 - (a) *Stair access to lead to and from first floor unit 3;*
 - (b) *Removal of air conditioning units to be replaced with planter area;*
2. New balustrade to surround rooftop PV solar array;
3. Basement, ground, first, and second floor setback decreased from 6950mm to 6740mm (210mm increase to west boundary);
4. Deep soil permeable surfaces reduced below compliance from 95.3sqm to 93sqm. Partial landscaping reduction.

The Modification is subject to a Class 1 deemed refusal via the Land and Environment Court (LEC 2026/65168). At the time of this RLPP meeting, the Statement of Facts and Contentions has been filed with the court.

The Modification would result in a subterranean habitable space with insufficient amenity and compromise the servicing of the overall development. The modification is therefore recommended for refusal.

D14/26



Figure 1 – Existing (top) and proposed (bottom) ground floor plan (source: Orisi)



Figure 2 - Existing (top) and proposed (bottom) first floor plan (source: Orisi)

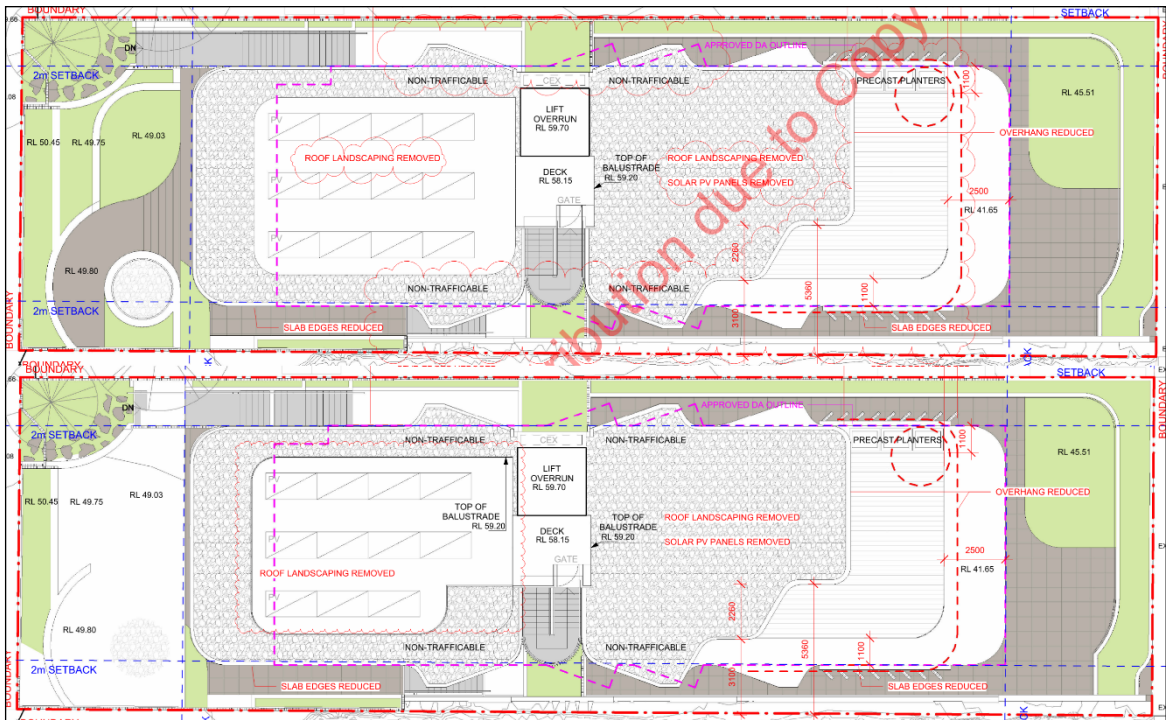


Figure 3 – Existing (top) and proposed (bottom) roof plan (source: Orosi)

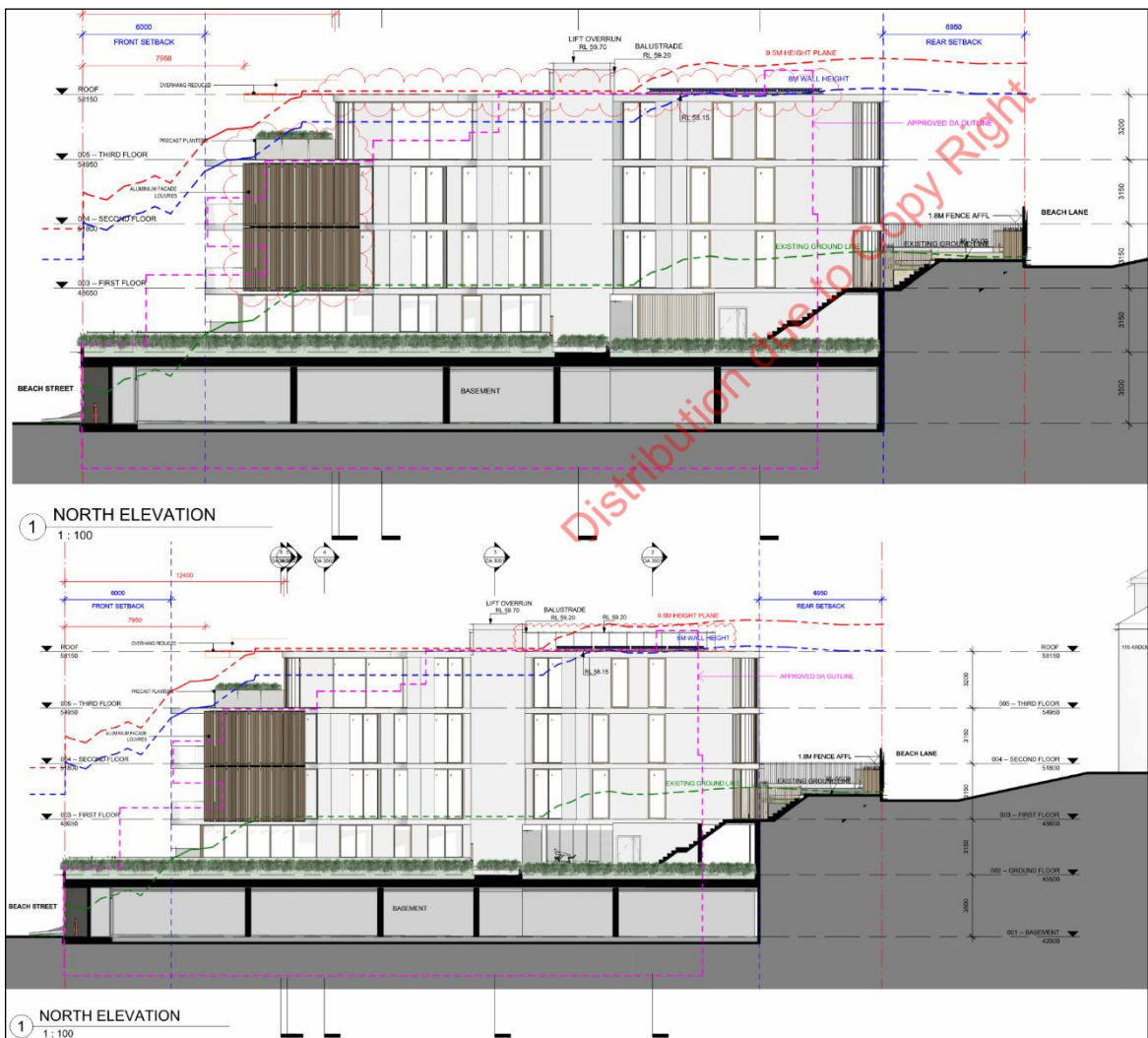


Figure 4 – Existing (top) and proposed (bottom) northern elevation (source: Orosi)

2. Reason for referral

This Modification is referred to the Randwick Local Planning Panel (RLPP) because:

- It is made under Section 4.56 of Environmental Planning and Assessment Act (1979) and is not of minimal environmental impact.

DA/923/2023 was referred to the RLPP because:

- 10 unique submissions by way of objection were received; and
- The application was Development to which Chapter 4 of the SEPP (Housing) 2021 applies.

3. The Subject Site

The Modification is proposed at 68 Beach Street, Coogee and is legally identified as Lot 11 in Deposited Plan 84481 (*the Subject Site*). The Subject Site is regular in shape and measures by survey 634.6sqm. It provides a 13.82 metre eastern frontage to Beach Street and 13.565 western frontage to a right of carriageway which adjoins Beach Lane. The right of carriageway comprises part of the lot associated with 66 Beach Street, Coogee.

The Subject Site suffers an approximate 6 metre elevation slope from its west to eastern boundary. The Subject Site is presently under construction, having been cleared of all previous structures.



Figure 5 – 68 Beach Street, Coogee (3 March 2026)



Figure 6 – 68 Beach Street, Coogee (3 March 2026)

The character of the surrounding area is characterised by low and medium density residential accommodation. The design, materiality, and age of surrounding residential accommodation ranges greatly. The Clovelly E1 Local Centre is located approximately 300 metres north of the Subject Site. Coogee Beach is located approximately 430 metres south.

4. Development History

DA/707/2018 was determined on 31 October 2019 by the Randwick Local Planning Panel and approved “Demolition of existing structures, construction of 3 storey residential flat building containing 5 dwellings, semi-basement parking for 9 vehicles including use of car stacker, landscaping and associated works.”

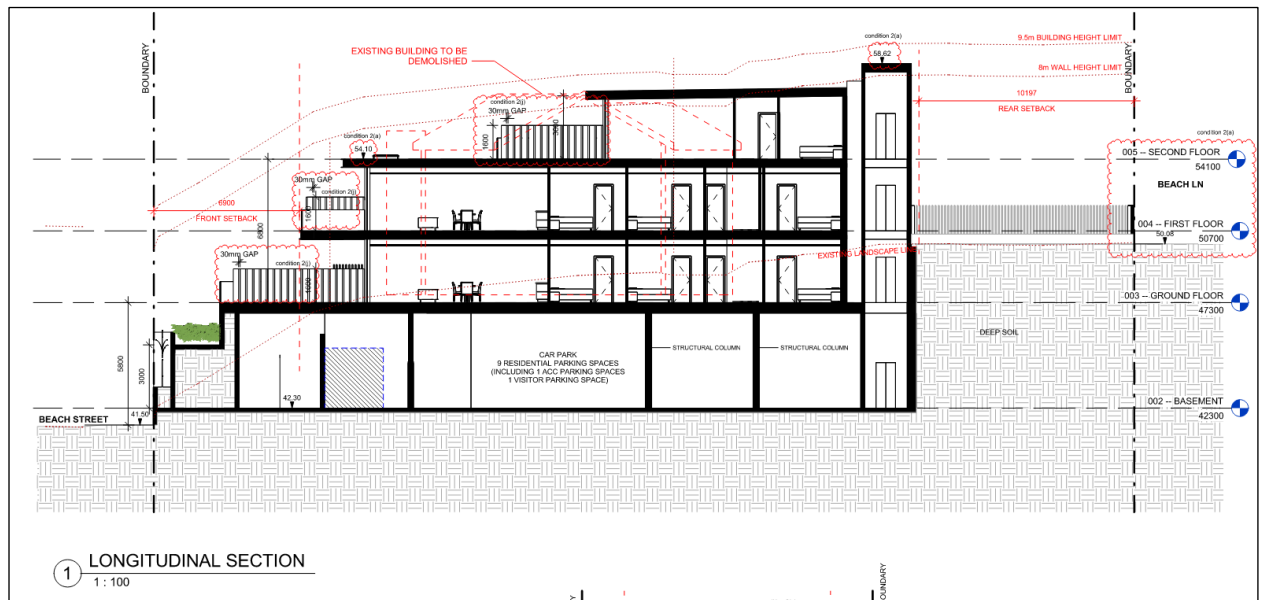


Figure 7 – DA/707/2018 long section – Revision H condition amendment – dated 21/10/2025

DA/707/2018/A was determined by the Land and Environment Court of 27 April 2021 and approved “to amend condition 2 (a) to amend the height of the building; 2(c) to delete the reference to the second floor balcony; and the inclusion of condition 2(n) to amend the size of the second floor balcony.”

DA/353/2021 was determined on 29 June 2022 by the Land and Environment Court by way of refusal. It was an *amending DA* which sought to amend “*DA/707/2018 including changes to the internal levels of the approved development to insert an additional level for two additional units resulting in a total of 7 x 3 bedroom units and car parking reconfiguration to accommodate 11 car spaces (variation to FSR of the RLEP).*”

DA/923/2023 was determined on 10 April 2025 by the Land and Environment Court via an approval for “*demolition of existing structures and construction of a four-storey residential flat building comprising six apartments, a basement carpark and ancillary landscaping works*”

5. Section 4.56 Assessment

Under the provisions of Section 4.56 of the Act, as amended, Council may only agree to a modification of an existing Development Consent if the following criteria have been complied with:

- a) it is satisfied that the development to which the consent as modified relates is *substantially the same development* as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- b) it has notified the application & considered any submissions made concerning the proposed modification

1. Substantially the Same Development

Council is satisfied that the proposed works would result in a development which is substantially the same as that for which Consent was originally granted.

2. Notification and Consideration of Submissions:

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick City Community Engagement Strategy. Two identical submissions were received from the following address:

- 66 Beach Street, Coogee

Issue	Comment
1. The use of the western rooftop deck is unclear and may be made trafficable in future.	1. Not proposed as trafficable within modification. Modification recommended for refusal, and accordingly no condition imposed.
2. The area where the wellness studio/zen garden is proposed was previously sought under a previous application (DA/353/2021) as an apartment. DA/353/2021 was refused by the Land and Environment Court with insufficient amenity to that apartment being a key reason for the refusal.	2. Noted - See development history summary above.
3. Amenity of the wellness centre and potential privacy impacts from the new staircase.	3. See key issues. Privacy unlikely an issue as habitable space associated with existing dwelling.
4. 210mm further encroachment of the western wall.	4. Identified in report as a non-compliance.
5. Deep soil has been incorrectly calculated and does not match that approved under DA/923/2023.	5. Identified in report.

Issue	Comment
6. Unclear if the wellness centre will be commercial or for exclusive use of Unit 3. Intent of the applicant is unclear.	6. SEE states for exclusive use of unit 3.
7. Proposed gross floor area has increased and does not comply.	7. Noted. Refer to key issues.
8. New works proposed in the northwest of the site do not comply with side setback requirements.	8. No significant change. High retaining wall previously approved in this area. No change to previous side setbacks.
9. Use of sprinkler pump room is deceiving and has not been counted toward gross floor area. Sprinkler pump room will have solar, and ventilation impacts to the wellness centre.	9. See Gross Floor Area definition under RLEP.

6. Key Issues

Subterranean Habitable Space

The wellness studio is considered by Council to meet the definition of a habitable room under the *NCC 2022 Volume 1 Glossary*.

<p>Habitable room</p> <p>A room used for normal domestic activities, and—</p> <p>(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but</p> <p>(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.</p>

Figure 8 – Habitable room definition - NCC

The wellness studio is a room for normal domestic activity. Its use is considered to be akin to a study, playroom, family room, or lounge room. The wellness studio cannot be considered to meet the exclusions under (b) as its use encourages frequent occupations for extended periods of time.

The habitable space must therefore provide a suitable level of amenity for its occupants.

DA/923/2023 was subject to assessment under the relevant considerations prescribed by Schedule 9 of State Environmental Planning Policy (Housing) 2021 (*the SEPP*) and so, to the extent relevant, remains applicable to the Modification on merit. Schedule 9 requires the following to be considered for the design of a Residential Flat Building’s amenity:

“6 Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.”

Council's relevant amenity controls under C2 of *Randwick Comprehensive Development Control 2013 (RDCCP)* provide similar considerations for amenity and require habitable space to have suitable solar access and natural ventilation.

Council is not satisfied that the subterranean habitable space will have sufficient amenity. It will not receive suitable solar access, natural light, natural ventilation, or cross ventilation. Poor natural lighting and ventilation in the proposed subterranean space is understood to have physical impacts to the building through mould and humidity and impacts to the physical and mental health of occupants through lack of natural light and poor air quality/circulation. The subterranean space further suffers from lack of any outlook, compounding its poor amenity. The subterranean habitable space is considered to have unacceptable amenity for its proposed use and cannot be supported in the proposed configuration.

Unclear Drawings & Rear setback non-compliance

1. The indicated western setback on floor plans states 6740mm on the northern side for the basement, ground, first, and second floor plans. 6950mm is the approved western setback. It has not been made clear whether a change to the western setback is proposed. The submitted elevations are further inconsistent.

The minimum required rear setback under C2 of RDCCP is 6.95 metres, which was approved under DA/923/2023. The Modification seeks to amend the basement plan, and appears to modify the ground, first, and second floor plan, to have a rear setback of 6.74 metres. Council does not support encroachment of the rear setback, noting that it contributes to a non-compliance with the required deep soil provision.

2. "Sections Sheet 1 DA3001 and Sheet 2 DA3002 Rev H, are incorrect and indicate "comms room, hyd services room, fire pump room, hydraulic services room" where the habitable space is proposed under the subject modification.
3. The proposed drawings do not demonstrate storage calculations for each unit consistent with the ADG. Council raises concern due to the proposed loss of storage.
4. The proposed drawings have not clouded/identified the deep soil/landscaping reduction through the western setback's decrease. The deep soil appears to be reduced from 95.3sqm to 93sqm. 95.3sqm is the compliant amount required. Council does not support net loss of deep soil.

Gross Floor Area (GFA)

The proposed conversion of the services to a habitable 'wellness' space results in an increase to the gross floor area. The proposed change of use facilitates an additional 78sqm and the overall increase from the previously compliant floor space ratio of 1.20:1 (793sqm) to 1.39:1 (871sqm).

The additional gross floor area increase is not supported as it does not achieve the following Floor Space Ratio (FSR) objective under 4.4 of RLEP.

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

The subterranean habitable space does not sufficiently achieve suitable solar access, light, or ventilation. That space has not been designed in a manner that responds to environmental and energy needs and is inconsistent with the objectives for FSR. Accordingly, the additional GFA cannot be supported in this instance.

Glass Balustrades

The proposed glass balustrades are proposed around an area required to be non-trafficable. Their size and location are unlikely to result in unacceptable view impact and conditions would have been recommended to ensure this roof area was non-trafficable (except for maintenance access) if the application was supported.

7. Referral comments

Compliance

'I have looked through the Building Code of Australia report dated 11 February 2026 that has been prepared by Technical Inner Sight in relation to the proposed development being the construction of a residential apartment building.

It is recommended that if the development is approved that the said report and its recommendations be adopted as a condition of development consent with details of the certification provided to the engaged Principal Certifier. In addition, if any such performance solution reports are provided, these will need to be incorporated into the construction certificate application with a validation report provided to the Principal Certifier on completion of the development works.'

Development Engineering and Landscaping

Council's development engineers do not support the Modification due to the removal of the bulky waste area.

8. Section 4.15 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	<p>State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.</p> <p>Clause 100 of the EP&A Regulation 2021 requires that a new BASIX certificate be lodged for a section 4.55 modification where the current BASIX Certificate is no longer consistent with the development.</p> <p>The applicant has submitted a new BASIX certificate. The plans have been checked with regard to this new certificate, and they are consistent with the requirements indicated for DA stage. Standard conditions of consent requiring the continued compliance of the development with the SEPP: BASIX were included in the original determination.</p>
Randwick Local Environmental Plan 2012 The Modification is inconsistent with the objectives of the R3 zone.	Non-compliance with zone and FSR objectives identified in assessment. Refer to key issues.
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 Modification would result in non-compliances with the RDCP as outlined in the subject report.
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	The Modification would have unacceptable impacts upon the amenity of occupants.
Section 4.15(1)(c) – The suitability of the site for the development	The slope of the Subject Site and requirement for excavation to create subterranean space results in the site not being suitable for the proposed modification.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	For the reasons discussed in this report, the Modification cannot be considered in the public interest.

9. Conclusion

The Modification is not supported for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of *Environmental Planning and Assessment Act 1979*, the Modification fails to comply with the following environmental planning instruments:
 - Randwick Local Environmental Plan 2013:
 - The Modification is inconsistent with the R3 Zone objectives; and
 - The Modification exceeds the maximum Floor Space Ratio under clause 4.4 and is inconsistent with the objectives of the standard.
2. Pursuant to Section 4.15(1)(a)(iii) of *Environmental Planning and Assessment Act 1979*, the Modification fails to comply with the following provisions under *Randwick Comprehensive Development Control Plan 2013*:
 - B6 Recycling and waste management;
 - C2 Medium Density Residential:
 - 2.2 Landscaped open space and deep soil area;
 - 3.4 Setbacks;
 - 5.1 Solar access and overshadowing;
 - 5.2 Natural ventilation and energy efficiency;
3. Pursuant to Section 4.15(1)(b) of *Environmental Planning and Assessment Act 1979*, the likely impacts of the Modification are considered unacceptable;
4. Pursuant to Section 4.15(1)(c) of *Environmental Planning and Assessment Act 1979*, the site is not suitable for the development proposed;
5. Pursuant to Section 4.15(e) of *Environmental Planning and Assessment Act 1979*, the Modification is not considered to be in the public interest;
6. The submitted drawings and Statement of Environmental Effects are inconsistent, and the exact extent of the Modification is unclear. Consent accordingly should not be granted.

Responsible officer: Dean Lidis, Environmental Planning Officer

File Reference: DA/923/2023/A

Development Application Report No. D15/26

Subject: 8 Bishops Ave, Randwick (DA/1158/2025)

Executive Summary

Proposal:	Alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows, roof replacement, and changes to existing windows and internal layout to accommodate internal access stair (Heritage item and Clause 4.6 to Building Height).
Ward:	North Ward
Applicant:	Source Architects Pty Ltd
Owner:	Mr D A M Mendoza-Jones & Ms J S Roth
Cost of works:	\$643,101.48
Reason for referral:	The development contravenes the development standard for Building Height by more than 10%, and the proposal involves partial demolition of a heritage item.

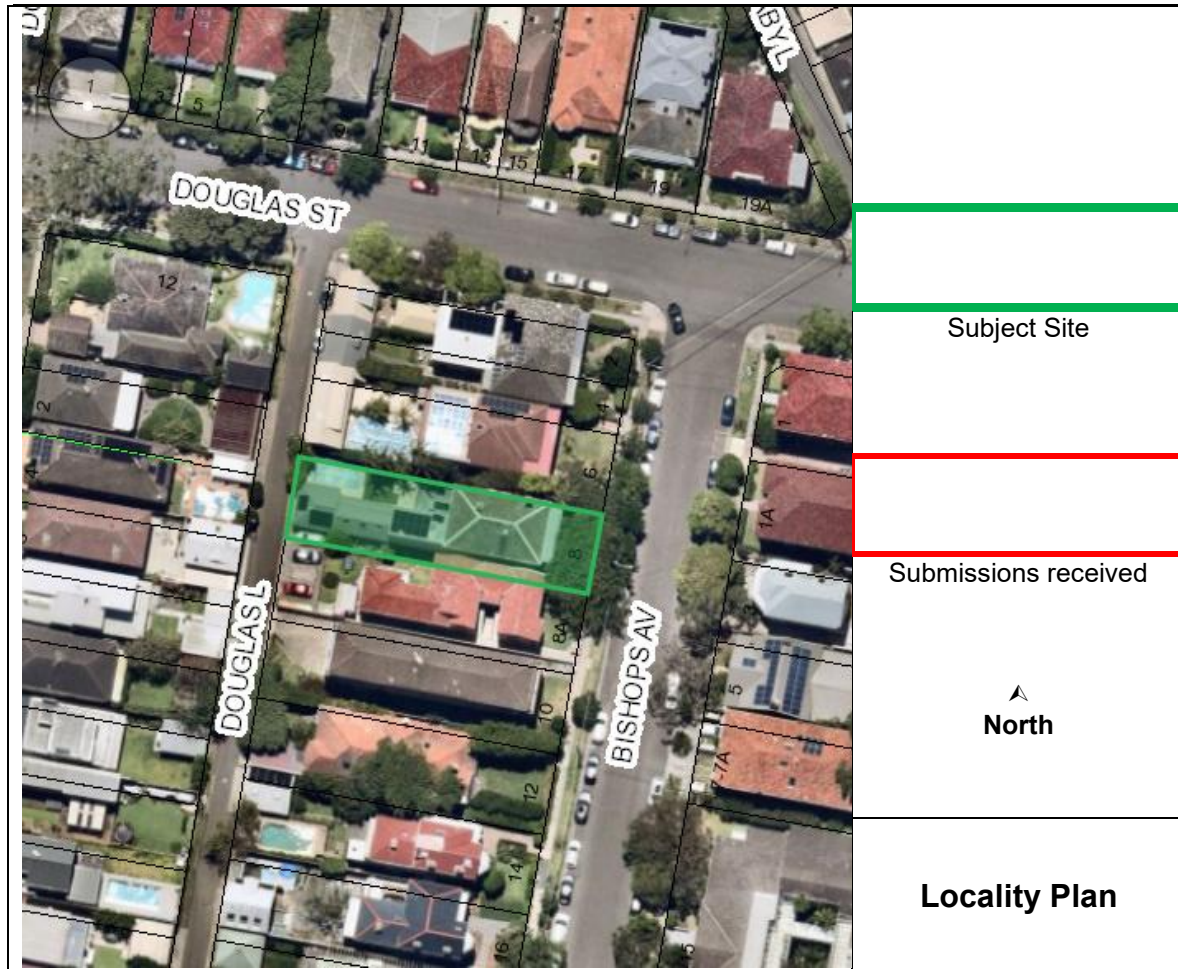
Recommendation

- A. That the RLPP is satisfied that the Applicant's written requests to vary the development standard relating to height of building in Clause 4.3 of Randwick Local Environmental Plan 2012 have demonstrated that:
- i. Compliance with the relevant development standard is unreasonable and 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. DA/1158/2025 for alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows roof replacement and changes to existing windows and internal layout to accommodate internal access stair (Heritage item and Clause 4.6 to Building Height), at No. 8 Bishops Avenue Randwick, subject to the development consent conditions attached to the assessment report.

Attachment/s:

1.  RLPP Dev Consent Conditions (AltsAdds exist class 1 & 10) - DA/1158/2025 - 8 Bishops Avenue, RANDWICK NSW 2031 - DEV - Randwick City Council

D15/26



1. Executive summary

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

- The development contravenes the development standard for building height by more than 10%.
- Partial demolition to a heritage item.

The proposal seeks development consent for alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows roof replacement and changes to existing windows and internal layout to accommodate internal access stair (Heritage item and Clause 4.6 to Building Height).

The key issues associated with the proposal relate to the clause 4.6 for building height variation (more than 10%) and the proposed dormer windows, including heritage impacts.

The proposal is recommended for approval subject to standard conditions.

2. Site Description and Locality

The subject site is known as No. 8 Bishops Avenue Randwick NSW 2031 and is legally described as Lot 57 in DP 1189.

The site is 558.8m², is regular in shape and has a 12.19m frontage to Bishops Avenue, a 45.77m side boundary to south, and a 45.9m side boundary to north.

The site contains a freestanding 2 storey rendered dwelling house with tile roof.
 The site slopes approximately 1.34m from the front to the rear (From RL 60.87 to RL 59.53).

The subject site is a heritage item, known as 'Late nineteenth century 2 storey house' (Item no. 305). It is not within a heritage conservation area.

Adjoining the site to the north is a 2 storey rendered residence with tiled roof (No. 6 Bishops Avenue). To the south of the site adjoins a 2 storey rendered units with tiled roof (No. 8A Bishops Avenue). To the west of the site is Douglas Lane.

The locality is predominantly occupied by a mix of residential development comprising of one to three storey residences.

A site inspection was conducted by Council's Assessing Officer on 13 January 2026 and below photos were taken of the premises around 10am.

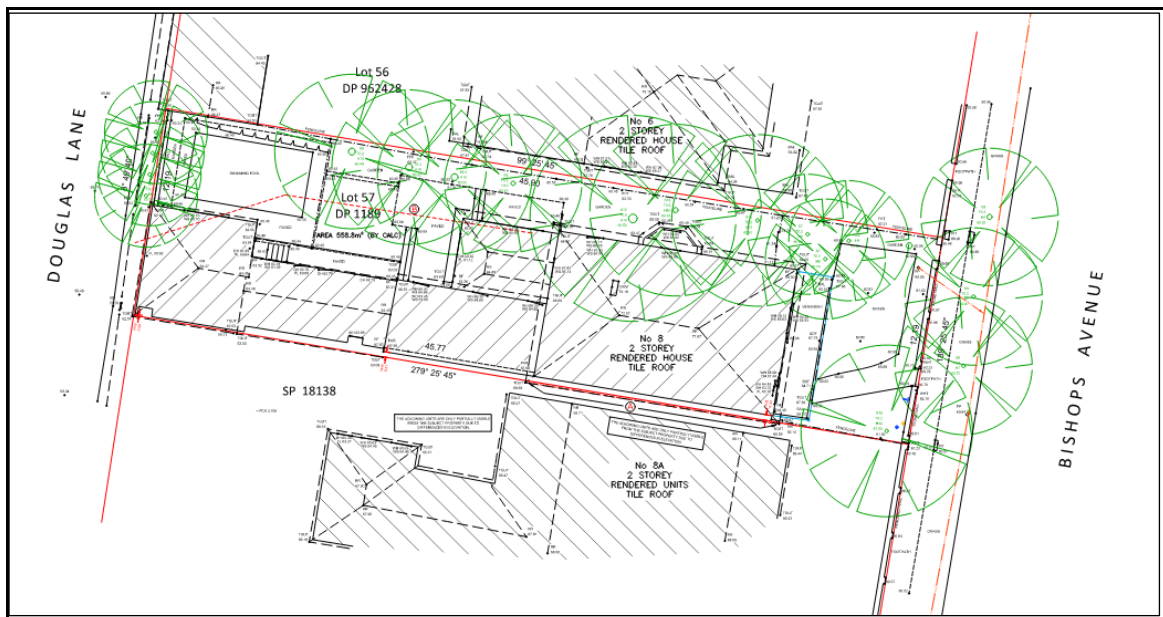


Figure 1: Extracted from Survey Plan (Source: Vmark Survey Pty Ltd)

D15/26

D15/26



Figure 2: View of existing dwelling house from Bishops Avenue (Source: Council's Assessing Officer)



Figure 3: View of existing dwelling house from the front yard (Source: Council's Assessing Officer)



Figure 4: View of existing dwelling house from Douglas Lane (Source: Council's Assessing Officer)

3. Relevant history

BA/609/1965 was approved on 1 January 1965 for GARAGE.

BA/126/1975 was refused on 1 January 1975 for ALTERATIONS.

BA/484/1981 was refused on 1 January 1981 for ALTS & ADDS.

BA/479/1995 was approved on 10 October 1995 for ALTS AND ADDS TO DWELLING FROM L&A SUTHERLAND.

DA/317/1995 was approved on 4 September 1995 for ALTERATIONS AND CARPORT ADDITIONS.

DA/317/1995/A was approved on 29 January 1996 for S102 TO AMEND CONSENT GRANTED OCT/95 TO CHANGE ALIGNMENT TO 400cm RATHER THAN 1m.

DA/1233/2001 was approved on 11 February 2002 for Alterations and additions to an existing dwelling house (Heritage Item).

DA/198/2002 was approved on 5 July 2002 for Installation of air conditioning unit to roof space of existing dwelling (location of condenser unit is to the northern wall of the building).

DA/177/2005 was approved on 22 April 2005 for Internal alterations to modify the 1st floor layout of the existing dwelling house to incorporate an ensuite off the main bedroom & addition of a skylight to the roof. (Heritage Item).

DA/1060/2010 was approved on 15 February 2011 for Ground level alterations and additions to an existing dwelling, demolition of an existing garage, construction of a new double garage fronting the laneway, a swimming pool to the rear of the dwelling and associated works (Heritage Item).

4. Proposal

The proposal seeks development consent for alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows roof replacement and changes to existing windows and internal layout to accommodate internal access stair.

Specifically, the proposal includes:

Ground level

- No changes proposed for this level

First level

- New stair to new attic level
- Existing door to be moved to the south to allow construction of new stair salvage and re-use existing door
- New window (W03) to match adjacent windows
- Modifications to master ensuite to allow installation of the new stair

Attic level

- 1 x new habitable attic rooms
- 1 x new bathroom with skylight above
- 2 x new dormer windows (W01 on the western façade and W02 on the southern facade)
- New slate roof to replace existing

The proposed development is illustrated in **Figures 5 - 10** below:

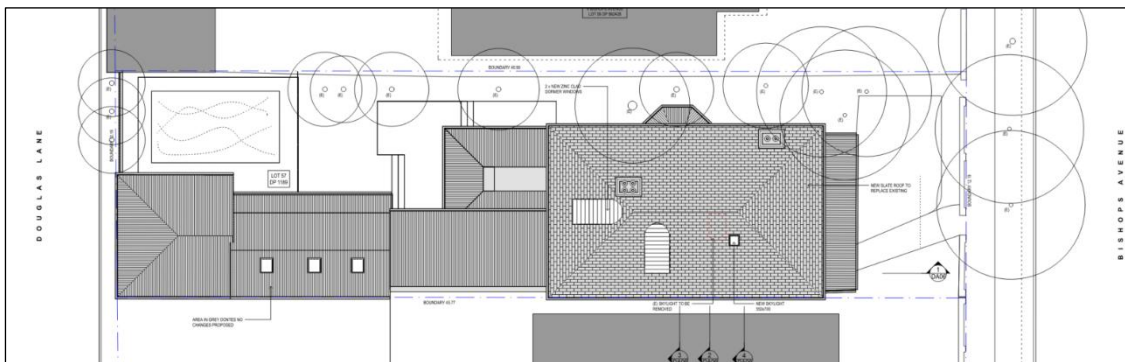


Figure 5: Extracted from Site / Roof Plan (Source: Source Architects Pty Ltd)

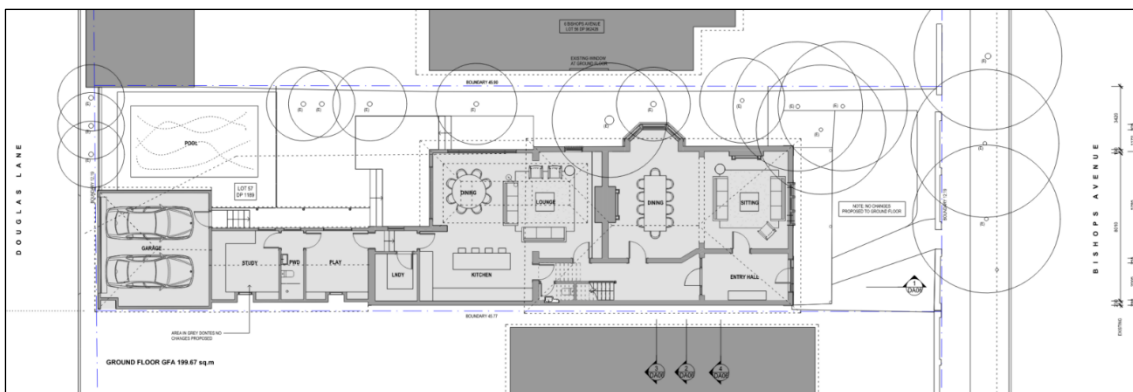


Figure 6: Extracted from Ground Floor Plan (Source: Source Architects Pty Ltd)

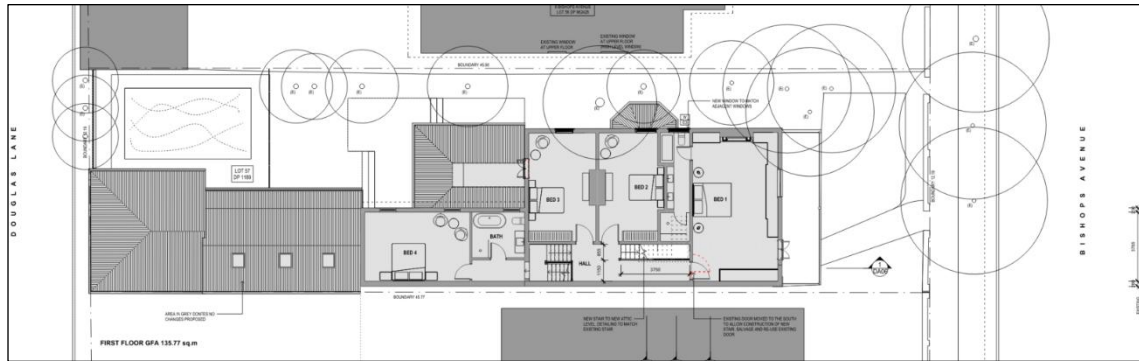


Figure 7: Extracted from First Floor Plan (Source: Source Architects Pty Ltd)

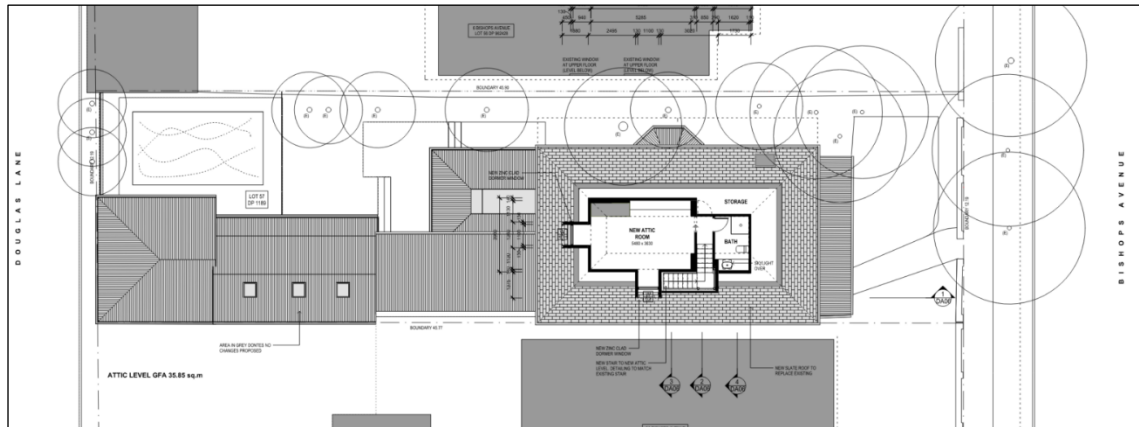


Figure 8: Extracted from Attic Level Plan (Source: Source Architects Pty Ltd)

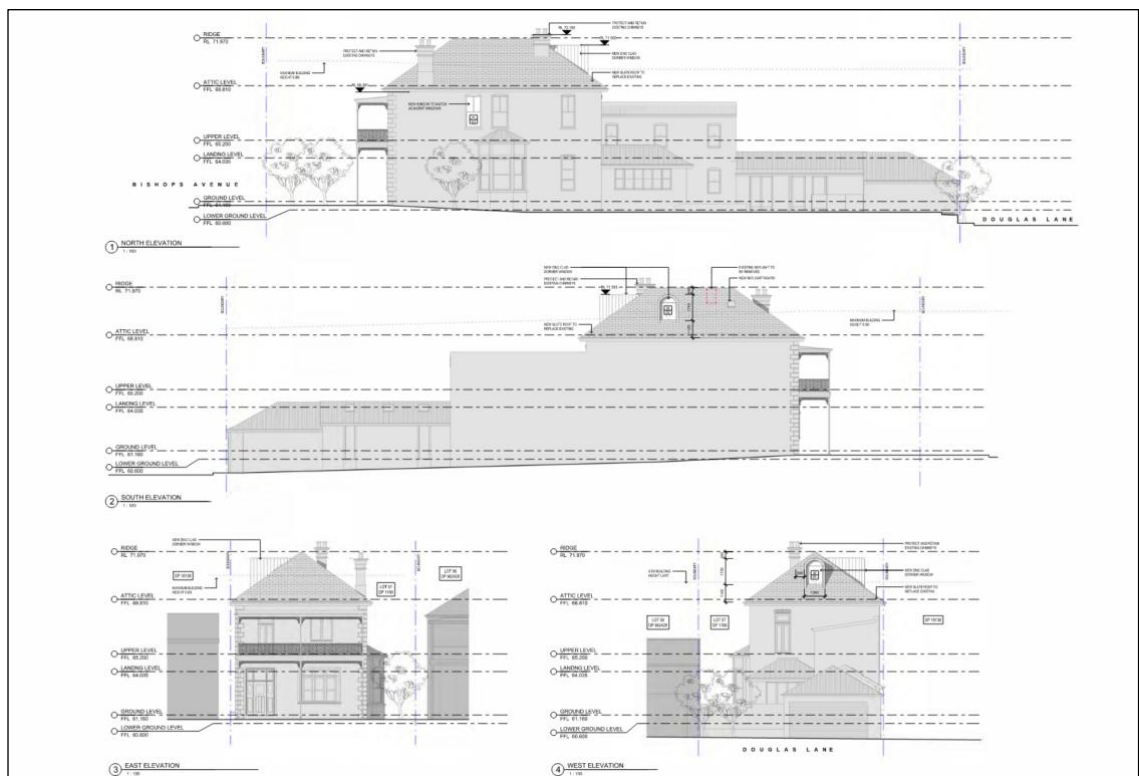


Figure 9: Extracted from Elevations (Source: Source Architects Pty Ltd)

D15/26

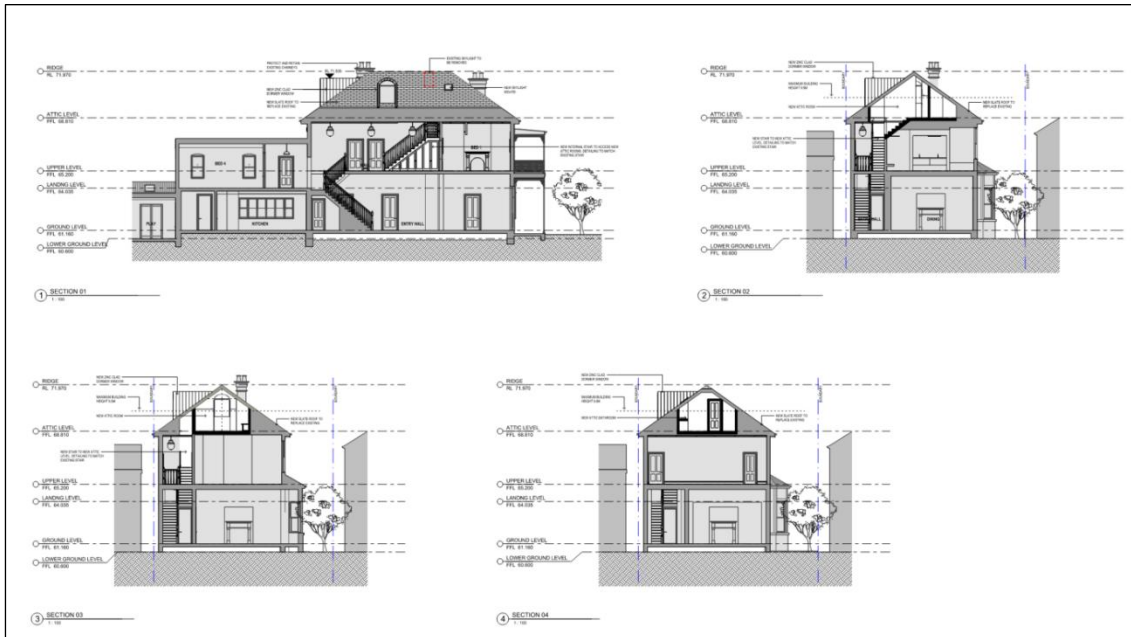


Figure 10: Extracted from Sections (Source: Source Architects Pty Ltd)

Amended Plans received 23 February 2026

In response to Council’s correspondence (dated 23 January 2026), 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 impacts on the heritage item and the bulk and scale of the new dormer. The amended scheme also reduces the attic-level floor area and now complies with the applicable floor space ratio development standard, achieving a ratio of 0.647:1 (361.91 m²).

The amended design has been assessed and considered to be an improved outcome in terms of compliance with Council’s planning policies as well as responding to the matters and issues raised in any submissions. As such, as per Council’s Community Engagement Strategy, the re-notification of the amended plans (received on 23 February 2026) has not been triggered by the revised scheme. It is noted that any amended plans and additional information are accessed off the DA Tracker in Council’s website.

Context and setting

Surrounding development is predominantly residential including low density development.

Privacy, Views, Overshadowing, and Noise

The proposal involves alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows roof replacement and changes to existing windows and internal layout to accommodate internal access stair. The impact of privacy, views, overshadowing and noise are considered minor and acceptable.

Trees and Vegetation

The existing trees and vegetation over the site will be retained.

Access and Traffic

No impact on access or traffic.

Stormwater and Sewerage

The existing stormwater drainage and sewerage connections for the site are to be remained.

Contamination

The site is located in an area that historically has been used for residential development, and not uses that may otherwise create land contamination.

Cut and Fill

The proposal does not involve earthworks for any cut and fill.

Construction Management

The construction management will be conditioned.

Ongoing Waste Management

The dwelling waste management including Council issued waste and recycling bins, which are placed on the street for the weekly and fortnightly waste collection from council.

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

6.3. SEPP (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

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

The subject site has only previously been used for residential 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 4.4: Floor space ratio (max)	0.65:1 363.22m ²	0.647:1 361.91m ²	Yes
Cl 4.3: Building height (max)	9.5m	11.595m	No

6.4.1. Clause 4.6 - Exceptions to development standards

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

6.4.2. Clause 5.10 - Heritage conservation

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.

7. Clause 4.6 exception to a development standard

The proposal seeks to vary the following development standard contained within the Randwick Local Environmental Plan 2012 (RLEP 2012):

Clause	Development Standard	Proposal	Proposed variation	Proposed variation (%)
Cl 4.3: Building height (max)	9.5m	Up to 11.595m	2.095m	22%

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 Building Height development standard (Clause 4.3)

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

The Applicant's written request seeks to justify the contravention of the Height of Buildings 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 Height of Buildings standard are set out in Clause 4.3 (1) of RLEP 2012.

The Applicant's written request seeks to justify the contravention of the Height of Building development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case, as follows:

- The existing house (roof) is not in compliance with the Height of Building Standard and the proposed small scale dormer additions do not extend any higher than the existing ridge height and indeed sit well below the existing ridge height of the existing roof. The dormer windows do not add to the bulk and scale of the existing building and do not lead to any adverse overshadowing, view loss or privacy issues.

- Despite the variation, the proposed Height of the proposed dormers is consistent with the objectives of the Height of Buildings standard and the R2 Low Density Residential Zone (see further discussion below).

- The scale of the existing house, and proposed dormers is consistent with the existing character of the area

- Despite the variation, the proposed building massing does not result in any unacceptable amenity impacts to the surrounding area, compared to a building designed to strictly comply with the 9.5m Height of Buildings control, noting:

- the proposed development would result in no greater overall impact in terms of overshadowing than a compliant scheme given the existing non-complaint roof is not altered, and the proposed dormers cast shadow onto the existing roof only on June 21.*

- the proposed development would result in no greater heritage impacts to the existing building or neighbouring heritage or contributory items than a compliant scheme given the existing non-complaint roof is not altered and the dormers are modest, not generally visible from the public domain and have minimal impacts on heritage or the streetscape.*

- The contravention of the Height of Buildings standard does not raise any matter of State or regional planning significance. Overall, it is open to the consent authority to consider that compliance with the Building Height standard is unreasonable and unnecessary in the circumstances of the Development Application.

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 existing house is a substantial 2 level residence with a moderately pitched slate roof that currently exceeds the height limit by some 1.65-2.1m (17.5% - 21.5%). The proposal seeks to add 2 small scale dormer windows into the slate roof that sit below the existing ridge height. The addition of the dormer windows does not add to the scale of the existing residence or impact on the current or desired future character of the locality. The dormers would be largely unseen from public roads and adjacent residences given existing site and building configurations and the established landscape.

- (b) *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:

The subject site is a heritage item. The addition of the dormer windows does not add to the scale of the existing residence or impact the streetscape or any neighboring listed or contributory items. The dormers would be largely unseen from public roads and adjacent residences given existing site and building configurations and the established landscape.

- (c) *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:

There is no increase in bulk or scale due to the addition of the proposed dormers windows and they do not impact on any views, or lead to loss of privacy or additional overshadowing.

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 Height of Buildings development standard as follows:

The concept proposal demonstrates sufficient environmental planning grounds for the following reasons:

- *The proposed building form (new dormers) is consistent with the objectives of clause 4.3 (Height of Buildings) and Zone R2 Low Density Residential.*
- *The proposal will not set a precedent in terms of density or height for development in the vicinity;*
- *The non-compliance with the standard does not contribute to any adverse environmental impacts in terms of overshadowing, visual impacts or view loss;*
- *The development as proposed is consistent with the provisions of orderly and economic development.*

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.

The overall height, bulk, and scale of the proposed dwelling is compatible with surrounding development and will not result in adverse amenity impacts to neighbouring properties. As demonstrated in this report, the non-compliant portion of the dwelling is unlikely to result in view loss, overshadowing, or visual privacy impacts.

The proposed upper addition comprises dormer elements, which are well integrated with the existing roof form. The upper addition is setback from all boundaries to minimise visual bulk as viewed from the street and neighbouring properties.

It is noted that the proposed alterations and additions are restricted by the existing dwelling, which is proposed to be retained. The height of the existing dwelling exceeds the 9.5m development standard. The proposal does not seek to increase the uppermost ridge height (RL 71.97) of the existing dwelling.

On this basis, there are sufficient environmental planning grounds to justify contravening the building height 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 Height of Buildings development standard.

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 3.

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.

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 – refer to the table in Appendix 3 and the Discussion of key issues section below
Section 4.15(1)(a)(iiia) – Provisions of any Planning	Not applicable.

Section 4.15 'Matters for Consideration'	Comments
Agreement or draft Planning Agreement	
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 submission was received during the required notification period.
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.

9.1. Discussion of key issues

Dormer Windows

Section 4.5, Roof Design and Features of the Low Density Residential DCP (Part C1) sets out the relevant controls and objectives for dormer windows associated with dwelling house development. The control specifies that dormer windows are to have a maximum height of 1.5m measured from base to ridge.

The objectives of the control are:

- *To ensure the roof design integrates with the architectural form, proportions and façade composition of the building.*
- *To ensure low density residential development maintains a two-storey height and frontage to the streetscape.*

The proposed development involves two (2) dormer windows with maximum 1.745m in height:

- Window W01 is located on the western (rear) elevation with a setback of 24.66m front the rear boundary; and
- Window W02 is located on the southern elevation with an approximate setback of 1.3m from the southern side boundary.

Although the proposed dormers exceed the 1.5m numerical height control, they are modest in scale and are designed to provide light and ventilation to attic-level habitable rooms without increasing the overall building height beyond a two-storey form. The dormers have a size, bulk and scale that do not dominate the roof form nor add excessively to the building mass. The dormers remain subordinate to the primary roof form and do not result in additional bulk or adverse streetscape impacts.

Council's Heritage Planner reviewed the amended scheme and advised that the final design, including the dormers and overall built form, is acceptable (subject to conditions of consent) and is

consistent with the relevant heritage controls and the significance of the heritage item (refer to Appendix 1).

On balance, while the proposal does not strictly comply with the numerical height control for dormer windows, it satisfies the objectives of Section 4.5 and is supported from a heritage perspective. Accordingly, the variation is considered reasonable and acceptable in this instance.



Figure 11: View of existing dwelling from the corner of Bishop Avenue and Douglas Street (*Source: Council's Assessing Officer*)

10. Conclusion

That the application to alterations and additions to existing dwelling house be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R2 Low Density Residential zone in that
 - It provides for the housing needs of the community within a low density residential environment.
 - The proposal protects the amenity of residents.
 - The proposal will not worsen housing affordability.
 - The proposal is consistent with the specific objectives of the R2 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
 - The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
 - Suitable conditions are included to protect the heritage significance.

Appendix 1: Referrals

1. Internal referral comments:

1.1. Heritage Planner

The Site

The subject site is a heritage item, known as 'Late nineteenth century 2 storey house' (Item no. 305).

Proposal

Alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows roof replacement and changes to existing windows and internal layout to accommodate internal access stair.

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.

Internal comments

- The dormer windows must have a traditional profile and materiality.
- The location of the rear dormer is supported.
- The proposed side dormers will be located between two chimneys and dominate the roof for. They will be highly visible from the street, along the corner of Bishop Avenue and Douglas Street and as per 2.3 Scale and form, control (iii) (B2 Heritage Randwick DCP 2023) cannot be supported. The dormers should be deleted to reduce visual clutter along the northern roof plane. Further, their proposed location on the northern roof plane does not provide adequate sunlight to the attic rooms. Skylights located on the southern roof plane may be more appropriate and will minimise the impact on the heritage item. There is an existing skylight on the southern roof plane that will be removed to allow for the proposed attic works. The existing skylight is less visible from the street.
- A new window is proposed in W.03. It will match the traditional profile and materiality of the original timber framed double hung windows. The new window is supported from a heritage perspective.
- The existing roofing will be replaced with new slates.

Recommended conditions

The following conditions should be included in any consent:

Amended Plans & Documentation

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

- In accordance with the Randwick DCP 2023, Chapter B2, Section 2.3 'Scale and form', the rear and side dormer windows must have traditional profiles, dimensions and materiality that reflect the historic period and architectural style of the heritage item. The window must incorporate a timber framed double hung sash window.

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.

Colour, Materials and Finishes Schedule

- a) A Colours, Materials and Finishes Schedule must be submitted to and approved by Council's Heritage Planner, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Condition Reason: To ensure the colours, materials and finishes are sympathetic to the heritage item.

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 a Construction Management Plan to be submitted to Council's Heritage Planner and Coordinator Development Assessment prior to the release of any construction certificate.

Condition Reason: To ensure the works are undertaken carefully and significant heritage fabric is protected during demolition and construction.

Salvage, Reuse and Recycling of Traditional Building Materials

- a) The original door in Bed 1 (including its hardware and architraves) must be retained and reinstated.
- b) Salvaged traditional building materials surplus to the requirements of this project including cornices, architraves, skirtings, bricks, slates, and joinery must not be scrapped and are to be reused for the works, stored on-site for repairs, or sold to an established dealer in second-hand heritage building materials to facilitate the conservation of other buildings of a similar period. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

Condition Reason: To ensure that materials of significant heritage fabric are reused, sold or donated to facilitate conservation of other buildings.

Skylights

- a) The proposed skylight must be installed within the roof form or flush to the roof and at the same pitch.
- b) The colour of the skylight frame must match the colour of the roof to minimise its visibility.

Condition Reason: To minimise the prominence of services and new technologies in heritage conservation areas and on heritage items.

Appendix 2: Applicant's written request seeking to justify the contravention of the development standard (Building Height)



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Height of Buildings Clause 4.6 Variation Request Revision B

ALTERATIONS AND ADDITIONS

MENDOZA JOINES RESIDENCE
8 BISHOPS AVENUE, RANDWICK NSW 2031 | Lot 57 | DP 1189

FOR Daniel Mendoza-Jones & Jessica Mendoza-Roth



BUILDING HEIGHT CLAUSE 4.6 VARIATION REQUEST REV B
8 Bishops Avenue, Randwick, NSW 2031

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1. INTRODUCTION

This report supports a Development Application for alterations and additions to 8 Bishops Avenue, Randwick, NSW 2031, submitted to Randwick City Council pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The applicant is seeking to secure Development Approval for alterations and additions to the existing residence which includes the provision of 3 new dormer windows within the existing roofscape.

This report has been prepared to request a variation to Clause 4.3 (Height of Buildings) of Randwick Local Environmental Plan 2012 (Randwick LEP 2012) as it applies to the Development Application

2. CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

Clause 4.6 of Randwick LEP 2012 enables an exception to the FSR standard subject to consideration of a written request from the applicant justifying the contravention.

Relevant extracts of Clause 4.6 of Randwick LEP 2012 read as follows:

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.

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

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director General before granting concurrence



5. ASSESSMENT

Is compliance with the development standard(s) unreasonable or unnecessary in the circumstances of this particular case

Compliance with the Height of Buildings standard is unreasonable and unnecessary for the following reasons:

- The existing house (roof) is not in compliance with the Height of Building Standard and the proposed small scale dormer additions do not extend any higher than the existing ridge height and indeed sit well below the existing ridge height of the existing roof. The dormer windows do not add to the bulk and scale of the existing building and do not lead to any adverse overshadowing, view loss or privacy issues.
- Despite the variation, the proposed Height of the proposed dormers is consistent with the objectives of the Height of Buildings standard and the R2 Low Density Residential Zone (see further discussion below).
- The scale of the existing house, and proposed dormers is consistent with the existing character of the area
- Despite the variation, the proposed building massing does not result in any unacceptable amenity impacts to the surrounding area, compared to a building designed to strictly comply with the 9.5m Height of Buildings control, noting:
 - the proposed development would result in no greater overall impact in terms of overshadowing than a compliant scheme given the existing non-complaint roof is not altered, and the proposed dormers cast shadow onto the existing roof only on June 21
 - the proposed development would result in no greater heritage impacts to the existing building or neighbouring heritage or contributory items than a compliant scheme given the given the existing non-complaint roof is not altered and the dormers are modest, not generally visible from the public domain and have minimal impacts on heritage or the streetscape.
- The contravention of the Height of Buildings standard does not raise any matter of State or regional planning significance. Overall, it is open to the consent authority to consider that compliance with the Building Height standard is unreasonable and unnecessary in the circumstances of the Development Application

Are there sufficient environmental planning grounds to justify variation of the development standard?

The concept proposal demonstrates sufficient environmental planning grounds for the following reasons:

- The proposed building form (new dormers) is consistent with the objectives of clause 4.3 (Height of Buildings) and Zone R2 Low Density Residential
- The proposal will not set a precedent in terms of density or height for development in the vicinity;
- The non-compliance with the standard does not contribute to any adverse environmental impacts in terms of overshadowing, visual impacts or view loss;
- The development as proposed is consistent with the provisions of orderly and economic development.



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Is there any other relevant information to be considered to justify variation of the development standard.

Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone?

Objectives of the Height of Buildings standard

The proposal remains consistent with the objectives of the Height of Buildings standard outlined in Clause 4.4 despite the non-compliance demonstrated below:

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

The existing house is a substantial 2 level residence with a moderately pitched slate roof that currently exceeds the height limit by some 1.65-2.1m (17.5% - 21.5%). The proposal seeks to add 2 small scale dormer windows into the slate roof that sit below the existing ridge height. The addition of the dormer windows does not add to the scale of the existing residence or impact on the current or desired future character of the locality. The dormers would be largely unseen from public roads and adjacent residences given existing site and building configurations and the established landscape.

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

The subject site is a heritage item. The addition of the dormer windows does not add to the scale of the existing residence or impact the streetscape or any neighboring listed or contributory items. The dormers would be largely unseen from public roads and adjacent residences given existing site and building configurations and the established landscape.

"(c) 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"

There is no increase in bulk or scale due to the addition of the proposed dormer windows and they do not impact on any views, or lead to loss of privacy or additional overshadowing. Refer Architectural Drawings including shadow diagrams

Objectives of the zone

The proposal remains consistent with the objectives of the R2 Low Density Residential zone, despite the non-compliance with the Height of Building standard.

The objectives are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

The proposal related to minor works on an established freestanding low density residential property that sits comfortably and adds positively to the established streetscape. The proposed works will not impact on this or the amended of residents and wholly consistent with the objectives of the R2 Low Density Residential zone

Whether contravention of the development standard raises any matter of significance for the State or Regional Environmental Planning?

The contravention of the development standard in this case does not raise an issue of State or regional planning significance as it relates to local and contextual conditions. The variation sought is responding to the broad brush nature of a control applied across an area that supports a variety of built forms that are reflective of different zones and are a function of their use.



BUILDING HEIGHT CLAUSE 4.6 VARIATION REQUEST REV B
8 Bishops Avenue, Randwick, NSW 2031

Is there public benefit in maintaining the development standard?

Generally speaking, there is public benefit in maintaining standards. However, there is public benefit in maintaining a degree of flexibility in specific circumstances. In the current case, strict compliance with the Height of Buildings Standard would not result in a better urban design or public domain outcome or benefit the subject buildings relationship with neighbouring buildings.

Therefore, in the specific circumstances of this case, there is no public benefit in maintaining the development standard, as the proposed development results in the same planning outcome for the site as the one proposed.

Is the objection well founded?

Yes. For reasons outlined in the preceding sections of this submission, the variation to the Height of Buildings control is well founded as compliance with the standard is unreasonable as the development does not contravene the objects specified within 5(a)(i) and (ii) of the Act nor the objectives of the R2 Low Density Residential zone of Randwick LEP 2012. A development that strictly complies with the standard is unnecessary in this circumstance as no appreciable benefits would result by restricting the building to absolute numerical compliance.

Clause 4.6(5) states:

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

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence."*

The requested variation to the Height of Buildings Standard does not raise any matter of significance for State or regional environmental planning. The consideration of the variation is a purely local matter relating to the provision of dormer windows space within the existing roof volume that are skilfully integrated into the existing building.



BUILDING HEIGHT CLAUSE 4.6 VARIATION REQUEST REV B
8 Bishops Avenue, Randwick, NSW 2031

6. CONCLUSION

This clause 4.6 variation request is well founded as it demonstrates that the proposal provides a planning outcome with no significant adverse environmental impacts.

In summary, the variation is justified because:

- Compliance with the Height of Buildings standard is unreasonable and unnecessary in the circumstances of the proposed development.
- There are sufficient environmental planning grounds to justify the variation of the Height of Buildings standard
- The concept proposal is in the public interest.
- There are no matters of State or regional planning significance and no notable public benefits in maintaining the Height of Buildings standard in this case.

It has been demonstrated that compliance with the Height of Buildings development standard is both unnecessary and unreasonable in the circumstances of this case as there are sufficient planning grounds to justify contravening the standard. The development will be in the public interest, is consistent with the objectives of the standard and the objectives for development within the R2 Low Density Residential zone of the Randwick LEP 2012.

Appendix 3: DCP Compliance Table

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning	Site = 558.8sqm	
2.4	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45% *Site area is measured on the overall site area (not proposed allotment areas)	Proposed no change	NA
2.5	Deep soil permeable surfaces		
	Up to 300 sqm = 30% 301 to 450 sqm = 35% 451 to 600 sqm = 40% 601 sqm or above = 45% i) Deep soil minimum width 900mm ii) Retain existing significant trees iii) Minimum 25% front setback area permeable surfaces *Dual occupancies and semi-detached dwellings: Deep soil area calculated on the overall site area and must be evenly distributed between the pair of dwellings.	Proposed no change	NA
2.6	Landscaping and tree canopy cover		
	Minimum 25% canopy coverage Up to 300 sqm = 2 large trees 301 to 450 sqm = 3 large trees 451 to 600 sqm = 4 large trees i) Minimum 25% front setback area permeable surfaces ii) 60% native species	Proposed alteration does not more than 10%. Numerical control is not required. Minimum 25% front setback permeable surfaces is achieved.	NA
2.7	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Proposed no change	NA
3	Building envelope		
3.1	Floor space ratio LEP 2012 = 0.65:1	Proposed = 0.647:1	Yes
3.2	Building height		
	Building height LEP 2012 = 9.5m	Proposed = 11.595m	No
	i) Habitable space above 1st floor level must be integrated into roofline ii) Minimum ceiling height = 2.7m iii) Minimum floor height = 3.1m (except above 1st floor level) iv) Maximum 2 storey height at street frontage v) Alternative design which varies 2 storey street presentation may be accepted with regards to: - Topography - Site orientation - Lot configuration - Flooding	Proposed additional attic level is contained within the roof form except for proposed dormer windows.	Refer to Discussion of key issues section and Appendix 1 (Heritage Planner comments).

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DCP Clause	Controls	Proposal	Compliance																								
	<ul style="list-style-type: none"> - Lot dimensions - Impacts on visual amenity, solar access, privacy and views of adjoining properties. 																										
3.3	Setbacks																										
3.3.1	<p>Front setbacks</p> <ul style="list-style-type: none"> i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites - Should align with setbacks of adjoining dwellings iii) Do not locate swimming pools, above-ground rainwater tanks and outbuildings in front. 	No change to existing front setbacks.	Yes																								
3.3.2	<p>Side setbacks</p> <table border="1" data-bbox="336 864 895 1126"> <thead> <tr> <th colspan="4" style="background-color: #c6e0b4;">Minimum side setbacks</th> </tr> <tr> <th style="background-color: #d9d9d9;">Existing primary frontage width</th> <th style="background-color: #d9d9d9;">Building heights 0m to 4.5m</th> <th style="background-color: #d9d9d9;">Building heights >4.5m to 7m</th> <th style="background-color: #d9d9d9;">Building heights >7m</th> </tr> </thead> <tbody> <tr> <td>Less than 6m</td> <td colspan="3" style="text-align: center;"><i>Merit assessment</i></td> </tr> <tr> <td>6m to less than 9m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">0.9m + (building height - 7m)</td> </tr> <tr> <td>9m to less than 12m</td> <td style="text-align: center;">0.9m</td> <td style="text-align: center;">$0.9m + \frac{\text{building height} - 4.5m}{4}$</td> <td style="text-align: center;">$1.5m + 2x(\text{building height} - 7m)$</td> </tr> <tr> <td>12m and above</td> <td style="text-align: center;">1.2m</td> <td style="text-align: center;">$1.2m + \frac{\text{building height} - 4.5m}{4}$</td> <td style="text-align: center;">$1.8m + 2x(\text{building height} - 7m)$</td> </tr> </tbody> </table>	Minimum side setbacks				Existing primary frontage width	Building heights 0m to 4.5m	Building heights >4.5m to 7m	Building heights >7m	Less than 6m	<i>Merit assessment</i>			6m to less than 9m	0.9m	0.9m	0.9m + (building height - 7m)	9m to less than 12m	0.9m	$0.9m + \frac{\text{building height} - 4.5m}{4}$	$1.5m + 2x(\text{building height} - 7m)$	12m and above	1.2m	$1.2m + \frac{\text{building height} - 4.5m}{4}$	$1.8m + 2x(\text{building height} - 7m)$	Proposed no change	NA
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3.3.3	<p>Rear setbacks</p> <ul style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - Reasonable view sharing (public and private) - Protect the privacy and solar access 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. iv) For irregularly shaped lots = merit assessment on basis of:- <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts <p><i>*Definition: predominant rear setback is the average of adjacent dwellings on either side and is determined separately for each storey.</i></p> <p>Refer to 6.3 and 7.4 for parking facilities and</p>	Proposed no change	NA																								

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DCP Clause	Controls	Proposal	Compliance
	vii) cut and fill for POS is terraced <i>where site has significant slope:</i> viii) adopt a split-level design ix) Minimise height and extent of any exposed under-croft areas.		
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	No change to the north-facing living room windows or private open space.	NA
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) Solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may be acceptable subject to a merits assessment with regard to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	No change to the north-facing living room windows or private open space.	NA
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls ii) Where possible, provide natural lighting and ventilation to any internalised toilets, bathrooms and laundries	Internal habitable spaces will achieve adequate natural lighting and ventilation.	Yes

DCP Clause	Controls	Proposal	Compliance
	iii) Living rooms contain windows and doors opening to outdoor areas <i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable		
5.3	Visual Privacy		
	Windows		
	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: <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up to 1600mm minimum. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) Orientate living and dining windows away from adjacent dwellings (that is orient to front or rear or side courtyard)	Proposed windows appear not in the position to direct view the adjoining properties.	Yes
5.4	Acoustic Privacy		
	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"> - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer. 	The proposed alterations and additions are not likely to result in additional acoustic impacts.	Yes
5.5	Safety and Security		
	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)	As per the existing arrangement, the main dwelling entry is located on the front elevation.	Yes
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) Retaining existing views from the living areas are a priority over low use rooms iii) Retaining views for the public domain takes priority over views for the private properties iv) Fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA.	Noting the nature and siting of proposed works, the proposal is unlikely to result in any view sharing impacts to neighbouring properties.	Yes

Responsible officer: Mia Liu, Environmental Planning Officer

File Reference: DA/1158/2025

D15/26

Development Consent Conditions – Dwelling Alterations and Additions



D15/26

DA No:	DA/1158/2025
Property:	8 Bishops Avenue, RANDWICK NSW 2031
Proposal:	Alterations and additions to existing dwelling house, including addition of attic rooms, dormer windows roof replacement and changes to existing windows and internal layout to accommodate internal access stair (Heritage item and Clause 4.6 to Building Height).
Recommendation:	Approval

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 / Roof Plan No. DA01 Rev A	Source Architects Pty Ltd	20 February 2026	23 February 2026
Ground Floor Plan No. DA02	Source Architects Pty Ltd	20 February 2026	23 February 2026
First Floor Plan No. DA03	Source Architects Pty Ltd	20 February 2026	23 February 2026
Attic Level Plan No. DA04	Source Architects Pty Ltd	20 February 2026	23 February 2026
Elevations No. DA05	Source Architects Pty Ltd	20 February 2026	23 February 2026
Sections No. DA06	Source Architects Pty Ltd	20 February 2026	23 February 2026

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A1817267	23 February 2026	23 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. **Heritage Requirements - Amended Plans & Documentation**
 The approved plans and documents must be amended in accordance with the following requirements:

Dormers

- a) In accordance with the Randwick DCP 2023, Chapter B2, Section 2.3 'Scale and form', the rear and side dormer windows must have traditional

Condition

profiles, dimensions and materiality that reflect the historic period and architectural style of the heritage item. The window must incorporate a timber framed double hung sash window.

Skylight

- b) The proposed skylight must be installed within the roof form or flush to the roof and at the same pitch.
- c) The colour of the skylight frame must match the colour of the roof to minimise its visibility.

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.

3. **General Heritage Works**
All development, conservation, and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.

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.

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 a Construction Management Plan to be submitted to Council's Heritage Planner and Coordinator Development Assessment prior to the release of any construction certificate.

Condition Reason: To ensure the works are undertaken carefully and significant heritage fabric is protected during demolition and construction.

4. **Salvage, Reuse and Recycling of Traditional Building Materials**
The original door in Bed 1 (including its hardware and architraves) must be retained and reinstated.

Salvaged traditional building materials surplus to the requirements of this project including cornices, architraves, skirtings, bricks, slates, and joinery must not be scrapped and are to be reused for the works, stored on-site for repairs, or sold to an established dealer in second-hand heritage building materials to facilitate the conservation of other buildings of a similar period. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

Condition Reason: To ensure that materials of significant heritage fabric are reused, sold or donated to facilitate conservation of other buildings.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

5. **Consent Requirements**

Condition

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.

6. **External Colours, Materials & Finishes – Heritage Item**

A Colours, Materials and Finishes Schedule must be submitted to and approved by Council's Heritage Planner, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Condition Reason: To ensure colours, materials and finishes are sympathetic to the heritage item and 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 \$643,101.48 the following applicable monetary levy must be paid to Council: \$6,431.02.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Condition Reason: To ensure relevant contributions are paid.

8. **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.

9. **Security Deposits**

Condition

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*:

- \$600.00 - 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.

10.

Sydney Water

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

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

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

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

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

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

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

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

11.

Building Code of Australia

In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 69 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).

	Condition
	<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>
12.	<p>Structural Adequacy</p> <p>Certificate of Adequacy supplied by a professional engineer shall be submitted to the Certifier (and the Council, if the Council is not the Certifier), certifying the structural adequacy of the existing structure to support the proposed development.</p> <p>Condition Reason: To ensure the structural integrity of the building is maintained.</p>
13.	<p>BASIX Requirements</p> <p>In accordance with section 4.17(11) of the Environmental Planning and Assessment Act 1979 and section 75 of the Environmental Planning and Assessment Regulation 2021, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.</p> <p>The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.</p> <p>The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.</p> <p>Condition Reason: Prescribed condition under 75 of the Environmental Planning and Assessment Regulation 2021.</p>
14.	<p>Stormwater Drainage</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> <ol style="list-style-type: none">Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);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;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;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;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. <p>Condition Reason: To control and manage stormwater run-off.</p>

BEFORE BUILDING WORK COMMENCES

Condition

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

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

16. **Home Building Act 1989**
In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and sections 69 & 71 of the *Environmental Planning and Assessment Regulation 2021*, in relation to residential building work, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifier and Council.

Condition Reason: Prescribed condition under section 69 & 71 of the Environmental Planning and Assessment Regulation 2021.

17. **Dilapidation Reports**
A dilapidation report must be obtained from a Professional Engineer, Building Surveyor or other suitably qualified person to the satisfaction of the appointed Registered Certifier for the development, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other structure located upon an adjoining premises;
- demolition or construction of new dwellings; additions to dwellings or outbuildings, which are sited up to or less than 900 mm from a site boundary (e.g. a semi-detached dwelling, terraced dwelling or other

Condition

building sited less than 900mm from the site boundary);

- excavations for new dwellings, additions to dwellings, swimming pools or other substantial structures which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises; and
- as may be required by the Principal Certifier for the development.

The dilapidation report shall include details of the current condition and status of any dwelling, or other structures located upon the adjoining premises and shall include relevant photographs of the structures.

The dilapidation report must be submitted to the Principal Certifier, the Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

18. **Construction Site Management Plan**

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

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

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

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

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

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

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

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

D15/26

Condition	
	commencement of any site works.
	Condition Reason: To protect the amenity of the neighbourhood during construction.
20.	<p>Public Utilities 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>
21.	<p>Public Utilities The Applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The Applicant must make the necessary arrangements with the service authority.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>

DURING BUILDING WORK

Condition					
22.	<p>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:</p> <ul style="list-style-type: none"> 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. <p>The sign must be—</p> <ul style="list-style-type: none"> a) maintained while the building work is being carried out, and b) removed when the work has been completed. <p>This section does not apply in relation to—</p> <ul style="list-style-type: none"> 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. <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>				
23.	<p>Restriction on Working Hours Building, demolition and associated site works must be carried out in accordance with the following requirements:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Permitted working hours</th> </tr> </thead> <tbody> <tr> <td>All building, demolition and site work, including site deliveries (except as</td> <td> <ul style="list-style-type: none"> • Monday to Friday - 7.00am to </td> </tr> </tbody> </table>	Activity	Permitted working hours	All building, demolition and site work, including site deliveries (except as	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to
Activity	Permitted working hours				
All building, demolition and site work, including site deliveries (except as	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 				

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

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

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

24.

Public Safety & Site Management

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to the site to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.

Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.

Condition

If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or articles or, operate a crane, hoist or concrete pump on or over Council land, a Local Approval application must be submitted to and approved by Council beforehand.

- h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
- i) 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.
- j) 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.
- k) 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.

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

25. **Building Encroachments**

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

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

26. **Occupation Certificate Requirements**
 An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Condition Reason: Statutory requirement. To ensure the site is authorised for occupation.

27. **BASIX Requirements**

In accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

Condition

Condition Reason: Statutory requirement. To ensure that the BASIX requirements have been fulfilled.

28. **Council's Infrastructure, Vehicular Crossings and Street Verge**
All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- (a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - (b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
 - (c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

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

OCCUPATION AND ONGOING USE

Condition

29. **Use of Premises**
The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.
- Condition Reason: To ensure the development is used for its intended purpose.
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.
31. **Plant & Equipment**
Noise from the operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- Condition Reason: To protect the amenity of the surrounding area and residents.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

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

Development Application Report No. D16/26

Subject: 5R & 5RR Marine Parade, Maroubra (DA/1457/2025)


Executive Summary

Proposal:	Demolition of existing structures and construction of a new 2-storey building comprising Community Facility with kiosk for the Maroubra Surf Life Saving Club.
Ward:	Central Ward
Applicant:	Randwick City Council
Owner:	Department of Lands
Cost of works:	\$12,177,777
Reason for referral:	Council is the Applicant

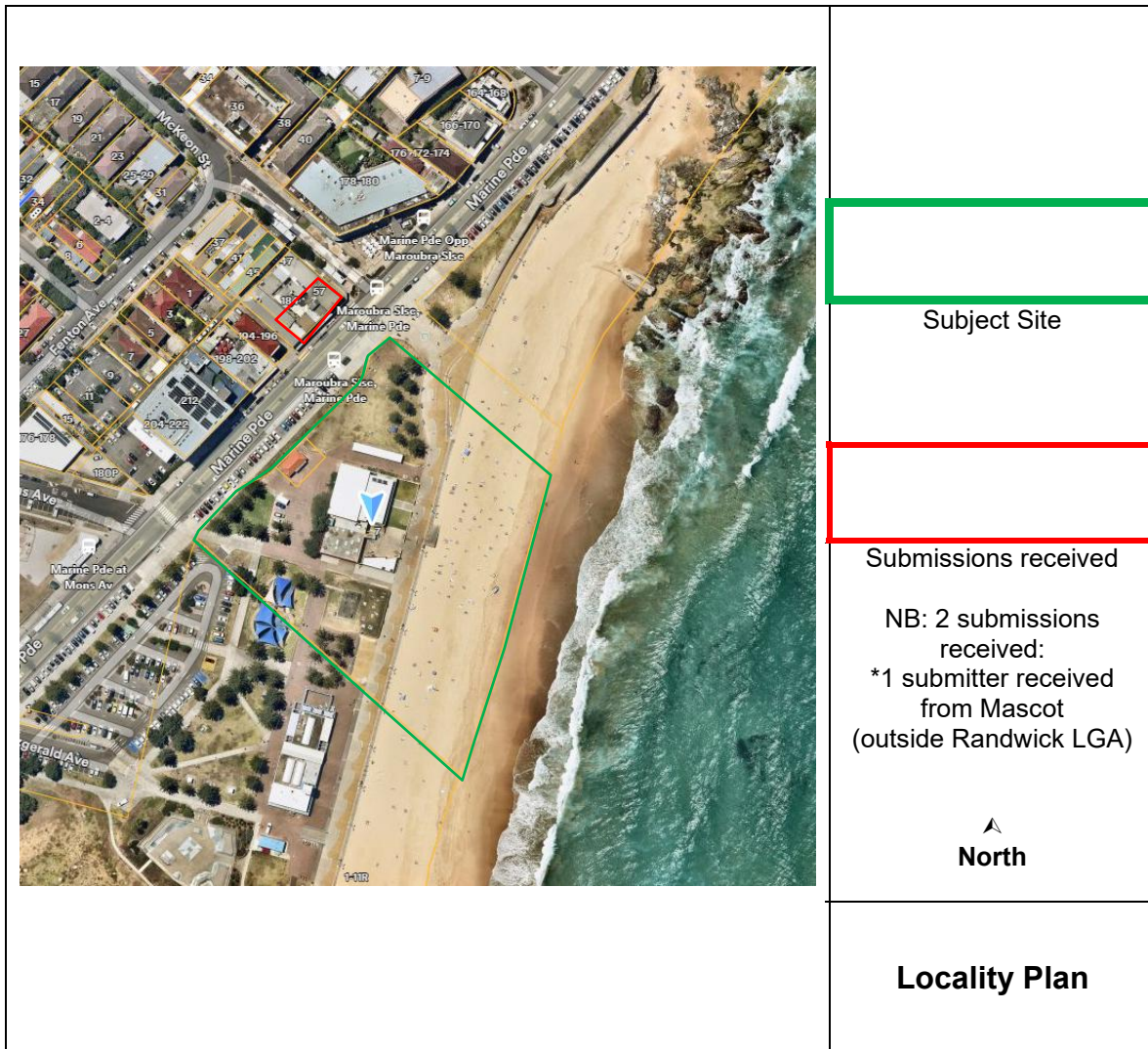
Recommendation

- A. That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 1457/2025 for demolition of existing building and structures and construction of a new 2-storey building comprising Community Facility with kiosk for the Maroubra Surf Life Saving Club, at No. 5R & 5RR Marine Parade, Maroubra, subject to the development consent conditions attached to the assessment report.

Attachment/s:

- [1. ↓](#)  RLPP Dev Consent Conditions (mixed-use) - DA/1457/2025 - 5R & 5RR Marine Parade, MAROUBRA NSW 2035 - DEV - Randwick City Council

D16/26



1. Executive summary

The Development Application (DA) is referred to the Randwick Local Planning Panel (RLPP) as Council is the applicant.

The DA seeks consent for demolition of the existing buildings and structures and the construction of a new two-storey building for the Maroubra Surf Life Saving Club ('the Club'), comprising a Community Facility with an ancillary kiosk.

The proposed development will be undertaken on a portion of Crown land located between the Maroubra Beach promenade and Marine Parade, at the southern end of Arthur Byrne Reserve. The works will generally occur within the footprint of the existing club buildings and its associated hardstand areas. For the purposes of this report, this area is referred to as "the site".

The site forms part of a broader area of NSW Crown land along the Maroubra Beach foreshore. This foreshore area is characterised by open parkland, recreational spaces, commercial activities, and a public promenade that runs along the beachfront to the east.

The land is owned by the NSW Department of Lands – Crown Division and is under the care, control and management of Randwick City Council ('Council'). NSW Crown Lands has been notified of Council's intention to seek development consent for the proposed works.

The site is located in the RE1 – Public Recreation zone pursuant to the *Randwick Local Environmental Plan (LEP) 2012*. The proposal is for a community facility and kiosk, which are permissible land uses with consent in the RE1 zone.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

A referral to Ausgrid pursuant to Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') and Sydney Water under Section 78 of the Sydney Water Act 1994, was sent and no objections were raised by these agencies. The DA was also referred to La Perouse Aboriginal Land Council in accordance with NSW Crown Land requirements and no objection was raised.

The application was placed on public exhibition for a period of 28 days from 16 January to 13 February 2026. Two (2) submissions were received. The concerns raised in the submissions relate to a lack of consultation with club members regarding the new facilities and the economic impact of the kiosk on existing cafes in the area.

The key assessment issues associated with the proposal relate to design, coastal hazard, safety and security, traffic and parking and operational management.

The proposal achieves a high level of design quality through a low-scale, articulated built form that maintains public access, incorporates enhanced landscaping, and uses materials appropriate to the coastal setting. The design responds to the character of the foreshore and aims to maintain and enhance the coastal landscape. Safety and security have also been addressed through the incorporation of *Crime Prevention Through Environmental Design (CPTED)* principles, with the building layout promoting clear sightlines, passive surveillance, and safe public use of the space.

The proposed development is expected to generate a similar level of parking demand to the existing Club and is therefore not anticipated to result in any unacceptable parking impacts in the surrounding area. Accordingly, the proposal is considered acceptable from a traffic and parking perspective.

The application is accompanied by a Building Operations Plan of Management, which provides a structured operational framework for the new Club building, ensuring that the facility can effectively support surf lifesaving activities and community use while maintaining appropriate management controls to protect the amenity of the surrounding environment

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, the LEP 2012 and relevant development control plans, the proposal is recommended for approval, subject to conditions contained accompanying this report.

2. Site Description and Locality

The site forms part of a broader area of Crown Land along the Maroubra Beach foreshore and is known as 5R and 5RR Marine Parade, Maroubra. The Maroubra Beach Surf Club Reserve (R1002902) is legally described as Lot 7314 in Deposited Plan 1147545. The proposed works are located on a portion of Crown land between Maroubra Beach and Marine Parade. Refer to **Figure 1**.

The site occupies approximately 2,202 m² of land, which includes existing buildings and hardstand, artificial lawn, and landscaped gardens. The vegetation within the site consists of a mixed native/exotic garden.

There is a pedestrian promenade along the front of the building which extends along the beach front providing a ramp to the beach and a number other pedestrian corridors to and through the site.

To the south the foreshore includes parkland, Maroubra Beach playground, public car park and the Maroubra Pavilion. To the north the foreshore is primarily open parklands.

To the west across Marine Parade is the Maroubra Beach commercial precinct which comprises licensed venues, dining and accommodation venues, as well as retail uses and apartments.



Figure 1 – Site Location Plan (development area is outlined in red)

3. Relevant history

The site has been subject to the following DA approvals:

DA Number	Description	Date Approved
DA/659/2012	Alterations and additions to the existing Maroubra Surf Life Saving Club including new first floor addition, internal lift and water closet (wc), disabled access ramp and associated awning structure.	12 February 2013
DA/326/2020	Alterations and additions to the Maroubra Surf Life Saving Club including demolition of existing IRB and Patrol Storage structure and stairs, extension of existing ground floor storage areas, addition of a meeting / storage / training rooms at the first floor, provision of a ramp to training room facility, extension of first floor deck, reconfigured external stair, and associated works.	8 October 2020
DA/551/2024	Installation of underground telecommunications infrastructure, including the creation six underground tunnels of approximately 110mm diameter to enable the installation of steel conduit and optic fibre cables.	2 September 2024

4. Proposal

The proposal seeks development consent for demolition of the existing structures and construction of a new 2-storey Community Facility for the Maroubra Surf Life Saving Club.

The proposed development will have a Gross Floor Area (GFA) of 1,321 m² and a maximum building height of 9.1m.

The key aspects of the proposal are outlined in Table 1 below.

The proposal is illustrated in **Figures 2 to 4**.

Table 1 – Description of the proposal

Aspect	Description
<i>Proposed Uses</i>	<p><i>Ground Floor</i></p> <ul style="list-style-type: none"> patrol emergency response equipment rescue boat storage and maintenance area (hulls, engines, fuel and ancillary equipment) equipment storage (combined storage for Lifesaving operations, training, Surf Sports and Nippers) gymnasium change rooms and amenities (male and female) cold storage office, administration and caretaker unit service and plant (lift riser, corridors, circulation, gas storage) multi-use external area – concrete and astro-turf (waste disposal (bin area), craft set down and wash area, vehicle access and turning) and lawn BBQ and gathering area <p><i>First Floor</i></p> <ul style="list-style-type: none"> multipurpose training and function room, includes servery, kitchen (Multipurpose Room 2) ocean facing multipurpose observation, training and function room, includes bar access (Multipurpose Room 1) multipurpose deck amenities for use of members and visitors (male/female/accessible) lift, stairs, balcony for circulation (links ocean facing multi-purpose room and deck) and service areas
<i>Vehicular Access</i>	<ul style="list-style-type: none"> vehicular access for surfboats, trailers and surf life saving equipment will be via the western garage roller door access for manually handled equipment such as surf skis, paddle boards and rescue boards will be via the southern roller door access for beach patrol, IRB, beach trailer and rescue equipment will be via the eastern roller door and existing beach ramp. a loading dock is proposed via the roller door on the western side.
<i>Pedestrian Access</i>	<ul style="list-style-type: none"> pedestrian access is via the beach (eastern side) with rear access on the western side of the building.
<i>Hours of Operation</i>	<ul style="list-style-type: none"> patrol, emergency and rescue boat and equipment storage and maintenance areas – 24 hours, seven days a week. multi-purpose function spaces – 8:00am to 10:00pm, seven days a week kiosk - 6:00am to 10:00pm.
<i>Capacity</i>	<ul style="list-style-type: none"> multi-function spaces - 250 people (indoor 180 and outdoor 70)

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	<ul style="list-style-type: none"> members lounge - 180 patrons (100 indoor and 80 outdoor). administration – 8:30am-5:00pm (M-S) and 8:00am -11:00am (S)
<i>Number of Staff</i>	<ul style="list-style-type: none"> -serving food and drink - 3 kiosk – 1 Other (SLSC) - 4

Temporary Facilities

During the construction process, temporary facilities will be provided to ensure that the Club can continue its operations without disruption. Two temporary facilities will be established: one on the beachfront and one within the carpark. These facilities will accommodate essential functions and will include:

- storage of surf lifesaving equipment: Secure areas for storing all lifesaving gear and Club equipment, ensuring it remains accessible for ongoing lifesaving operations.
- amenities: Temporary toilet and shower facilities to support staff, members, and volunteers during construction.
- on-site office: A functional workspace for Club administration and operational management, allowing coordination of daily activities and construction-related communications.

These temporary provisions are designed to maintain safety, accessibility, and operational continuity for the Club throughout the construction period.

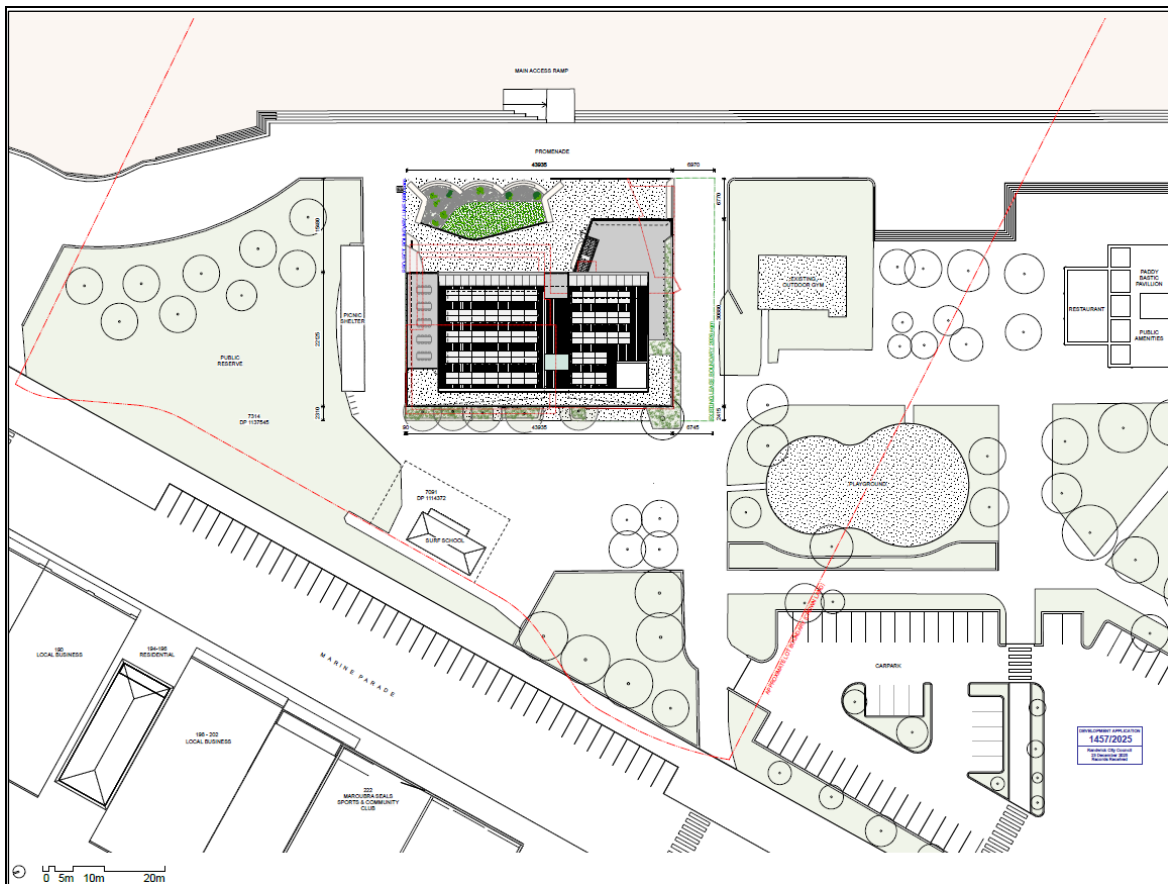
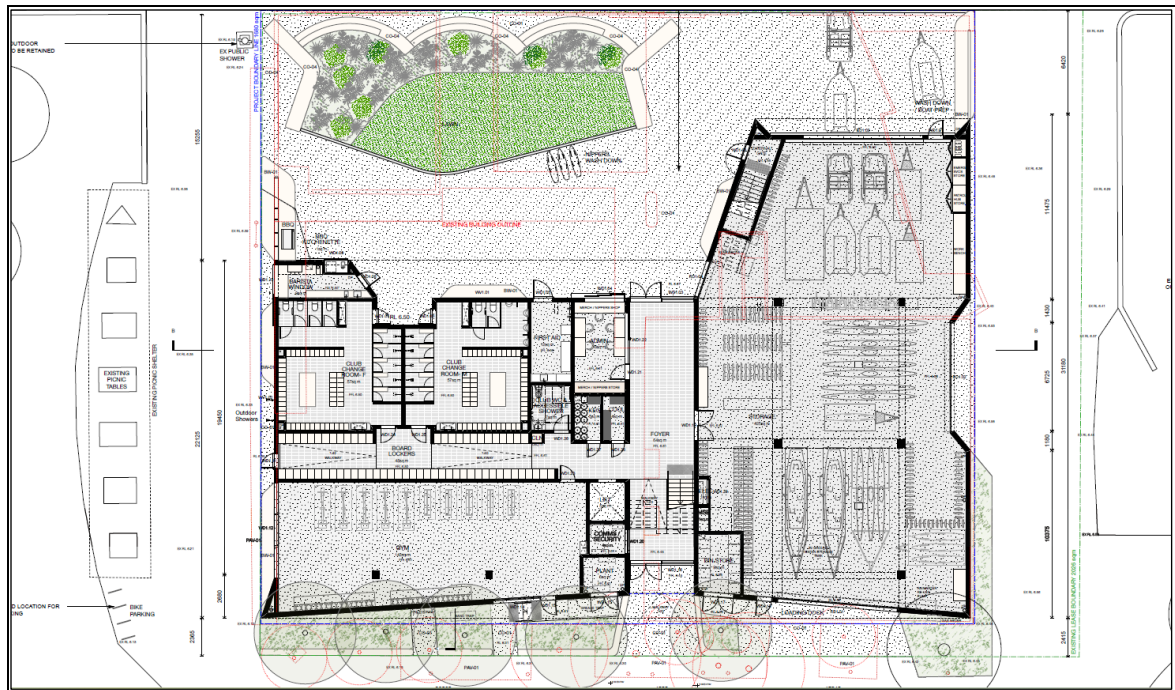


Figure 2 – Site Plan



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Figure 3 – Ground Floor Plan



Figure 4 – 3D image - northeast

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. Two submissions were received as a result of the notification process:

- 2 Picton Street, Mascot

Issue	Comment
<ul style="list-style-type: none"> • Concerns were raised with design aspects including: <ul style="list-style-type: none"> ○ reduction in locker space and number of showers ○ the first floor layout should be open plan and not separate rooms ○ gym should be at ground floor next to lockers ○ there is no accommodation for a caretaker • Inadequate consultation with members 	<p>The design and layout have properly considered the operational requirements of the Club. Whether the Club consulted its members on the detailed design is not a relevant planning consideration.</p>

- Beachview Café, Maroubra (owner)

Issue	Comment
<ul style="list-style-type: none"> • Adverse economic impact on other cafes in Maroubra • Kiosk is not ancillary to the surf club operation 	<p>The kiosk will be run in conjunction with the Club and is ancillary to its primary community use. The economic impact on other cafes or restaurants in the area is not a relevant planning consideration.</p>

6. Relevant Environment Planning Instruments

6.1. Planning Systems SEPP

The DA involves Council related development over \$5 million (development cost), in accordance with Schedule 6 and Part 2.2, Division 1, Section 2.7 of the State Environmental Planning Policy (Planning Systems) 2021, the proposal is considered to be Regionally Significant Development and would typically be determined by the Sydney Eastern City Planning Panel.

However, recent planning reforms are phasing out Sydney District and Regional Planning Panels, shifting their functions to Local Planning Panels (LPP's) for regionally significant development, effective early 2026, with new regulations transferring decision-making to LPP's. As such, this application will be determined by the Randwick Local Planning Panel (RLPP).

6.2. SEPP (Sustainable Buildings) 2022

Chapter 3 - Non-residential

State Environmental Planning Policy (Sustainable Buildings) 2022 is applicable to this application as the new development has an estimated cost of more than \$5 million.

The DA is supported by an Ecologically Sustainable Design (ESD) report to demonstrate compliance with the requirements of the Sustainable Buildings SEPP and provides the potential sustainability measures that will be incorporated into the development including. The design incorporates the following ESD measures:

- passive solar design to minimise energy demand for lighting, heating, and cooling
- enhanced building fabric performance, exceeding NCC Section J DTS requirements by 10%
- high-efficiency heating, ventilation and cooling systems, lighting, and appliances to lower operational carbon emissions
- installation of a 42-panel solar hot water system for renewable thermal energy generation.
- 35kW rooftop solar PV system covering over 20% of the roof area
- smart sub-metering for whole-of-building energy monitoring and performance tracking.
- water-efficient landscaping using native and drought-tolerant species
- rainwater reuse for irrigation including 10,000L rainwater tank for irrigation, toilet flushing, and general wash-down purposes.
- high-efficiency WELS-rated water fixtures and fittings throughout

- stormwater management including pollutant traps and water-sensitive urban design elements
- selection of sustainable, low-VOC, recycled and FSC-certified materials including SCM blended concrete
- durable materials-including face brick, low-carbon concrete, and aluminium battens—will reduce ongoing maintenance

The proposal satisfies the provisions of the Sustainable Buildings SEPP 2022.

6.3. SEPP (Biodiversity and Conservation) 2021

This Chapter applies to non-rural areas of the State, including the Randwick local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal includes the removal of mixed native/exotic garden vegetation, including 10 trees. One (1) tree will be retained on the site. The proposed development will necessitate the removal of eight (8) trees of moderate retention value

The application is accompanied by a Flora and Fauna Assessment (FFA) which concludes that the vegetation within the site is not representative of any threatened ecological community (TEC) listed under the NSW Biodiversity Conservation Act 2016 (BC Act) or under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). No threatened flora or fauna were found within the site or considered likely to heavily rely on the habitat proposed for disturbance. Of the trees to be removed, one tree is of low retention value and 8 trees are moderate retention value. The Arborist report notes that these trees are not significant.

The FFA concludes the significance of potential impacts are negligible and could be further reduced through implementation of the impact mitigation measures. Conditions to this effect are included in the recommended development consent.

Council's Landscape Development Officer raised no objection subject to the implementation of the recommendations in the Arborist Report in relation to the use of tree sensitive techniques compliance with Tree Protection Specification to ensure their retention. Conditions to this effect are included in the recommended development consent.

The proposal satisfies the provisions of the Biodiversity and Conservation SEPP 2021.

6.4. SEPP (Industry and Employment) 2021

Chapter 3 Advertising and Signage

The SEPP ensures that outdoor signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish. The proposed development will include five building identification signs fixed to the external wall of the building comprising two types of signage with brushed brass and translucent backing for illumination.

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Figure 6 – Proposed signage locations



Figure 7 – Proposed Signage

Clause 3.6 requires that all signage be assessed against the objectives for signage at clause 3.1 and the assessment criteria in schedule 5. The applicant's SEE provided a detailed assessment of these matters. Council has reviewed the assessment and concurs that the proposal complies with the relevant signage criteria in the Industry and Employment SEPP.

6.5. SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 of the Resilience and Hazards SEPP seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management consistent with the *Coastal Management Act 2016*. It applies to land within the coastal zone across NSW. All foreshore land within the Randwick LGA is identified as being within the coastal zone, in some instances the coastal zone extends beyond waterfront properties. In addition, much of the foreshore is identified as being within the coastal environment area and the coastal use area.

Before granting development consent on any land within the coastal zone the consent authority must be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Council is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on that land or other land. It is noted at this stage Council does not have any certified coastal management programs which require consideration.

The subject site is within the coastal zone and is also identified on the Resilience and Hazards SEPP map as a 'coastal environment area' and 'coastal use area'.

Development on land within the coastal environment area (clause 2.10)

The site is identified as being land within the "coastal environment area" on the Resilience and Hazards SEPP map. This requires the consent authority to consider certain factors and be satisfied of certain requirements before development consent is granted.

Specifically the consent authority must consider whether the proposed development is likely to cause an adverse impact on the following:

- a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- b) *coastal environmental values and natural coastal processes,*
- c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- f) *Aboriginal cultural heritage, practices and places,*
- g) *the use of the surf zone".*

The DA is supported by a Coastal Engineer (CE) report prepared by a coastal engineering expert. The above factors have been considered in the assessment of this application. The CE report concludes:

Clause (a) is not a coastal engineering matter, but it can be noted that the proposed development is unlikely to adversely impact on the biophysical and hydrological (surface and groundwater) environments, being located in an already developed area and with similar stormwater drainage arrangements as at present (draining towards Marine Parade via the public drainage network, that eventually discharges via a concrete box culvert to the sea, about 130m NE of the site).

The proposed development is unlikely to adversely impact on the ecological environment, being located in an already developed area, as long as appropriate construction

environmental controls are applied. Note that a Sediment & Erosion Control Plan is included as part of the Civil Engineering Works drawings to be submitted with the DA. Also note that stormwater treatment measures are proposed, namely a wash down diversion system installed to allow for the diversion of runoff to the sewer when boats are being washed down, and a gross pollutant trap installed directly upstream of the connection into the existing public drainage network.

With regard to (b), the proposed development is not likely to alter coastal processes, as discussed in Section 9.1.2. With regard to (c), the proposed development would not be expected to adversely impact on water quality, as long as appropriate construction environmental controls are applied (and noting that a Sediment & Erosion Control Plan has been prepared) and noting that stormwater treatment measures are proposed, as discussed above in relation to the ecological environment. No sensitive coastal lakes are located in the vicinity of the proposed development.

With regard to (d), the proposed development would not impact marine vegetation, undeveloped headlands and rock platforms, with none of these items in proximity. No significant impacts on marine fauna and flora would be expected as a result of the proposed development, as the development would not be expected to interact with subaqueous areas for most of the time, and is to be supported above wave action (compared to the existing clubhouse being undermined and collapsing in the design event).

With regard to (e), the proposed development maintains public access along the promenade seaward of the clubhouse, and in no way adversely impacts on existing public open space and safe access to and along the foreshore.

With regard to (f), a search of the Heritage NSW "Aboriginal Heritage Information Management System" (AHIMS) was undertaken on 10 November 2025. This resulted in no Aboriginal sites nor Aboriginal places being recorded or declared within at least 200m of the site.

With regard to (g), the proposed development would only rarely be expected to interact with the surf zone over the design life (and only at times when surfing is unlikely to be possible), so it would not significantly impact on the use of the surf zone.

Council is satisfied that the proposal is unlikely to result in any adverse impacts on the 'coastal environment area' for the following reasons:

- The proposed development will not result in any adverse hydrological or ecological impacts on the surrounding environment.
- The building is sited in the same location as the existing building and will not result in any additional impact on natural coastal processes, the marine environment and the surf zone.
- Public access to the foreshore and the beach will remain unrestricted.
- The proposal will not result in any adverse impact on Aboriginal Cultural Heritage places.

Development on land within the coastal use area (clause 2.11)

The site is identified as being land within the "coastal use area" on the Resilience and Hazards SEPP map. This requires the consent authority to consider certain factors and be satisfied of certain requirements before development consent is granted.

Specifically, the consent authority must take into account:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funneling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development”.

The CE report concludes that:

With regard to Clause (a)(i), the proposed development will maintain public access along the promenade, as discussed previously.

Clauses (a)(ii) and a(iii) are not coastal engineering matters so are not considered herein.

With regard to (a)(iv), no Aboriginal sites nor Aboriginal places have been recorded or declared within at least 200m of the site, as noted in Section 9.1.3.

With regard to (a)(v), the closest environmental heritage item to the site as per Schedule 5 of Randwick Local Environmental Plan 2012 is the Maroubra Beach Hotel and mixed commercial/residential building attached to the hotel at 178–182 Marine Parade Maroubra. This is located about 120m north of the proposed development. The proposed development would not be expected to impact on this or more distant heritage items.

With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Clause 2.11(1) for the matters considered herein.

Clause (c) is not a coastal engineering matter so is not considered herein

Council is satisfied that the proposal is unlikely to result in any adverse impacts on the ‘coastal use area’ for the following reasons:

- Public access to the foreshore will remain unrestricted.
- Views from the foreshore area will not be obstructed beyond the existing situation.
- Public spaces, including the beach promenade, will not be unduly overshadowed by the proposal noting the existing development already overshadows the foreshore area.
- The proposal will not result in any adverse impact on heritage items in the vicinity due to distance separation
- The building design is consistent with the character of the surrounding built environment.
- Landscaping outcomes will be enhanced.

- The visual and scenic qualities of the foreshore and Maroubra Beach will be maintained.

Development in coastal zone generally-development not to increase risk of coastal hazards (Clause 2.12)

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Refer to the detailed discussion in the Key Issues section of this report.

The CE report concludes that:

The proposed development is unlikely to have a significant impact on coastal hazards or increase the risk of coastal hazards in relation to any other land, as it is at an acceptably low risk of being damaged by coastal erosion/recession and wave runup over its design life of 60 years (as long as the requirements in Section 7.3 and Section 8 are implemented).

Also, the proposed development is to be supported on discrete piles which would not be expected to deflect waves or flows, with the Coastal Engineering Manual (Burcharth and Hughes, 2011) clearly stating that piles of the likely diameter proposed do not “significantly affect the incident wave” and do not cause significant reflection and diffraction.

In fact, the proposed development significantly reduces the risk of coastal hazards on that land, being designed to resist coastal erosion/recession over a 60 year design life (whereas the existing clubhouse is not). This in turn reduces the risk of coastal hazards on other land, as the existing situation is that debris would be expected if the existing clubhouse is undermined, which could create wave driven projectiles that could increase wave forces on other structures (plus also impact on beach amenity).

Council is satisfied that the proposal is unlikely to result in any adverse impacts on the ‘coastal zone’ subject to the recommendations in the CE report being incorporated into the detailed design in relation to:

- footings and piles designed for structural loads, wave impact, and potential sand dune collapse,
- structurally designing the Club building and seaward solid seating to resist hydrostatic and wave forces, based on coastal engineering advice.
- use of flood-resistant floor finishes and wall materials (e.g., concrete, tiles) in areas exposed to inundation.
- raising electrical items at least 0.5 m above ground and follow wet-area wiring standards (AS/NZS 3000).
- Installation of toughened/laminated glass with low-hazard fracture properties in areas exposed to waves.
- provision of cross-falls in and around the Club building to direct inundation away.
- Storage of vulnerable items at least 0.5 m above the finished floor level.
- provisions for relocating items or installing temporary barriers during forecast storms as part of an emergency action plan.

A condition requiring the detailed design of the development to comply with the recommendations in the CE Report is included in the recommended development consent. Further consideration of coastal hazards is provided in Section 9.2 Key Issues.

Chapter 4 - Remediation of Land

Section 4.6(1) states that the consent authority must not consent to the carrying out of any development on land unless:

- (a) *“it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The DA is supported by a Detailed Site Investigation (DSI), prepared by EBG which involved soil sampling in approximately 8 locations around the perimeter of the building. The soil samples were tested for contaminants and the findings indicate that there was no exceedance of the threshold criteria in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure (NEPM)*, (1999 amended 2013). The site is not listed on the EPA NSW Contaminated Lands database. The matters as prescribed by Section 59(2) of the Contaminated Lands Management Act 1997 (documented in the Planning Certificate 10.7) do not indicate that the land is contaminated, or under any Orders or notices issued by the EPA NSW.

The DSI concluded the site is suitable for its intended use, subject to implementation of recommendations in relation to soil waste classification requirements, imported fill and unexpected finds protocol. Conditions to this effect are included in the recommended development consent.

No concerns were raised by Council's Environmental Health Officer in relation to potential contamination or the methodology adopted in the DSI.

Council notes that the site is currently used as a Club and the proposed use is the same as existing. There are no known contaminating activities that have occurred on the site. Given minimal excavation for building footings is proposed no further consideration of Section 4.6(1) of the Resilience and Hazards SEPP is required.

No further investigations of contamination are considered necessary. The proposal satisfies the requirements of Subsection 4.6 of the Resilience and Hazards SEPP.

6.6. 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 RE1 Public Recreation under LEP 2012, and the proposal is permissible with consent. The proposal includes the external hire of the multi-function space for events such as weddings, receptions, birthdays, and wakes, as well as the temporary display of sponsor advertising materials outside the building during special events. The applicant has advised that all external events will be associated with the Club, and any revenue generated from these activities will be reinvested into the Club. These arrangements are detailed in the Building Operations Management Plan (BOPM) submitted with the DA. Council considers that the proposed external events are ancillary to the primary use and are therefore permissible within the RE1 zone.

The objectives of the RE1 zone include:

- *To enable land to be used for public open space or recreational purposes.*

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.
- To facilitate and manage public access within and between areas of open space, including the coastline, waterways, nature reserves, parks and plazas.

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will enable the land to continue to be used for public open space and recreational purposes.

The following special provisions apply to the proposal.

Clause 6.1 – Acid sulfate soils

The site is located within a Class 4 ASS zone. The DSI submitted with the application considers the potential for ASS and notes:

“Works more than 2 metres below natural ground surface present an environmental risk; Works by which the watertable is likely to be lowered more than 2 metres below natural ground surface, present an environmental risk.”

The DSI concludes that:

“It is understood that site works are not proposed 2 metres below natural surface (i.e.: basement). As such, it is assessed that the ASS shall not be an issue affecting the development. If excavations or foundations are proposed greater than 2 metres below natural surface then it is recommended that an Acid Sulfate Management Plan shall be required.”

Council notes the proposed excavation is minimal, limited to building foundations, and will not likely lower the water table. Therefore, an Acid Sulfate Management Plan is not warranted in the circumstance.

Clause 6.4 – Stormwater management

The proposal is accompanied by a stormwater layout plan demonstrating that stormwater will be conveyed via a series of pits and pipes to Council’s stormwater system in Marine Parade in accordance with Council requirements. Council’s Development Engineer raised no objection to the proposal from a stormwater perspective. The applicant will be required to submit detailed drainage plans to the Certifier for approval prior to the issuing of a construction certificate.

Clause 5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2.

(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

The proposed development will facilitate the upgrade and future use of buildings on Crown Land.

Clause 5.21 Flood planning

Council’s flood modelling indicates that this property is affected by flooding during the 1% AEP storm. The minimum floor planning level for the property is 0.3m above the existing surrounding surface.

The submitted plans generally demonstrate compliance with the flood planning requirements noting the ground floor levels ranges between RL 6.45 and RL 6.61 AHD being well above the flood level

and the surrounding ground levels. The site is also not located within a flood storage area or overland flow path

Council's Development Engineer raised no objection to the proposal from a flooding perspective.

Clause 5.10 - Heritage conservation

The site is located in the vicinity of a listed Heritage Item - *Maroubra Beach Hotel and mixed commercial/residential building attached to the hotel* at 178–182 Marine Parade. The proposed development is not expected to have any adverse impact on the heritage significance of the hotel due to distance separation. In any event the proposed development will have a similar bulk and scale to the existing building resulting in no additional visual impact beyond the existing situation on the surrounding area. Council's Heritage Advisor raised no concerns with the proposal.

Clause 6.7 - Foreshore scenic protection area

The site is not identified as being located within the foreshore scenic protection area (FSPA) on the FSPA Map. Notwithstanding, the potential visual impact of the proposal on the scenic quality foreshore has been considered in the Key Issues section of this report.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

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

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

7.2. Maroubra Beach Plan of Management, September 1996

The proposed development is consistent with the objectives and management framework established in the Maroubra Beach Plan of Management (POM) 1996. The Maroubra Beach POM identifies the Club as an essential community facility supporting surf lifesaving, recreation, and public use of the beach precinct. The redevelopment will continue to provide and improve facilities for surf lifesaving operations while enhancing amenities available to the broader community. By upgrading an existing Community Facility within its established footprint and function, the proposal aligns with the POM's intent to maintain and improve public recreational infrastructure at Maroubra Beach while supporting the ongoing role of the Club in beach safety, community activities, and coastal recreation.

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.

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Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 2 and discussion in key issues below.
Section 4.15(1)(a)(iiiia) – 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	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the RE1 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.

9. Environmental Assessment

9.1. Design and Visual Impact

The proposed development will replace the existing Club building with a contemporary facility that has been carefully designed to respond to the character and scenic qualities of the coastal foreshore.

The new Club building adopts a low-scale architectural form that is sympathetic to the surrounding beachfront setting and maintains the open visual character of the foreshore. The contemporary design approach ensures that the building integrates with the coastal landscape while providing a modern and functional facility for surf lifesaving and community use.

The proposal incorporates new landscaping works that will enhance the visual amenity of the site and reinforce the natural coastal character of the foreshore environment. These landscape elements will soften the built form and improve the interface between the building and the surrounding public domain.

A palette of neutral colours has been selected to complement the tones typically associated with the coastal environment, including sand, rock and vegetation. In addition, the development will utilise high-quality, durable materials and finishes specifically selected to withstand the harsh coastal conditions, including salt exposure, wind and sunlight.

To further protect the scenic qualities of the foreshore, the design incorporates low-reflective materials that minimise glare and avoid visual intrusion when viewed from the beach, surrounding headlands and nearby public spaces.

Safety and security have been addressed through the incorporation of Crime Prevention Through Environmental Design (CPTED) principles. These include open layouts, clear sightlines and opportunities for passive surveillance, which together contribute to a safe, functional and welcoming public space that is responsive to community needs.

The proposed redevelopment will provide a modern surf lifesaving facility while maintaining a visually compatible built form within the foreshore landscape. Through its restrained scale, coastal-appropriate material palette, and integrated landscaping, the proposal will contribute positively to the scenic quality and visual character of the Maroubra Beach foreshore.

Refer to **Figures 8 to 12**.



Figure 8 – Proposed landscape treatment and planting

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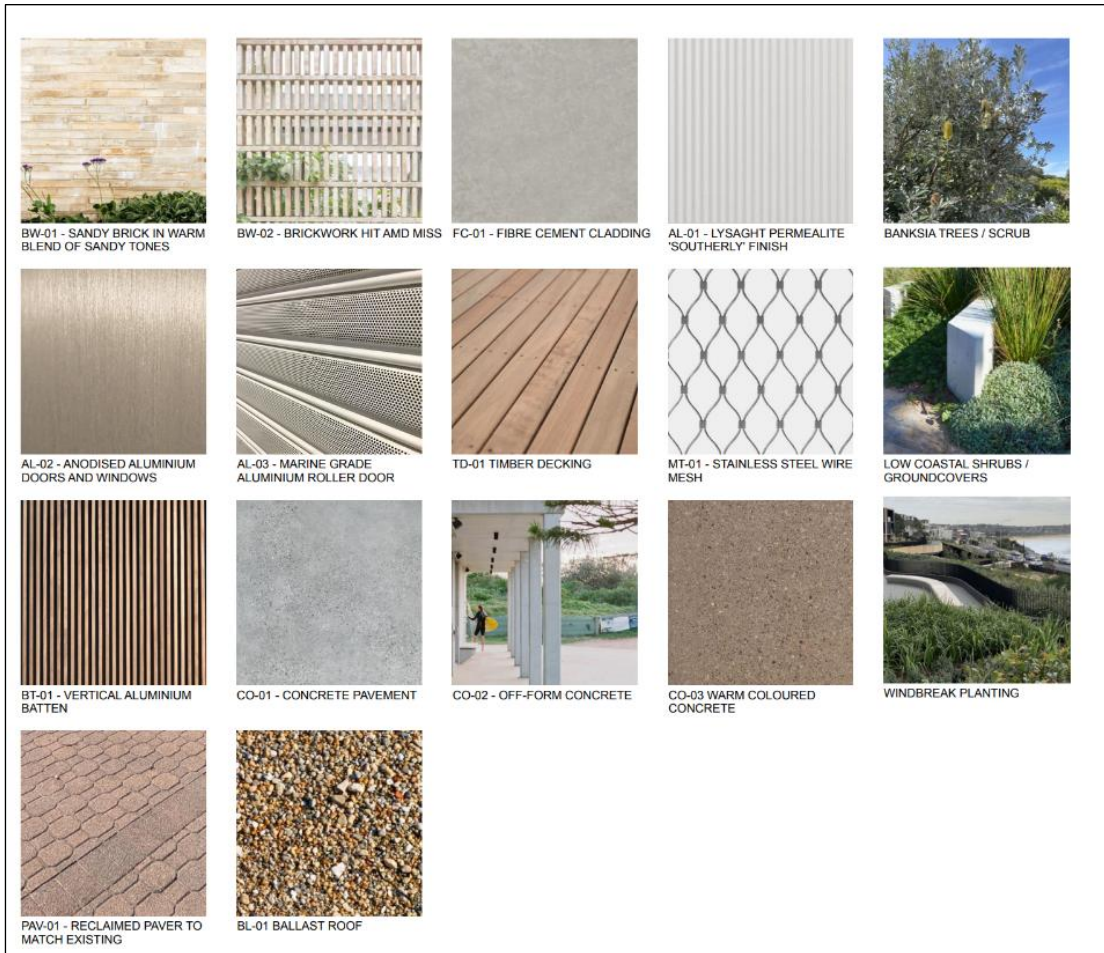


Figure 9 – Proposed materials palette



Figure 10 – 3D view of the forecourt



Figure 11 – 3D view northern elevation



Figure 12 - 3D view western entry

9.2. Coastal Hazard

The seaward boundary of the Club is setback about 9m from a stepped concrete seawall forming the seaward edge of the public promenade that extends about 190m south and 140m north of the Club (making it about 370m long including the 40m frontage of the Club). The main Club building is located approximately 11m further landward.

The CE report prepared by Horton Coastal Engineering concludes:

The seawall has a toe level of 0.9m AHD in the vicinity of the SLSC, and the ramp has a much higher toe level of 3.5m to 3.8m AHD. Given that beach scour levels in a severe storm can extend down to around -1m AHD, the existing seawall and promenade may be undermined and damaged in a severe erosion event, and therefore cannot be relied upon to provide protection to the proposed SLSC from erosion/recession over the design life. The ramp has a particularly

inadequate toe level and is at risk of undermining and damage if any erosion event extends this far landward.

A 60 year design life has been adopted for the proposed development, and a 600 year ARI design event.

A geotechnical investigation has generally found sand down to the limit of investigation at -4.7m to -4.9m AHD.

Various coastal hazard lines developed by Horton Coastal Engineering for the current study are depicted in Figure 5. If the foundation requirements in Section 7.3 are adopted, there would be an acceptably low risk of the proposed development being impacted by erosion/recession over the design life. If the requirements in Section 8 are adopted, the proposed development would have an acceptably low risk of being damaged by oceanic inundation and wave runup and overtopping over the design life.

Subject to the design incorporating the foundation requirements and recommendations to reduce the risk of wave runup and overtopping impacting on the proposed development in the CER report, Council is satisfied the proposal development would have an acceptably low risk of being damaged or impacted by erosion and wave runup and overtopping (coastal inundation) over the design life. Conditions to this effect are included in the recommended development consent.

On that basis Council is satisfied the proposal complies with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 and the Coastal Management Act 2016.

9.3. Traffic and Parking

The Development Application is supported by a Traffic and Parking Assessment (TPA) prepared by TTPA (December 2025, Rev F), which assesses the potential traffic and parking impacts of the proposed redevelopment.

Existing Parking and Access

There is currently no car parking provided on the subject site. However, the surf club has gated access via the adjoining public car park, which is used for service and delivery vehicles, emergency access, and the movement of surf lifesaving equipment. In the broader locality there are approximately 460 parking spaces available in the vicinity of the Club, comprising a mix of public off-street parking, on-street parking, and nearby residential street parking.

Proposed Development

The proposed redevelopment does not include the provision of on-site car parking, consistent with the existing arrangement. Vehicle access through the adjoining public car park will continue to be used for service, emergency and operational surf lifesaving purposes.

Traffic and Parking Impact Assessment

The TPA concludes that the proposal is not expected to generate a significant increase in parking demand for the following reasons:

- most users of the facility are beach visitors who are already travelling to the area, rather than visitors whose primary destination is the surf club.
- the multi-function room, bar and gym within the proposed building are smaller than those currently provided, resulting in a lower potential occupancy.
- the peak usage times of the indoor facilities are not expected to overlap with junior surf lifesaving (“nippers”) activities, which typically generate the highest visitor numbers.
- the nearby South Maroubra Surf Life Saving Club provides an additional venue that can accommodate surf lifesaving activities and associated demand.
- historical observations indicate that reasonable parking availability exists in the surrounding area, even during peak beach periods.

The TPA further concludes that the proposal will not result in any perceptible increase in traffic generation, as:

- the range of uses within the facility will remain consistent with the existing surf club operations
- no additional staff are proposed
- the building footprint will remain similar to the existing structure
- the floor areas of the multi-function room, bar and gym will be smaller than those currently provided.

Bicycle Parking

The proposal includes the provision of eight bicycle racks, together with separate male and female amenities that can function as end-of-trip facilities for staff and visitors who cycle to the site.

Council's Development Control Plan requires one bicycle space per 10 car parking spaces. As no car parking spaces are proposed on site, there is technically no requirement to provide bicycle parking. Nevertheless, the proposal includes eight bicycle spaces to encourage active transport and supplement existing bicycle facilities in the surrounding area.

Council Review

Council's Development Engineer reviewed the submitted TPA and has raised no objection to the proposal from a traffic and parking perspective.

Conclusion

Having regard to the findings of the TPA and Council's engineering review, the proposed redevelopment is not expected to result in any unacceptable traffic or parking impacts within the locality.

9.4. Building Operations Plan of Management

The redevelopment of the club is supported by a draft Building Operations Management Plan (BOPM) which establishes a clear framework for the ongoing operation and management of the new surf club building and its associated facilities.

The BOPM has been prepared to ensure that the operation of the redeveloped facility is undertaken in a manner that is consistent with relevant statutory requirements, including the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007 (NSW), as well as any applicable contractual or management agreements relating to the site. The plan provides operational criteria and management measures that will guide the day-to-day use of the building once constructed.

In particular, the BOPM outlines the various functions of the facility, including surf lifesaving operations, community and club activities, and public access to amenities, ensuring that the primary role of the building as a surf lifesaving facility is maintained while accommodating ancillary uses. The plan also establishes capacity limits for events, hours of operation, and protocols for the responsible service of alcohol, ensuring that activities within the building remain appropriate to the foreshore location and are managed in accordance with regulatory requirements.

Operational matters that may affect the surrounding area are also addressed in the BOPM. This includes measures relating to security management, neighbourhood amenity, deliveries and servicing, and waste management, which collectively ensure that the use of the facility is managed in a manner that minimises potential impacts on nearby residents and the broader public domain.

Overall, the BOPM provides a structured operational framework for the new surf club building, ensuring that the facility can effectively support surf lifesaving activities and community use while maintaining appropriate management controls to protect the amenity of the surrounding environment. The plan therefore demonstrates that the ongoing operation of the redeveloped surf club can be appropriately managed and regulated through the development consent and associated operational procedures.

Council acknowledges that the BOPM is a working draft and therefore recommends a condition requiring a final BOPM to be submitted to Council's satisfaction prior to issue of an occupation certificate

9.5. View Impacts

Part C1 Section 5.6 of RDCP 2013 establishes the concept of view sharing to ensure equitable distribution of views between development and neighbouring dwellings and the public domain.

The NSW Land and Environment Court has developed a planning principle relating to view sharing based on the case of *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140. Where view loss is likely to occur development proposals must address the view impact requirements of RDCP 2013 and the planning principle.

No concerns were raised by the neighbours in the surrounding area in relation to view loss.

Notwithstanding, an analysis has been undertaken with reference to the Land and Environment Court Planning Principle established in the matter of *Tenacity Consulting v Warringah* (2004) NSWLEC 140:

The view loss assessment is carried out against the following four step process:

1. Quality of Views:

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

The applicant's SEE includes an assessment of view loss from the adjacent RFB at 194-196 Marine Parade to the west of the site.

The assessment notes that the existing views are wide and expansive capturing Maroubra Beach from the northern headland to the Malabar Headland to the south and the interface between land and water. The view is also interrupted by existing trees along the promenade and surrounding parkland.

2. Reasonable Expectation of View Retention:

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The approximation of the view is from balcony areas in a standing position.

3. Extent of Impact:

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

The proposed development is similar footprint and height, bulk and scale to the existing building and therefore the view impact is considered to be minor, particularly in the context of existing panoramic views to be retained. Refer to **Figures 13 and 14**.



Figure 13 – Birds eye view to southwest – existing club building



Figure 14 - Birds eye view to southwest – proposed club building

4. Reasonableness of Proposed Development:

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

The proposed development is similar in height, bulk and scale as the existing Club building. The proposed view impact is therefore acceptable and view sharing is reasonable.

8. Conclusion

That the application for demolition of existing structures and construction of a new 2-storey building comprising Community Facility with kiosk for the Maroubra Surf Life Saving Club be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the RE1 zone in that the proposed activity and built form proposed activity and built form will enable the land to continue to be used for public open space and recreational purposes.
- The new building adopts a low-scale architectural form that is sympathetic to the surrounding beachfront setting and maintains the open visual character of the Maroubra Beach foreshore
- The proposal will contribute positively to the scenic quality of the Maroubra Beach foreshore.
- The proposed development will have an acceptably low risk of impact from erosion and wave run-up over its design life, subject to the implementation of foundation and coastal hazard mitigation measures.
- The proposal will deliver modern, safe and accessible facilities that support surf lifesaving operations, enhance public amenities, and strengthen the ongoing community use of the beachfront, thereby serving the broader public interest.

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Appendix 1: Referrals

1. External referral comments:

1.1. Crown Lands

The DA was also referred to La Perouse Aboriginal Land Council in accordance with NSW Crown Land requirements and no objection was raised.

1.2. Ausgrid

Ausgrid raised no objection to the proposal subject to standard conditions in relation to 'Dial Before You Dig' and works in vicinity of electrical infrastructure.

1.3. Sydney Water

Sydney Water raised no objection subject to standard conditions in relation to Section 73 Compliance Certificate and Building Plan approval.

2. Internal referral comments:

2.1. Property

Council's Property Coordinator provided the following comments:

The application referred to above has been reviewed. A lease agreement between the Maroubra Surf Life Saving Club and Council as Crown Land Manager must be a condition of the consent.

2.2. Heritage Planner

Council's Heritage Planner provided the following comments:

The proposal appears to have no significant adverse impact from a heritage perspective and consistent with RDCP.

2.3. Development Engineer

Council's Development Engineer and Landscape Development Officer provided the following comments:

General Comments

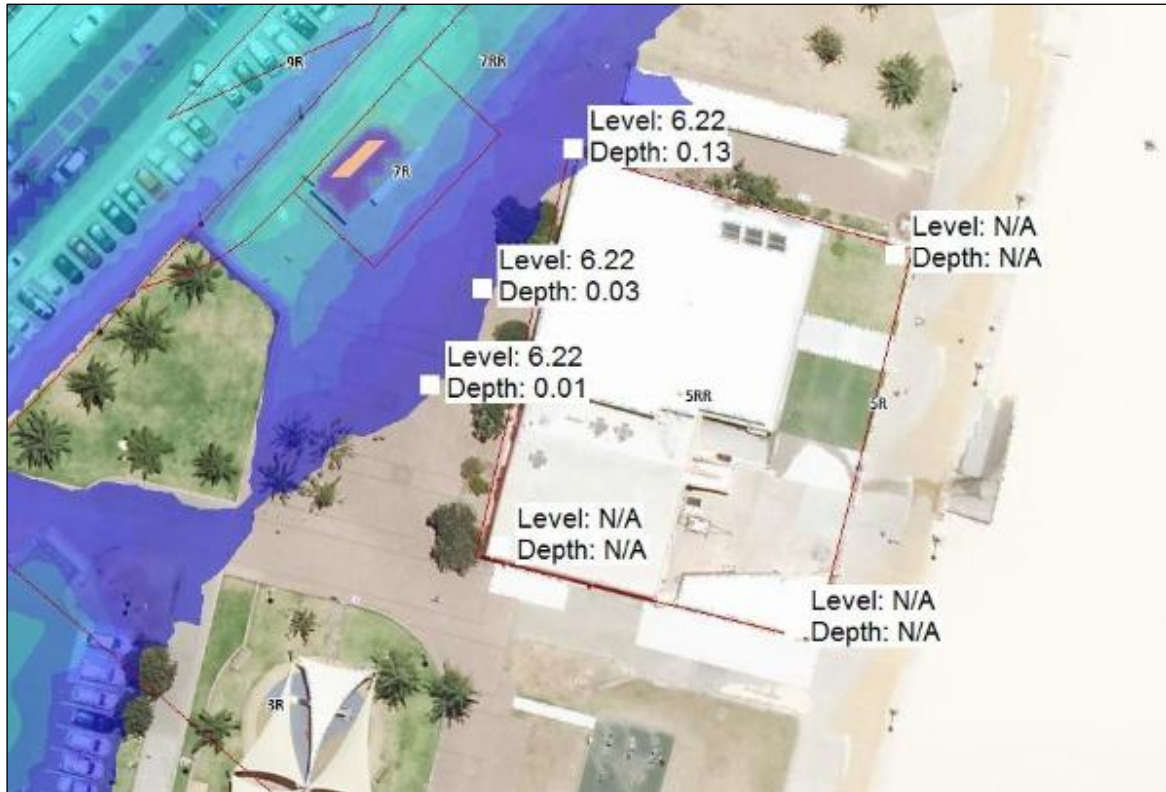
There are no objections to the proposal subject to the comments and conditions provided in this report.

Flooding Comments

The site lies within the catchment for the Council commissioned and adopted 'Maroubra Bay Flood Study' and will only be slightly impacted by flooding during the 1% AEP (1 in 100yr) storm event. A top water level of RL 6.22 AHD with a maximum flood depth of 0.12m is noted at the north-west corner of the site. A flood plot obtained from Council's Wateride software is provided in Figure 1.

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Figure 1 - 1% AEP Flood Depths & Levels



The applicant has also obtained a flood report from Council's Drainage Engineer which confirms the above and sets a flood planning level of a minimum of 300mm above surrounding ground surface.

The submitted plans generally demonstrate compliance with the flood planning requirements noting the ground floor levels ranges between RL 6.45 and RL 6.61 AHD being well above the flood level and the surrounding ground levels.

The site is also not located within a flood storage area or overland flow path

There are therefore no objections from a flood management perspective.

Parking Comments

Parking Provision

Under Part B7 of Council's DCP 2013 there is no specific parking rate for surf-clubs however it does state that a transport assessment study is required for all new community facilities. A Traffic and Parking Assessment Report by TTPA Consultants has been submitted with this application and has been assessed by Development Engineering.

The report notes that the proposed new building will have the same functions/uses as the existing building and the building footprint will be very similar however the multifunction, bar and gym floor spaces will be slightly smaller. No additional staff are proposed.

The parking demand generated by the new Surf Club is not expected to have any unacceptable impacts on the overall parking availability in the vicinity due to the following reasons.

- User of the club are typically beach goers with the actual club unlikely to significantly generate a parking demand of its own (apart from staff).
- The multi-function room, bar and gym are all decreasing in size within the new facility arguably reducing parking demand from the existing situation.

- *There are over 200 spaces in the vicinity of the site with a 4hr time restriction and some 250 unrestricted on-street spaces. The traffic study has undertaken a review of historical imagery from NearMap and has noted there is a reasonable availability of parking.*

Development Engineering is satisfied that the proposed development will have similar parking demand to the existing situation and will not have any unacceptable parking impacts in the vicinity. The application is supportable from a traffic and Parking perspective.

Swept Path Assessment

The submitted traffic and parking assessment also includes swept path assessment for an ambulance, waste vehicle as well as an IRB (inflatable rescue Boat) and found to be satisfactory. No objections are raised.

Sydney Water Comments

The application was referred to Sydney for Water for comment. Their response includes a requirement for a S73 compliance certificate. A suitable condition has been included in this report

Drainage Comments

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

Stormwater runoff from the (redeveloped portion) site shall be discharged either:

- To Council's underground drainage system on Marine Parade via an existing or new kerb-inlet pit ; OR*
- To a suitably sized infiltration area*

Undergrounding of power lines to site

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

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

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

Tree Management Comments

The submitted Arborist Report has assessed a total of eleven (11) trees for this application, all of which are located within garden beds to the rear/west of the existing Club, facing Marine Parade, as detailed below:

- Proposed Removal of two (2) Low Value Trees
 - A 9m x 7m Acacia saligna (Golden Wattle, Tree 7) hallway across the western elevation of the existing/proposed building, which is recognised as a naturalised weed, so conditions allow its removal as sought, with the replacements shown on the Landscape Plans to successfully replicate the food and foraging habitat it currently provides to native fauna, as has been recommended by the Ecology Report.*
 - One Cocos Palm (Tree 9) adjacent the northern half of the building as it is a low value exotic that is exempt from the DCP, meaning it can be removed in all residential*

situations at any time, without consent, even irrespective of building works, so there is no opposition to its removal for this project.

- Proposed Removal of eight (8) Moderate Value Trees
 - iii. Another 5m tall *Acacia saligna* (Golden Wattle, Tree 2) towards the southwest corner of the building, then a stand of four (4) closely planted, 4-9m tall *Banksia integrifolia* (Coastal Banksia's) being T3 (semi-mature/SM), T4 (SM), T5 (juvenile) & T6 (SM) in the central group halfway across the width of the building, and lastly, at the northern end of this group, three (3) separate *Pittosporum tobira* (Australian Laurels, T8 & 10-11), which despite being automatically protected by the DCP due to their location on public property, some of these do not even meet the minimum dimensions for formal protection or those that define a 'canopy tree'.

Despite all of them being in good health, they do not represent significant examples of their species or make any significant contribution to the local environment, and as they will also be in direct conflict with the new/main centrally positioned pedestrian entry/exit to the Club, as well as the boat loading area, fire hydrant access, plant room access and associated landscaping respectively, a re-design to ensure their retention is not warranted given the impact this would have on the layout of the whole proposal, so no objections are raised to their removal as sought. It is also noted that Part B5, Section 2, Exceptions, point iii) of the 2013 RDCP allows the removal of trees without consent when located within a 2m radius of a building, which applies here, so approval has been given for this in the report.

- Proposed Retention of one (1) High Retention Value Tree
 - i. The only specimen deemed worthy of retention for this project is a mature, 8m tall *Banksia integrifolia* (Coastal Banksia, Tree 1) adjacent the southwest corner of the existing building, which the Arborist has assessed as being in Good Structure & Health, with a High Landscape Significance Rating and High Priority for Retention, with support given for it to be incorporated into the proposal as an existing site feature as all other vegetation in this area will require removal.

It is growing in a restricted garden bed surrounded by physical barriers, being the building/wall immediately to its east, and hard/impervious surfaces of paving and concrete to its west and south, with the Arborist recommending that a section or strip of the existing paving/concrete around the corner, along the southern wall of the building be removed and converted into deep soil/garden to maximise soil volume and improve growing conditions, which is shown on the Landscape Plans.

The Arborist also recommends that either the existing concrete driveway to its south be retained in-situ to minimise disturbance, which will not be possible given the uneven and poor condition of that surface and the need to replace it 'as new' as part of the overall works; or, alternatively, that any new surfacing be provided at or above existing grades, which is the most realistic outcome of these two options, and as it will constitute replacing like-for-like, in the same material and same area, can be supported, with relevant Tree Protection conditions dealing with these aspects of the works included in the report.

However, this Officer has identified the main threat to its preservation as being firstly; potential destabilisation of the tree in the time between when the existing building/wall to its south is demolished and the new wall/building is constructed; and secondly, any root disturbance/damage from excavations for new footings and similar that will be performed within both its SRZ & TPZ.

Section 3.3.2 of AS4970-2025 – 'Protection of trees on development sites' requires that the location and distribution of roots be considered when determining a TPZ encroachment, and in this regard, the existing wall/building clearly pre-dates the tree,

meaning it would have already acted as a physical barrier to prevent roots from growing to the east (within the new footprint), so would most likely have been deflected or re-directed into other areas of less resistance, such as to the west and south, as can be seen with the lifting of pavers in this area. Refer also Photo 1 on page 12 of the Arborist Report.

Importantly, this tree would have grown with a reliance on the existing footing for stability and support, so retaining this sub-surface structure in-situ is needed to ensure its successful retention, and appears possible in this case as the wall of the new building is both angled/raked/tapered and setback slightly further to the east than the location of the existing wall, so ideally this footing would remain undisturbed in this area. While this component was not specifically recommended in the Arborist Report, conditions formally requiring this have been imposed, with any works in this area also needing to be under the direct supervision of a Project Arborist.

In summary, this proposal seeks to remove ten (10) trees (some of which are low value and do not meet the minimum dimensions for protection in the DCP as described earlier), but will retain the one (1) and only High Priority tree, and as the Landscape Plans propose five (5) new canopy trees, this will result in a net loss of four (4) trees overall around the Surf Club.

However, any short-term amenity or environmental impacts will be offset by the fact that all current undesirable weeds/low value vegetation will be replaced with a consistent new theme and planting palette, also at more suitable spacings to avoid the current overcrowded situation, and comprises almost exclusively native coastal species, which will benefit native fauna along the harsh coastal strip.

Additionally, there are three separate groups of established Norfolk Island Pines in the adjoining parkland to the north, west and south of the building (none of which have been assessed in the Arborist Report) which are a prominent feature of the coastal reserve; but are unlikely to be affected given their distance from the works.

However, the Construction Management Plan, dwg DA-15 does show that vehicles and machinery will need to access the site via the existing driveway off Marine Parade, then pass between a group of Pines and the southwest corner of the building, with deliveries, stockpiling and similar also to be performed close to several of these trees.

While the existing paving and concrete will prevent ground compaction from repeated vehicle and machinery movements, protection fencing is needed to physically exclude these groups from the construction zone during works, with relevant conditions to this effect provided in the report.

Lastly, it also noted that the Stormwater Management Plan (dwg C-10) shows the only excavations proposed near the retained trees discussed above will be to the north of Tree 1, at the loading dock entry/exit, with all other new lines to be installed around the perimeter of the building, which are then directed well away to the north, where they will then be connected into the main system at the kerb, so no major threats are posed by this component.

Landscape Comments

While these works will result in a reduction in the quantity of canopy trees when compared to the current situation, it is important to note that many are already exempt from the provision of Council's own DCP, with the submitted landscape scheme to replace all existing undesirable and low value weeds with native coastal species, comprising feature trees and under-planting at Ground Level, along the western elevation of the building, fronting Marine Parade, as well as a new area of turf, mass-planted low shrubs and groundcovers and seating in the northeast site corner, fronting the beach and promenade, together with a podium planter along the southern elevation of the First Floor Level.

As Council is the applicant, it is assumed that the selection of pavers, surfacing, furniture, signage and similar elements to be provided within the public domain has already been discussed and reviewed by the Assets/Open Space/Project Team to ensure they meet Council's specifications.

Whilst beyond this Officer's area of expertise, it is noted that the Impact Summary at Section 5 of the Flora & Fauna Report confirms that the removal of vegetation to accommodate these works will not result in any significant impacts to ecological communities, given that the area has already been so heavily modified, with the proposed activity also being of low overall risk to biodiversity as it situated in an urban context, and given that no threatened fauna were encountered, combined with the small area of habitat proposed for disturbance, the potential for impact to any threatened species is low, with the Assessing Officer advised to refer to the Impact Mitigation Measures at Section 6 of the Ecology Report.

As the application does not propose to alter the existing use of the facility, and will now meet the communities' expectations, as well as incorporate key actions of the 2023 Draft Maroubra Beach Plan of Management (not yet adopted), these works are seen to deliver on the required policy outcomes.

Undergrounding of power lines to site

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

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

The subject is/is not located within 15m of a mains power distribution pole on the same side of the street hence the above clause is/ is not applicable. A suitable condition has been included in this report.

2.4. Environmental Health

Council's Environmental Health Officer provided the following comments:

Acoustic

An acoustic report prepared by GHD dated 17 December 2025 project number 12611436.

The report concluded the assessment of the licensed venue, gymnasium operation will comply with the relevant guidelines and further assessment of the mechanical plant will need to be done once the location of the plant room is known.

Land contamination

A Detailed Site Investigation was by EBG dated 9 December 2025, even though contaminated were detected the results did not exceed the recommended levels.

The report states that the site is suitable for the use given that the recommendations are followed.

Food

No plans of the food premises were submitted. A condition will be placed on requesting further information before the CC stage.

2.5. Building

Council's Building Surveyor provided the following comments:

BCA Assessment.

*Classification - Class – 7b – Storage
Class – 9b – Assembly*

Rise in Storeys – 2

Type B Construction.

A BCA Design Assessment Report, prepared by CD Partnership and dated 19 December 2025, has been submitted for the new building with a combination of “Deemed to Satisfy” (DtS) and proposed performance-based solutions in relation to the following;

- a. Rationalise required FRLs in Class 7b so that 120 minutes is achieved throughout.*
- b. Omission of external wall FRLs where located within 18m on an adjoining building being 17m.*
- c. Justify the use of timber cladding on external façade of the building.*
- d. Justify single exist from the barista opening and first aid room on ground level.*

The proposed building is located on public land and is a considerable distance (i.e. 17m - 18m) from adjoining buildings.

Recommend approval.

Appendix 2: DCP Compliance

3.1 Randwick Development Control Plan 2013

Part B General Controls

B3 Ecologically Sustainable Development

The schedule of materials indicates that the proposed structure will utilise a combination of steel, brick, concrete, glass, and aluminium. These materials have been selected for their durability, low maintenance requirements, and long-term performance in a coastal environment. All materials are non-toxic, ensuring they are safe for both building users and the surrounding environment. The chosen material palette is sympathetic to the coastal setting, providing a balance of robustness and visual appeal while reinforcing the building's integration with its natural and public surroundings.

B4 Landscaping and Biodiversity

A detailed Landscape Plan is provided meeting all of the RDCP's requirements. Council's Landscape Officer raised no objection in terms of the proposed landscape treatments and Planting, subject to the imposition of conditions.

B6 Recycling and Waste Management

A Waste Management Plan has been submitted with the DA outlining the details of expected operational waste and how waste will be managed. No concerns have been raised by Council's Development Engineer in relation to waste management.

B7 Transport, Traffic, Parking and Access

The DA is accompanied by a Traffic and Parking Assessment. Refer to the Key issues section of this report.

Part F – Miscellaneous Controls

F1 – Development in Recreation Zones

The proposal preserves public access to the foreshore and Maroubra Beach, aligns with the zone's objectives, supports the site's recreational values, and has minimal impact on public use, consistent with the Maroubra Beach Plan of Management.

F2 – Outdoor Advertising and Signage

General Design and Siting

The proposed signage will clearly identify the building, be non-flashing, and designed to not detract from surrounding coastal area.

Recreation Zone

The proposed signage will be appropriately sized, non-illuminated, non-flashing, and directly related to the use of the land.

• *S7.11 Development Contributions Plan 2015*

This Contributions Plan has been considered. Given the application is for Council-related development, development contributions do not apply.

Responsible officer: Plandev Pty Ltd, Thomas Mithen

File Reference: DA/1457/2025

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Draft Development Consent Conditions



Folder /DA No:	DA/1457/2025
Property:	5R & 5RR Marine Parade, MAROUBRA NSW 2035
Proposal:	Demolition of existing structures and construction of a new 2-storey building comprising Community Facility with kiosk for the Maroubra Surf Life Saving Club.
Recommendation:	Approval

GENERAL CONDITIONS

Condition

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

Plan	Date	Drawn By	Date Received by Council
DA05 Demolition Plan Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA06 Proposed Site Plan Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA07 Proposed Ground Floor Plan Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA08 Proposed First Floor Plan Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA09 Proposed Roof Plan Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA10 Proposed East West Elevations Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA11 Proposed North South Elevations Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA12 Proposed Sections Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA13 Materials Palette Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA15 Construction Management Plan Rev A	19 December 2025	Adriano Pupillo	23 December 2025
DA16 Signage Rev A	19 December 2025	Adriano Pupillo	23 December 2025
Landscape Plans Issue B - Title sheet – L01 - External demolition plan – L02 - Ground floor landscape plan – L03 - First floor landscape plan – L04 - Sections – L05 - Indicative Materials Palette – L06	17 December 2025	JMD design	23 December 2025

Condition			
- Indicative Plant Schedule - L07			

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.	<p>Consent Requirements The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.</p> <p>Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.</p>
3.	<p>External Colours, Materials & Finishes The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.</p> <p>Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.</p>
4.	<p>Driveway Design The gradient of any internal access driveways must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car. Details of compliance are to be included in the construction certificate.</p> <p>Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements.</p>
5.	<p>Stormwater Drainage <u>Stormwater drainage plans have not been approved as part of this development consent.</u> Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the Principal Certifier. A copy of the plans shall be forwarded to Council, if Council is not the Principal Certifier.</p> <p>The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.</p> <p>Condition Reason: To control and manage stormwater run-off so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
6.	<p>Stormwater Drainage Stormwater runoff from the (redeveloped portion) site shall be discharged either:</p> <ol style="list-style-type: none"> a. To Council's underground drainage system on Marine Parade via an existing or new kerb-inlet pit ; OR b. To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m2 of infiltration area (together

	Condition
	<p>with 1 m3 of storage volume) for every 20 m2 of roof/impervious area on the site.</p> <p>c. Infiltration areas must be located a minimum of 3.0 metres from any structure (note: this set back requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from any adjacent side or rear boundary.</p> <p>Condition Reason: To control and manage stormwater run-off so as not to adversely impact neighbouring properties and Council's stormwater assets.</p>
7.	<p>Long Service Levy Payments</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>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.</i></p> <p>Condition Reason: To ensure the long service levy is paid.</p>
8.	<p>Sydney Water</p> <p>All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's 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"> • Building plan approvals • Connection and disconnection approvals • Diagrams • Trade waste approvals • Pressure information • Water meter installations • Pressure boosting and pump approvals • Change to an existing service or asset, e.g. relocating or moving an asset. <p>Sydney Water's Tap in™ in online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p>
9.	<p>Building Code of Australia (BCA)/ National Construction Code (NCC) & Relevant Standards</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</i></p>

Condition
<p><i>Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>The applicant must comply with the requirements of the BCA Design Assessment Report, prepared by DC Partnership, dated 19 December 2025.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>10. Building Code of Australia (BCA)/ National Construction Code (NCC) & Relevant Standards</p> <p>Access and facilities for people with disabilities must be provided to new building work in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and relevant Australian Standards, to the satisfaction of the Certifier for the development and details are to be included in the Construction Certificate for the development.</p> <p>Condition Reason: To ensure safe and easy access to the premises for people with a disability.</p>
<p>11. Noise & Vibration</p> <p>Noise and vibration from the development must comply with the following requirements and a report prepared by a qualified Acoustic Consultant must be submitted to and approved by the Certifier, prior to the issue of a Construction Certificate:</p> <p>a) Noise and vibration from the development shall be assessed in accordance with the NSW Environment Protection Authority (EPA) Noise Policy for Industry 2017, the DECC (EPA) Assessing Vibration – A Technical Guideline and relevant Australian Standards and conditions of this development consent.</p> <p>b) Noise from the development must not exceed the project amenity/intrusiveness noise level or the maximum noise level as detailed in the NSW Environment Protection Authority (EPA) Noise Policy for Industry 2017.</p> <p><i>(General criteria)</i></p> <p>c) Noise from commercial plant and use of the premises, when assessed as an LAeq, 15 min must not exceed the LA90, 15 min background noise level by more than 3dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when is use (assessed with doors and windows closed).</p> <p>In mechanically ventilated spaces – the repeatable maximum Leq (1 hour) should not exceed the following criteria (when the mechanical ventilation system is operating and doors and windows are closed):</p> <ul style="list-style-type: none"> • 38 dB(A) in sleeping areas between 10.00pm and 7.00am, • 45 dB(A) in sleeping areas between 7.00am and 10.00pm, • 46 dB(A) in living areas (24 hours). <p><i>(Licensed Premises/Entertainment)</i></p> <p>d) The proposed development is to incorporate noise control measures to ensure the standard LA10 Condition imposed by Liquor & Gaming NSW is</p>

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Condition
<p>satisfied inside those occupied spaces with doors and windows closed and any alternative ventilation system is operating as follows:</p> <ul style="list-style-type: none"> i) The cumulative LA10* from licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and midnight. ii) The cumulative LA10* from licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) between midnight and 7am. iii) The noise from licensed premises shall be inaudible in any habitable room of any residential premises between the hours of midnight and 7am. iv) For this clause, the LA10* can be taken as the average maximum deflection of the noise level emitted from the licensed premises. <p>e) Noise from any entertainment and patrons, when assessed as an LA₁₀ enters any residential use through and internal to internal transmission path is not to exceed the existing internal LA_{90, 15 min} level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) when assessed in a habitable room at any affected residential use within the mixed-use development between the hours of 7am and 12 midnight and is to be inaudible between 12 midnight and 7am.</p> <p>(Gymnasium)</p> <p>f) Noise and vibration from gymnasiums and other exercise facilities must satisfy the following additional requirements:</p> <ul style="list-style-type: none"> i) Noise and vibration from the development shall be assessed in accordance with and satisfy the criteria contained in the Association of Australasian Acoustical Consultants Guideline for Acoustic Assessment of Gymnasiums and Exercise facilities. ii) Structure borne noise emanating from the use of the premises is not to exceed the following criterion (when doors and windows are closed): <ul style="list-style-type: none"> • Commercial premises - LA1, Slow 15 minute ≤ LA90, 15 minute +3 dB(A) • Residential dwellings/premises - LA1, Slow 15 minute ≤ LA90, 15 minute dB(A). iii) Between the hours of 10pm and 7am the following day, noise from the use of the premises must be inaudible and must not cause vibration in any residence (assessed when doors and windows are closed). iv) The LA_{10(15min)} noise contribution from music, patrons and staff emitted from the gymnasium or exercise facility shall not exceed the background noise level in any octave band frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dB at the boundary, or within at any affected residence between 7am* and 10pm (*8am on Sundays and public holidays). v) The LA_{10(15min)} noise contribution from music, patrons and staff emitted from the gymnasium or exercise facility shall not exceed the background noise in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) at the boundary, or within any affected residence between 10pm and 7am* (*8am on Sundays and public holidays). vi) Notwithstanding compliance of the above, noise from music, patrons and staff at the gymnasium or exercise facility shall not be audible in any habitable room in any residential premises between the hours of 10pm and 7am* (*8am on Sundays and public holidays)." vii) Where the LA_{10(15min)} noise level is below the threshold of hearing, Tf at

Condition
<p>any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226:2003 "Acoustics – Normal equal-loudness-level contours" then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.</p> <p>viii) The following criteria applies to impulsive noise from weight-drops or other similar sources. Overall contributed L_{AFmax} within octave bands of interest (octave bands containing the impulse energy, generally 31.5 Hz to 250 Hz, as determined by the acoustic consultant) should not exceed the following levels:</p> <ul style="list-style-type: none"> • $L_{AFmax}(\Sigma Oct, 31.5-2500Hz) \leq 35$ dB for daytime1 • $L_{AFmax}(\Sigma Oct, 31.5-2500Hz) \leq 30$ dB for evening2 • $L_{AFmax}(\Sigma Oct, 31.5-2500Hz) \leq 25$ dB for night-time3 <p>Notes:</p> <ol style="list-style-type: none"> 1. Daytime is 7am to 6pm 2. Evening is 6pm to 10pm 3. Night-time is 10pm to 7am* (*8am on Sundays and public holidays) 4. Justification would be required of the acoustician to vary any of the above <p>g) The recommendations and requirements contained in the Acoustic Report (submitted in response to this condition and as approved by the Certifier) form part of the development consent and details of compliance shall be included in the Construction Certificate accordingly.</p>

Condition Reason: To ensure the development does not result in adverse noise impacts to the surrounding area.

12.

Site stability, Excavation and Construction work

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

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

Condition Reason: To ensure the subject site/development and adjoining land is

Condition	
	adequately supported and protected during any works.
13.	<p>Public Utilities A <i>Public Utility Impact Assessment</i> must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.</p> <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier and adhered to.</p>
14.	<p>Undergrounding of Site Power Power supply to the proposed development shall be provided via an underground (UGOH) connection . No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.</p> <p>Condition Reason: To minimise the use of private poles in accordance with Council's resolution and protect street amenity.</p>
15.	<p>Landscape Plans The Landscape Plans by JMD Design, dwg's L01 – 07, issue B dated 17/12/25 must be amended to now comply with the following requirements:</p> <ol style="list-style-type: none"> The Planting Plans must be amended to include a greater level of detail than what is currently shown, nominating exactly what species will be installed where, such as quantities/densities, arrangements/groupings and similar. Construction details, sections and similar must be provided confirming that adequate soil depth and soil volume will be provided for the podium planter along the southern aspect of the First Floor Level to sustain the planting that has been nominated there. Details must also be submitted demonstrating how the First-Floor planter described in point 'b' above will be accessed for the purpose of performing routine maintenance such as the replacement of failed stock, weeding and similar, via the use of anchor points and similar, in accordance with relevant industry standards and codes, and to the satisfaction of the Principal Certifier. Detail the use of woodchip mulch, decorative pebbles or a similar material for all planted areas which is suitable for the frontline location and will not be washed away during rain events or blown away by persistent coastal winds. <p>Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the revised scheme submitted for the Construction Certificate complies with the requirements specified above, with both this written statement and amended plans to then be submitted to, and be approved by, the Certifier.</p> <p>Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.</p>
16.	<p>Tree Protection Measures</p>

Condition
<p>To ensure retention of the single <i>Banksia integrifolia</i> (Coastal Banksia, Tree 1, in the Preliminary Arboricultural Impact Assessment by Rohan Lalich, ver 2, dated Sep 2025, <i>the Arborist Report</i>) that is located in the garden bed hard up against the southwest corner of the existing/new building, as well as the groups of Norfolk Island Pines that are further to the south and west of the building, in the surrounding parkland in good health, the following measures are to be undertaken:</p> <ol style="list-style-type: none"> a. All documentation submitted for the Construction Certificate application must note them for retention, with the position and diameter of their trunks, canopies, SRZ, TPZ and Tree Identification Number (where relevant) as taken from <i>the Arborist Report</i> to be clearly and accurately shown on all plans in relation to the proposed works. b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as <i>the Project Arborist</i> for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, Section 5 of the Arborist Report - Recommended Tree Protection Measures, and any other instructions issued on-site. c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a <i>Final Compliance Report</i> for the approval of the Principal Certifier, prior to any Occupation Certificate. d. Construction notes, details and similar must be included on all Construction Certificate plans stating that the sub-surface footing beneath the western wall of the existing Surf Club building, for the extent of the 2.81m SRZ radius of Tree 1, will be retained in-situ to assist with maintaining future stability of the tree, with any new footing, works, planting or similar to be adjusted on-site to comply with this requirement. e. Any excavations associated with the installation of new services, pipes, stormwater systems or similar must be consistent with the Stormwater Management Plan by Enscape Studio, dwg C-10, rev A dated 15/12/25, so that their installation will be restricted purely to the north of Tree 1, with the Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with this requirement. f. All Construction Certificate plans must show, via the inclusion of details, notations and similar, that sections of the existing paving and concrete, both immediately surrounding as well as further to the south of Tree 1, including parallel with the southern wall of the existing/proposed building, will be removed and replaced as deep soil/garden bed, for the extent indicated at Photo 2, page 13 of the Arborist, and as shown on the Ground Floor Landscape Plan, dwg L03. g. Demolition/removal of the existing building, surfacing, structures and similar, as well as all initial excavations for new footings within the TPZ of Tree 1 can only be performed by hand, not machinery, either by, or, under the direct supervision of the Project Arborist, with photos confirming adherence to be included in the Final Compliance Report. h. Any new paving, concrete or other hard surfacing within the 5.76m TPZ radius of Tree 1 must be provided either at or above existing grades, with spot levels and similar to be shown to confirm compliance. i. Prior to the commencement of demolition, the trunk and any lower branches of Tree 1 must be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a

Condition	
	minimum 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.
j.	Tree 1 must be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located to the extent of its SRZ to its south, west and north, then matching up with the alignment of the new building to its east to completely enclose the tree for the duration of works.
k.	The other groups of Norfolk Island Pines to the west of the building, along the northern side of the internal driveway must also be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing panels along the length of this area, which must then return back to the north to also exclude those that are located within the existing paved carpark area, for the duration of works.
l.	This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
m.	To prevent soil/sediment being washed over their root systems, erosion control measures may also be provided at ground level around the perimeter of the TPZ's.
n.	Within the TPZ's there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
o.	Where minor roots are encountered from Tree 1 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.
p.	The Certifier and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during works and prior to any Occupation Certificate.
	Condition Reason: Protection of existing environmental public infrastructure, community assets and significant trees.
17.	Food Act & Food Premises
	<i>(General requirement)</i>
	The premises is to be designed, constructed and operated in accordance with the <i>Food Act 2003, Food Regulation 2015</i> , Australia & New Zealand Food Standards Code and Australian Standard AS 4674 (2004), Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the Construction Certificate.
	<i>(Specific design requirements)</i>
	The design and construction of food premises must comply with the following requirements (as applicable) and details are to be included in the construction certificate:
a.	The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non-slip and non-abrasive. The floor is to be finished to a smooth even surface, graded and drained to

Condition
a floor waste connected to the sewer.
b. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
c. Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
d. The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.
e. Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
f. The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
g. All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
h. Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
i. Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
j. Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
k. A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in kitchens or food preparation areas, in accordance with the relevant requirements of the National Construction Code (Building Code of Australia) and referenced Australian Standards. Details of compliance are to be included in the construction certificate application.
l. Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
m. Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.

(Wash hand basins required)

A wash hand basin (and soap and towel dispenser) must be provided within the food premises. The basin is to be provided with hot and cold water via a suitable mixing device.

	Condition
	<p><i>(Waste disposal – Minor development)</i> Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.</p> <p>The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.</p> <p>A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.</p> <p>Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.</p> <p><i>(Liquid trade waste)</i> Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be provided in the construction certificate.</p> <p><i>(Cool rooms and freezers)</i> Cool rooms and freezer rooms must comply with the following requirements:</p> <ul style="list-style-type: none"> • Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements. • All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer. • The space between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed). <p>Condition Reason: To ensure the food premises comply with the relevant legislative requirements.</p>
18.	<p>Food Premises The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and relevant Standards and details are to be provided in the construction certificate application.</p> <p>Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.</p> <p>Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for the development.</p> <p>Condition Reason: To ensure mechanical ventilation complies with relevant requirements</p>
19.	<p>Sanitary Facilities – Food Premises <i>(Sanitary facilities – Food premises including Outdoor Dining)</i></p> <p>Sanitary facilities, comprising at least one unisex facility, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for staff and customers, to the satisfaction of the Certifier for the development and</p>

Condition	
	<p>details are to be provided in the Construction Certificate Application.</p> <p><i>(Sanitary facilities – Food premises including Outdoor Dining – Including access/facilities for disabilities – Modify to suit site constraints if required)</i></p> <p>Sanitary facilities, comprising at least one unisex facility, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, which is accessible by people with a disability, must be provided for staff and customers, to the satisfaction of the Certifier for the development and details of compliance are to be provided in the Construction Certificate Application.</p> <p>Sanitary facilities, wash-hand basin and a towel dispenser or hand-dryer must be provided to the business for customers and staff and details are to be included in the construction certificate application.</p> <p>Condition Reason: To ensure adequate sanitary facilities are provided</p>
20.	<p>Building Plan Approval (Sydney Water)</p> <p>The architectural plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.</p> <p>Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p> <p>Condition Reason: To determine if sewer, water or stormwater mains or easements will be affected by any part of the development.</p>
21.	<p>Coastal Engineering Design</p> <p>The proposed development must be designed in accordance with the recommendations in the “<i>Coastal Engineering Advice on Proposed Redevelopment of Maroubra SLSC for Development Application</i>”, dated 10 November 2025, prepared by Horton Coastal Engineering. Detailed engineering and structural design plans are to be provided to the satisfaction of the Certifier.</p> <p>Condition Reason: To ensure the detailed design satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 and the Coastal Management Act 2016</p>
22.	<p>Geotechnical and Structural Design</p> <p>The proposed development must be designed in accordance with the recommendations in the Geo-technical Investigation Report prepared by Crozier Geo-tech Consultants dated 21 August 2025 Issue 1. Detailed structural design plans are to be provided to the satisfaction of the Certifier.</p> <p>Condition Reason: To ensure the development is constructed in accordance with relevant structural design requirements</p>

BEFORE BUILDING WORK COMMENCES

Condition	
23.	<p>Building Certification & Associated Requirements</p> <p>The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:</p> <ol style="list-style-type: none"> a. a <i>Construction Certificate</i> must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>. b. A copy of the construction certificate, the approved development consent

Condition
<p>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>c. 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>d. 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>e. the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and</p> <p>f. at least two days notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.</p>

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

24. **Demolition & Construction Waste**
A *Demolition and Construction Waste Management Plan* (DWMP) must be developed and implemented for the development, and be approved by Council's Lead specialist Strategic Waste prior to commencement of any works on the site.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's website at https://www.randwick.nsw.gov.au/data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf or contact Council Development Engineer on 9093-6881/9093-6923.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Condition Reason: To ensure demolition and construction waste is disposed of appropriately.

25. **Construction Noise & Vibration Management Plan**
Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.

A *Construction Noise & Vibration Management Plan* must be developed and implemented throughout demolition and construction work.

- a. The *Construction Noise & Vibration Management Plan* must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority *Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline* (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.
- b. Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and

Condition
<p>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 & Vibration Management Plan</i> and which demonstrates compliance with relevant criteria.</p> <p>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.</p> <p>e. 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.</p> <p>f. 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.</p>

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

26.

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 Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

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

	Condition
27.	<p>Construction Site Management Plan A <i>Sediment and Erosion Control Plan</i> must be developed and implemented throughout the course of demolition and construction work in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom. A copy of the plan must be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Condition Reason: To protect the environment from the effects of sedimentation and erosion from development sites.</p>
28.	<p>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.</p> <p>Condition Reason: To ensure the community is protected from the cost of any claim for damages arising from works or activities on public land.</p>
29.	<p>Construction Site Traffic Management A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.</p> <p>The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:</p> <ol style="list-style-type: none"> a. A description of the demolition, excavation and construction works b. A site plan/s showing the site, roads, footpaths, site access points and vehicular movements c. Any proposed road and/or footpath closures d. Proposed site access locations for personnel, deliveries and materials e. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site) f. Provision for loading and unloading of goods and materials g. Impacts of the work and vehicular movements on the road network, traffic and pedestrians h. Proposed hours of construction related activities and vehicular movements to and from the site i. Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority) j. Any activities proposed to be located or impact upon Council's road, footways or any public place k. Measures to maintain public safety and convenience <p><i>The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.</i></p> <p>Condition Reason: To ensure construction traffic is appropriately managed and there is sufficient on-street space for construction and delivery vehicles as required.</p>
30.	<p>Agency Approvals Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work</p>

Condition

upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, Roads & Maritime Services, State Transit Authority and Council must be complied with at all times

Condition Reason: To ensure construction traffic is appropriately managed and that any requirements of relevant external agencies are met.

31.

Hazardous Materials/Asbestos

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

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

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

Condition Reason: To ensure any hazardous materials are disposed of in accordance with legal requirements.

32.

Demolition Work Plan

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

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

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

If the demolition work involves asbestos products or materials, a copy of the

	Condition
	<p>Demolition Work Plan must be provided to Council not less than 2 days before commencing any work.</p> <p><i>Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.</i></p> <p>Condition Reason: To ensure demolition work complies with relevant requirements</p>
33.	<p>Building Plan Approval (Sydney Water)</p> <p>The architectural plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p> <p>Condition Reason: This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development.</p>
34.	<p>Dial Before You Dig</p> <p>Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.</p> <p>Condition Reason: To determine whether proposed development is likely to conflict with any underground utility services.</p>
35.	<p>Project Ecologist</p> <p>a) Prior to the commencement of any works a suitably qualified and experienced Project Ecologist should be engaged to oversee the implementation of the impact mitigation measures in the Flora and Fauna Impact Assessment report prepared by Land Eco dated 18 December 2025.</p> <p>b) The Project Ecologist is to undertake a pre-clearing survey of the buildings for sheltering fauna, to be relocated prior to earthworks and vegetation clearing and building demolition. Particular care should be taken when conducting clearing surveys on potential microbat roosting habitat within the structures (e.g. building crevices, adjacent beach wall, and any open drains) within the subject site.</p> <p>c) All demolition of structures that have the potential to provide habitat to threatened fauna such as microbats, should be supervised by the Project Ecologist who will be available on site to capture, treat/relocate any displaced fauna.</p> <p>Condition Reason: To avoid, minimise and mitigate impacts to threatened species from the proposed activity.</p>

DURING BUILDING WORK

	Condition
36.	<p>Site Signage</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> <p>a) showing the name, address and telephone number of the principal certifier for the work, and</p> <p>b) showing the name, address, contractor, licence number and telephone number of the principal contractor, including a telephone number on which</p>

Condition
<p>the principal contractor may be contacted outside working hours, or owner-builder permit details (as applicable) and</p> <p>c) stating that unauthorised entry to the work site is prohibited.</p> <p>The sign must be—</p> <p>a) maintained while the building work is being carried out, and</p> <p>b) removed when the work has been completed.</p> <p>This section does not apply in relation to—</p> <p>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</p> <p>b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>

37. **Restriction on Working Hours**
 Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavations in rock, sawing of rock, use of jack-hammers, driven-type piling/shoring or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 3.00pm (maximum) Saturday - No work permitted Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

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

38. **Noise & Vibration**
 Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with the *Construction Noise & Vibration Management Plan*, prepared for the development and as specified in the conditions of consent.

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

Condition

39. **Construction Site Management**
Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:
- (a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.
 - (b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
 - (c) All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.
 - (d) Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.
 - (e) Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.
 - (f) Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.

Notes:

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

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

40. **Treatment of Site Fencing and Hoardings**
- a. Any site hoarding or fencing, including temporary, construction, perimeter or safety fencing, are to incorporate artwork or historic images of the local area to improve the visual amenity of the site during demolition and for the interim period until construction is completed on the site.
 - b. Details of artwork and/or historic images, and of the fencing/hoarding, are to be submitted to and approved by Council's Manager Development Assessment prior to the commencement of any works on site including demolition.
 - c. The approved artwork/historic images are to remain on the fencing/hoarding throughout demolition works, and until such time as the construction works including the future development on site has been fully completed.
 - d. Any graffiti on the hoarding/fencing shall be removed at the expense of and by the developer/owner.

Condition Reason: To ensure public safety during site works and construction, and to improve public amenity, including visual amenity, during construction.

41. **Overhead Hoardings**

Condition

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

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

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

42.

Public Safety & Site Management

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to the site to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.

Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.

If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or articles or, operate a crane, hoist or concrete pump on or over Council land, a Local Approval application must be submitted to and approved by Council beforehand.

- h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's

	Condition
	<p>drainage system, roadway or Council land.</p> <p>i) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.</p> <p>j) Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.</p> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
43.	<p>Dust Control</p> <p>Dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.</p> <p><i>Dust control measures and practices may include:</i></p> <ul style="list-style-type: none"> • <i>Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).</i> • <i>Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.</i> • <i>Installation of water sprinkling system or provision hoses or the like.</i> • <i>Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.</i> • <i>Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.</i> • <i>Landscaping and revegetation of disturbed areas.</i> <p>Condition Reason: To require details of measures that will minimise impacts to the public, and the surrounding environment, during site works and construction.</p>
44.	<p>Site Accessway</p> <p>A temporary timber, concrete crossing or other approved stabilised access is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council throughout the works, unless access is via an existing suitable concrete crossover.</p> <p>Any damage caused to the road, footpath, vehicular crossing or nature strip during construction work must be repaired or stabilised immediately to Council's satisfaction.</p> <p>Condition Reason: To minimise and prevent damage to public infrastructure.</p>
45.	<p>Excavations and Support of Adjoining Land</p> <p>Tin accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 74 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.</p> <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>

Condition	
46.	<p>Complaints Register</p> <p>A Complaints Management System must be implemented during the course of construction (including demolition, excavation and construction), to record resident complaints relating to noise, vibration and other construction site issues.</p> <p>Details of the complaints management process including contact personnel details shall be notified to nearby residents, the Principal Certifier and Council and all complaints shall be investigation, actioned and responded to and documented in a Complaints Register accordingly.</p> <p>Details and access to the Complaints Register are to be made available to the Principal Certifier and Council upon request.</p> <p>Condition Reason: To ensure any complaints are documented and recorded, and to protect the amenity of the surrounding area and residents.</p>
47.	<p>Building Encroachments</p> <p>There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.</p> <p>Condition Reason: To ensure no encroachment onto public land and to protect Council land.</p>
48.	<p>Survey Report</p> <p>A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:</p> <ul style="list-style-type: none"> • prior to construction (pouring of concrete) of footings for the building and boundary retaining structures, • prior to construction (pouring of concrete) of new floor levels, • prior to issuing an Occupation Certificate, and • as otherwise may be required by the Certifier. <p>The survey documentation must be forwarded to the Certifier and a copy is to be forwarded to the Council.</p> <p>Condition Reason: To ensure compliance with approved plans.</p>
49.	<p>Tree Management</p> <p>Approval is granted for removal of the following vegetation from public property surrounding this development site, subject to full implementation of the AMENDED Landscape Plans:</p> <ol style="list-style-type: none"> a. A 5m tall <i>Acacia saligna</i> (Golden Wattle, Tree 2) towards the southwest corner of the existing building, then a stand of four (4) closely planted, 4-9m tall <i>Banksia integrifolia</i> (Coastal Banksia's) being T3 (semi-mature/SM), T4 (SM), T5 (juvenile) & T6 (SM) in the central group halfway across the width of the building, as despite all being categorised as 'Moderate Value' in the Arborist Report, are in direct conflict with the new/main centrally positioned pedestrian entry/exit to the Club, as well as the boat loading area, fire hydrant access, plant room access and associated landscaping, so a re-design to ensure their retention is not warranted given the impact this would have on the layout of the whole proposal. It is also noted that Part B5, Section 2, Exceptions, point iii) of the 2013 RDCP allows the removal of trees without consent when located within a 2m radius of a building, which could be applied here, so consent is granted as sought. b. Another 9m x 7m <i>Acacia saligna</i> (Golden Wattle, Tree 7 in the Arborist Report), assessed as a Low Value specimen, halfway across the western

	Condition
	<p>elevation of the building, as it is recognised as a naturalised weed and will then allow the planting of more desirable species.</p> <p>c. Another Low Value species, 1 x <i>Cocos Palm</i> (Tree 9) adjacent the northern half of the building as it is a low value exotic that is exempt from the DCP, meaning it can be removed in all residential situations at any time, without consent, even irrespective of any building works, with the planting of new native coastal species as part of the Landscape Plan to be of more benefit to local biodiversity.</p> <p>At the northern end of the groups described above, three (3) <i>Pittosporum tobira</i> (Australian Laurels, T8 & 10-11), as they are insignificant and do not even meet the minimum dimensions for formal protection in the DCP.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>
50.	<p>Pruning</p> <p>Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the <i>Banksia integrifolia</i> (Coastal Banksia , Tree 1) adjacent the southwest corner of the existing building; and/or, only those lowest lateral branches from the Norfolk Island Pines in the surrounding parkland, adjacent the access/driveway and or stockpiling area, only where they need to be pruned to avoid damage to the trees or interference with the approved works.</p> <p>Condition Reason: To ensure the protection and longevity of existing significant trees.</p>
51.	<p>Arborist</p> <p>All pruning can only be undertaken by a Practicing Arborist who holds a minimum of AQF Level III in Arboriculture and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).</p> <p>Condition Reason: To ensure the protection and longevity of existing significant trees.</p>
52.	<p>Road/Asset Opening Permit</p> <p>Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:</p> <ul style="list-style-type: none"> • A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. • The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development. • Relevant Road / Asset Opening Permit fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place. <p>For further information, and access to the Asset Opening Permit application form please visit Councils website at https://www.randwick.nsw.gov.au/services/roads/road-and-footpath-excavations or ring the call centre on 1300 722 542</p>

Condition	
53.	<p>Condition Reason: To ensure protection and/or repair of Council's Road & footpath assets and ensure public safety.</p> <p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) the work in the area of the discovery must cease immediately; b) the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Condition Reason: To ensure the protection of relics and aboriginal objects during construction</p>
54.	<p>Flora and Fauna</p> <p>The relevant Impact Mitigation measures in Section 6 of the Flora and Fauna Assessment prepared by Land Eco dated 18 December 2025 Version 1 must be implemented during construction.</p> <p>Condition Reason: To avoid, minimise and mitigate impacts to threatened species from the proposed activity.</p>
55.	<p>Soil Waste Classification</p> <p>General fill soils removed from the property must first be formally classified as per the EPA NSW Waste Classification Guidelines - Part 1 : Classifying Waste (Nov 2014) prior to disposal. It is recommended that the waste classification sample be collected from stored stockpiles</p> <p>Condition Reason: To ensure compliance with relevant soil waste classification requirements.</p>
56.	<p>Imported Soil - VENM</p> <p>Any imported fill shall be sampled prior to importation and shall conform to VENM (virgin excavated natural material) as per EPA NSW Waste Classification Guidelines - Part 1 : Classifying Waste (Nov 2014)</p> <p>Condition Reason: To ensure compliance with relevant imported soil requirements..</p>
57.	<p>Unexpected Finds Protocol - Contamination</p> <p>If during excavation soil is uncovered that is noticeably stained, has an odour or is suspected to be contaminated outside the known scope, including fragments of fibreboard 'fibro', or any other anthropogenic material (tiles, concrete, glass etc), then work should cease in that area.</p> <p>The soil or material should be assessed by an Environmental Geologist/Engineer and sampled for known or possible contaminants. A further report and/or special procedures may have to be undertaken if significant contamination is found on site or by laboratory analysis or the material may be reclassified as per EPA NSW Waste Classification Guidelines - Part 1 : Classifying Waste (Nov 2014).</p> <p>Condition Reason: To ensure compliance with relevant contamination requirements..</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
58.	<p>Occupation Certificate Requirements</p> <p>An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>Condition Reason: Statutory requirement. To ensure the site is authorised for occupation.</p>
59.	<p>Noise Management <i>(Use of the Development and Plant/equipment)</i></p> <p>A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i>, NSW Environment Protection Authority Noise Policy for Industry 2017 and conditions of this development consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.</p> <p>Condition Reason: To minimise noise impacts to the surrounding area</p>
60.	<p>Noise Plan of Management <i>(Plan of Management for potential noise impacts from 'use' of premises)</i></p> <p>A Noise Plan of Management (NPOM) shall be submitted to and approved by Council prior to occupation or use of the development, which details the measures to be implemented to:</p> <ul style="list-style-type: none"> • ensure compliance with the relevant conditions of development consent and relevant approved acoustic reports/s, • ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances, • minimise the potential environmental and amenity impacts upon nearby residents, • effectively minimise and manage anti-social behaviour, • effectively manage and respond to resident complaints, • ensure responsible service of alcohol and harm minimisation, • provide of adequate security and surveillance, • ensure that the maximum number of patrons does not exceed the authorised capacity, in accordance with Council's consent. <p>Condition Reason: To minimise noise impacts to the surrounding area</p>
61.	<p>Building Operations Plan of Management</p> <p>A revised Building Operations Plan of Management (BPOM) shall be submitted to and approved by Council prior to occupation or use of the development. The BPOM is to include (but not limited to) the following:</p> <ul style="list-style-type: none"> • details the estimated number, capacity and type of events/functions of the facility, including surf lifesaving operations, community and club activities • details of ancillary uses including external events and overnight accommodation for community based groups • measures to ensure that external events demonstrate an association with the primary use of the Maroubra Surf Life Saving Club • details ensuring that the primary role of the Maroubra Surf Life Saving Club as a surf lifesaving facility is maintained while accommodating ancillary uses such as external events • details of location/type and duration of temporary display of sponsor

Condition
<p>advertising material external to the building during special events</p> <ul style="list-style-type: none"> • protocols for the responsible service of alcohol • measures to ensure that activities within the building remain appropriate to the foreshore location and are managed in accordance with regulatory requirements • security management • hours of operation • neighbourhood amenity • deliveries and servicing • waste management <p>Condition Reason: To ensure ensure that the use of the facility is managed in a manner that minimises potential impacts on nearby properties and the broader public domain.</p>
<p>62. Post-construction Dilapidation Report</p> <p>A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Principal Certifier, prior to the issue of an Occupation Certificate.</p> <p>The dilapidation report shall detail whether:</p> <ul style="list-style-type: none"> (a) after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and (b) where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent. <p>The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Principal Certifier and to Council (where Council is not the principal certifier). A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.</p> <p>Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
<p>63. Fire Safety Certificate</p> <p>A single and complete <i>Fire Safety Certificate</i>, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate, in accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>A copy of the <i>Fire Safety Certificate</i> must be displayed in the building entrance/foyer at all times and a copy of the <i>Fire Safety Certificate</i> and <i>Fire Safety Schedule</i> must also be forwarded to Fire and Rescue NSW.</p> <p>Condition Reason: Statutory requirement. To ensure compliance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, and that adequate provision is made for fire safety in the premises for building occupant safety.</p>
<p>64. Structural Certification</p> <p>A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the <i>Principal</i></p>

	Condition
	<p><i>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>
65.	<p>Sydney Water Certification 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 www.sydneywater.com.au > <i>Building and developing</i> > <i>Developing your Land</i> > <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>
66.	<p>Noise Control Requirements & Certification The use and operation of the development (including all plant and equipment) shall not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i> and <i>Regulations</i>.</p> <p>Condition Reason: To protect the amenity of the surrounding area and residents.</p>
67.	<p>Noise Control Requirements & Certification A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (and plant and equipment) satisfies the relevant provisions of the <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>
68.	<p>Council's Infrastructure, Vehicular Crossings & Road Openings 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> <ol style="list-style-type: none"> 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

Condition	
	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.
69.	<p>Council Property</p> <p>The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.</p> <p>Condition Reason: To ensure works on Council property are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
70.	<p>Stormwater Drainage</p> <p>The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development consent.</p> <p>The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To control and manage stormwater run-off so as not to adversely impact the development, neighbouring properties and Council's stormwater assets.</p>
71.	<p>Undergrounding of Power</p> <p>The Principal Certifier shall ensure that all power supply to the development site has been provided as an underground (UGOH) connection, with all work completed to the requirements and satisfaction of Ausgrid and at no cost to Council. All private poles must be removed prior to the issuing of an occupation certificate, unless otherwise approved in writing by Council's Development Engineering Coordinator.</p> <p>Condition Reason: To minimise the use of private poles in accordance with Council's resolution and protect street amenity.</p>
72.	<p>Waste Management</p> <p>Operational Waste Management provisions must be implemented in accordance with the Operational Waste Management Plan (OWMP) submitted with the development application (Prepared by Adriano Pupilli Architects dated 18/12/2025).</p> <p>Condition Reason: To ensure the development effectively manages its waste during operational phase.</p>
73.	<p>Landscape Certification</p> <p>The Principal Certifier must ensure that landscaping at this site has been installed in accordance with the AMENDED Landscape Plans by JMD Design, dwg's L01 – 07, issue B dated 17/12/25, and any relevant conditions of consent, prior to any Occupation Certificate, and must then be maintained in a healthy and vigorous state until maturity, for the life of the development.</p> <p>Condition Reason: To ensure landscaping is implemented in accordance with the consent and maintained for the life of the development.</p>

74. **Project Arborist Certification**
Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, a written Final Compliance Report which confirms adherence to the conditions of consent, **Section 5** of the Arborist Report - Recommended Tree Protection Measures, any instructions issued on-site, the dates of attendance and works performed/supervised relating to retention of **Tree 1**.
- Any areas of turf or paving in the surrounding public reserve which are damaged during these works shall be repaired/restored to Council's satisfaction, prior to any Occupation Certificate.
- Condition Reason: To demonstrate that the Tree Protection Measures were complied with throughout works and to ensure that community assets are presented in accordance with reasonable community expectations.
75. **Food Act & Food Premises**
(Inspection by EHO prior to occupation)
Upon completion of the work, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained from Council, prior to the issuing of an occupation certificate.
- (Statement/Certification of fit-out)*
A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant, which confirms that the design and construction of the *food business* will satisfy the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to a construction certificate being issued for the 'fit-out' of the *food business*, to the satisfaction of the Principal Certifier.
- (Food business registration/notification)*
The food premises must be registered with Council's Health, Building & Regulatory Services department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencement of any food business operations.
- (Food Safety Supervisor)*
A *Food Safety Supervisor* must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the *Food Act 2003*, prior to commencing business operations. A copy of the Certificate of Appointment must be displayed on site and a copy must be provided to Council officers upon request.
- Condition Reason: To ensure compliance with relevant Food Act requirements
76. **Trade Waste**
Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed waste collection and disposal service provider are to be submitted to Council prior to occupation of the building and Council must be notified of any future changes to the waste collection service provider.
- Condition Reason: To ensure compliance with relevant Trade Waste requirements
77. **Land Contamination, Asbestos & Hazardous Materials**
A report or statement must be provided to Council which confirms that any hazardous materials (including materials containing asbestos) on the site have been managed, removed and disposed of in accordance with relevant requirements of SafeWork NSW and conditions of development consent.

Condition Reason: To ensure compliance with Safework NSW requirements

78. **Soil Testing**
Following demolition activities, the soil is required to be tested by a person of suitable expertise, to ensure the soil a) levels of lead b) levels of asbestos are within acceptable health criteria for residential areas. Certification is to be furnished to Council and the Principal Certifier prior to issuing any occupation certificate.

Condition Reason: To comply with relevant soil contamination requirements

79. **Registration – Food Act**
The premises must be registered with the Council and the relevant Registration Form is to be completed by the operator and together with the appropriate fee, is to be forwarded to the Council prior to operation or use.

Condition Reason: To ensure the premises is registered in accordance with the Food Act

80. **Lease Agreement**
Prior to any occupation of the building, the Maroubra Surf Life Saving Club must enter into a lease agreement with Council as Crown Land Manager of Crown Reserve 1002902.

Condition Reason: To ensure public access and proper management of land.

OCCUPATION AND ONGOING USE

Condition
<p>81. Operational Hours The hours of operation are:</p> <ul style="list-style-type: none"> • patrol, emergency and rescue boat and equipment storage and maintenance areas is 24 hours, seven days a week. • multi-purpose function spaces are restricted to 8:00am to 10:00pm, seven days a week • kiosk is restricted to 6:00am to 10:00pm, seven days a week <p>(unless otherwise specifically approved in a separate development consent)</p> <p>Condition Reason: To ensure that the approved use is operated within the approved hours of operation, to ensure safety and security and protect the amenity of surrounding areas.</p>
<p>82. Compliance with Acoustic Report The recommendations and requirements in the Acoustic Report submitted to Council with the development application, prepared by GHD, dated 17 December 2025 are required to be complied with, except as may be modified by the conditions of this development consent.</p> <p>Condition Reason: To minimise noise impacts on the surrounding area</p>
<p>83. Plant and Equipment Noise from all plant and equipment must not give rise to an 'offensive noise', as defined in the <i>Protection of the Environment Operations Act 1997</i> and shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed in accordance with the NSW Environment Protection Authority's Noise Policy for Industry 2017. Conditions of this development consent must be complied with at all times.</p>

Condition Reason: To minimise noise impacts on the surrounding area

84. **Acoustic Report**
An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 1 month of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent has been satisfied (including any relevant adopted acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

Condition Reason: To minimise noise impacts on the surrounding area

85. **Complaints - Noise**
The operator of the business must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the manager (or other nominated position). The appropriate remedial action, where possible, is to be implemented immediately and the Manager (or nominated position) shall contact the complainant within 48 hours to confirm details of action taken. The Complaints register shall be made available to Council officers and Police upon request.

Condition Reason: To minimise noise impacts on the surrounding area

86. **Noise Amplification**
Speakers and/or noise amplification equipment must not be installed or played in any outdoor areas or directed towards outdoor areas.

Condition Reason: To minimise noise impacts on the surrounding area

87. **Fire Safety Statement**
A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* at least on an annual basis each year following the issue of the *Fire Safety Certificate*, and in accordance with the *Fire Safety Schedule* for the building.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a registered fire safety practitioner and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed within the building entrance or foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

Condition Reason: Statutory requirement. To ensure compliance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, and that adequate provision is made for fire safety in the premises for building occupant safety.

88. **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.

89. **Food Act & Food Premises**
The use and operation of food premises must comply with the *Food Act 2003*, *Food Regulation 2015*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation and exhaust systems and ducting, storage areas, toilet facilities, basins and sinks.

All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

Waste storage areas must be maintained in a clean and safe condition and waste bins must not be left-out on Council's road, footpath or nature strip – other than for collection purposes and for a maximum period of 24 hours (unless approved otherwise by Council).

A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

A comprehensive cleaning and maintenance program must be implemented for the operation of the mechanical ventilation exhaust system, to ensure that the system (including emission control devices and fillers) are maintained and operate efficiently and effectively in an environmental satisfactory manner at all times and the emissions do not cause a nuisance to nearby residents.

The program shall include a cleaning and maintenance schedule, prepared by the designing engineer/manufacturer or other suitably qualified person. This schedule is to detail the inspections and maintenance works to be undertaken and their timeframes, so as to ensure the mechanical ventilation system (including emission control device and filters) operates efficiently, effectively and in an environmentally satisfactory manner at all times.

A copy of the schedule is to be kept onsite at all times and a copy provided to Council prior to the operation of the food business.

Condition Reason: To ensure compliance with the Food Act

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

Condition
<p>90. Demolition Work A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy. b) The Demolition Work Plan must include the following details (as applicable): <ul style="list-style-type: none"> • The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor • Details of hazardous materials in the building (including materials containing asbestos) • Method/s of demolition (including removal of any hazardous materials including materials containing asbestos) • Measures and processes to be implemented to ensure the health & safety of workers and community • Measures to be implemented to minimise any airborne dust and asbestos • Methods and location of disposal of any hazardous materials (including asbestos) • Other measures to be implemented to ensure public health and safety • Date the demolition works will commence/finish. <p>The Demolition Work Plan must be provided to the Principal Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.</p> <p>If the demolition work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council not less than 2 days before commencing any work.</p> <p><i>Notes: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.</i></p> <p><i>A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.</i></p> <p>Condition Reason: To ensure demolition work area carried out in accordance with the relevant standards and requirements.</p>

DURING DEMOLITION WORK

Condition
<p>91. Demolition Work and Removal of Asbestos Materials Demolition work must be carried out in accordance with relevant Safework NSW Requirements and Codes of Practice; Australian Standard AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a <i>demolition work plan</i>, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Demolition or building work relating to materials containing asbestos must also be</p>

Condition

carried out in accordance with the following requirements:

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* and relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works,
- Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.

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

Condition Reason: To ensure that the handling and removal of asbestos from the site is appropriately managed.