

Randwick Local Planning Panel (Public) Meeting

Thursday 21 May 2026



RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting will be held online via Microsoft Teams on Thursday, 21 May 2026 at 1:00 PM

Acknowledgement of Country

I would like to acknowledge that we are meeting on the land of the Bidjigal and the Gadigal peoples who occupied the Sydney Coast, being the traditional owners. On behalf of Randwick City Council, I acknowledge and pay my respects to the Elders past and present, and to Aboriginal people in attendance today.

Declarations of Pecuniary and Non-Pecuniary Interests

Address of RLPP by Councillors and members of the public

Privacy warning;

In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded.

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Meryl Bishop
DIRECTOR CITY PLANNING

Development Application Report No. D31/26

Subject: 960 Anzac Parade Maroubra (DA/176/2026)

Executive Summary

Proposal:	Demolition of existing building/structures and construction of a part-7 and part-8 storey mixed use development comprising of 42 private room co-living housing and 2x 2-bedroom affordable housing apartments, at-grade parking for 4 parking spaces, associated ancillary and landscaping works.
Ward:	Central Ward
Applicant:	Jaj Investments 3 Pty Ltd
Owner:	Jaj Investments 3 Pty Ltd
Cost of works:	\$6,658,772.43
Reason for referral:	The development contravenes the development standard for building height and floor space ratio by more than 10%; and 23 unique submissions by way of objection were received.

Recommendation

That the RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/176/2026 for the demolition of existing building/structures and construction of a part-7 and part-8 storey mixed use development comprising of 42 private room co-living housing and 2x 2-bedroom affordable housing apartments, at-grade parking for 4 parking spaces, associated ancillary and landscaping works, at No. 960 Anzac Parade Maroubra, for the following reasons:

1. Pursuant to clause 2.3 of RLEP 2012, the proposed development does not have an applicable residential accommodation land use classification in accordance with the Dictionary in the RLEP 2012 or Standard Instrument, and is therefore prohibited development.
2. Pursuant to clause 2.3 of RLEP 2012, the proposal is inconsistent with the objectives of the R3 Medium Density Residential Zone in that it does not provide for the housing needs of the community, does not provide a variety of housing types, does not recognise the desirable elements of the existing streetscape and built form, fails to protect the amenity of residents, and does not encourage housing affordability.
3. Pursuant to clause 4.3 of RLEP 2012, the proposed variation to the building height development standard is not supported as the applicant has failed to demonstrate that the proposed non-compliances are unreasonable or unnecessary in the circumstances of the case and has failed to demonstrate that there are sufficient environmental planning grounds to justify variation to the development standard.
4. Pursuant to clause 4.4 of RLEP 2012, the proposed variation to the floor space ratio development standard is not supported as the applicant has failed to demonstrate that the proposed non-compliances are unreasonable or unnecessary in the circumstances of the case and has failed to demonstrate that there are sufficient environmental planning grounds to justify variation to the development standard.
5. Pursuant to clause 6.2 of RLEP 2012, the proposed development does not adequately ensure that earthworks will not have a detrimental impact on neighbouring uses and features of the surrounding land.

6. Pursuant to clause 6.10 of RLEP 2012, the applicant has failed to sufficiently demonstrate that adequate arrangements have been made for electricity supply to the proposed development.
7. Pursuant to clause 6.11 of RLEP 2012, the proposed development does not exhibit design excellence.
8. Pursuant to section 4.6 of the SEPP (Resilience and Hazards) 2021, the applicant has failed to sufficiently demonstrate whether the land is contaminated.
9. Pursuant to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal is incompatible with the following sections in the Randwick Development Control Plan 2013:
 - a. Part B6: Recycling and Waste Management
 - b. Part B7: Transport, Traffic, Parking and Access
10. Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the suitability of the site for the proposed development has not been adequately demonstrated.
11. Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest having regard to the significant and numerous non-compliances with relevant planning controls.
12. A full and robust assessment of the proposal cannot be completed as insufficient information has been submitted relating to design analysis, modelling, indicative building layouts plans, architectural plans, shadow diagrams, infrastructure assessment, Preliminary Site Contamination Investigation Report, and a current Geotechnical Investigation Report.

Attachment/s:

Nil



D31/26

1. Executive Summary

This report will assess DA/176/2026 (*the Application*) for 960 Anzac Parade, Maroubra (*the Subject Site*) against the relevant heads of consideration under Section 4.15 of *Environmental Planning & Assessment Act 1979 (the Act)*.

The application seeks consent for demolition of existing building/structures and construction of a part-7 and part-8 storey mixed use development comprising of 42 private room co-living housing and 2x 2-bedroom affordable housing apartments, at-grade parking for 4 parking spaces, associated ancillary and landscaping works.

The application is referred to the Randwick Local Planning Panel (RLPP) for the following reasons:

- The development contravenes the development standard for building height by more than 10% under clause 4.3 of RLEP 2012.
- The development contravenes the development standard for floor space ratio by more than 10% under clause 4.4 of RLEP 2012.
- A total of 23 unique submissions were received during the public exhibition periods.

The proposal seeks to benefit from the recently in-force ‘Low and Mid Rise Housing’ (LMR) provisions of the Housing SEPP that allow for the subject site, being within the inner ‘LMR’ area, to have a building height of 22m (and up to 6 storeys) and FSR of 2.2:1, respectively. In addition, the proposal seeks to use the ‘In-fill Affordable Housing’ provisions of the Housing SEPP to receive a further building height and FSR bonus in providing floor area for an affordable housing component.

Council notes that on 1 May 2026, the applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the Council's deemed refusal of the development application.

The key issue associated with the proposal is that the mixed residential building comprising of 2x 2-bedroom dwellings and 42 co-living housing rooms does not have an applicable residential accommodation definition in the Randwick LEP 2012 (RLEP 2012) and the Standard Instrument. As such, the proposed development is prohibited development.

Other key issues related to the proposed development application include massing and scale, desired future character, and insufficient information. The extent of issues is evident throughout this report, including many jurisdictional matters of consideration that the applicant has failed to satisfy in their application.

As such, the development application is recommended for refusal.

2. Site Description and Locality

The site is identified as Lot 1, DP 310952, No. 960 Anzac Parade, Maroubra NSW 2035. The site is located on the corner of the eastern side of Anzac Parade and the northern side of Byng Street.

The site is a largely regular rectangular shaped allotment with a 10.115m primary frontage to Anzac Parade and a 34.135m secondary frontage to Byng Street, with a splay corner between each frontage. The site also has a 37.795m northern boundary and a 13.775m western boundary. The site has an area of 516.6sqm.

The site rises across approximately 2.5m in an easterly direction from the Anzac Parade boundary to the eastern boundary.

Existing on site is a two storey dwelling house and two attached single width garages with access from Byng Street. The rear yard consists of a two-tiered arrangement with a swimming pool and planting area within the eastern portion of the site. The site is not listed as a Heritage Item or within a Heritage Conservation Area.

At the front of the site on the footpath area to Anzac Parade is a bus stop and to Byng Street frontage are two Council street trees. Anzac Parade is a classified state road, which provides a connection between the northern and southern suburbs of the Randwick LGA.

The surrounding area is characterised by residential development, including dwelling houses and residential flat buildings. Adjoining the site to the north at 956-958 Anzac Parade is a four storey residential flat building with at grade garages, and to the east of the site at 2 Byng Street is a two storey dwelling house.

The site is within 400m walking distance of the 'Maroubra junction town centre', which is within the Zone E2 'Commerical Centre'. As such, the site is considered within the 'low and mid rise housing inner area' in accordance with Chapter 6 of the Housing SEPP.



Figure 1: Photo of the subject site from Anzac Parade (Source: Randwick City Council)



Figure 2: Photo of the subject site from Byng Street (Source: Randwick City Council)



Figure 3: Northern oblique view of the subject neighbourhood (July 2025) - 960 Anzac Parade, Maroubra (Source: Nearmap)

3. Relevant History

The land has been used for residential purposes for an extended period of time.

PL/15/2025

On 21 May 2025, Pre-Lodgement Application No. PL/15/2025 was lodged with Council for demolition of existing building and associated structures and construction of 8-storey residential flat building with basement level, ancillary and landscaping works.

On 4 July 2025, written advice was provided to the applicant. Key issues identified within the advice have been reproduced below:

“Desired Future Character

While it is acknowledged that the new Low and Mid-Rise Housing SEPP will significantly influence the built form of the area through increased floor space ratios and building heights, it remains essential to consider the transitional nature of the subject site and its relationship with the adjoining low-density residential areas to the south and east. Any future development must sensitively respond to this context to ensure an appropriate interface between higher-density and low-density zones.

The current proposal is not considered to appropriately respond to the prevailing or desired built form character of the locality. Concerns are raised regarding site isolation, excessive built form and massing, including non-compliance with building height standards, insufficient secondary frontage setbacks, inadequate building separation, and the lack of articulation and upper-level setbacks to reduce perceived bulk. These design shortcomings result in adverse amenity impacts on neighbouring properties, including loss of visual privacy, reduced solar access, and increased visual dominance.

Any future development application must demonstrate compatibility with the desirable elements of the local character. Consideration should be given to reducing the overall building mass and scale, and to incorporating skilful design solutions that provide adequate articulation, visual interest, and relief to the built form. The proposal must clearly demonstrate compatibility with both the existing and desired future character of the area, and be supported by a SEE that comprehensively addresses the relevant planning controls and establishes consistency with the objectives of the R3 Medium Density Residential zone.

Site Isolation

The proposed development results in the isolation of the adjoining property to the east at No. 2 Byng Street. While a concept design has been provided to demonstrate the potential for a four-storey residential flat building on the isolated site, the feasibility of such a development is uncertain due to the site’s limited width and constrained access.

In this regard, site amalgamation may represent a more appropriate planning outcome by creating a larger, more functional site capable of accommodating redevelopment at the scale proposed. Where attempts have been made to acquire the adjoining property, evidence of genuine and reasonable negotiations—such as correspondence or a written offer to the landowner—must be submitted in accordance with planning guidelines for dealing with isolated sites.

Without this, the proposal may result in an unreasonable planning outcome by compromising the redevelopment potential of the neighbouring site.

Building Separation

In accordance with ADG, the building must comply with the minimum building separation distances to side or rear boundaries as follows:

- *Building height up to 12m (4 storeys): 6m (habitable), 3m (non-habitable)*
- *Building height up to 25m (5-8 storeys): 9m (habitable), 4.5m (non-habitable)*
- *Building height over 25m (9+ storeys): 12m (habitable), 6m (non-habitable)*

Further to the above, ADG also requires that apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.

The proposal involves a northern side setback of 3m (up to 4 storeys) and 4.5m (5-8 storeys) and an eastern side setback of 3m (up to 4 storeys) and 6m (5-8 storeys). There is an existing 3-storey RFB on 956-958 Anzac Parade and a two storey dwelling house on 2 Byng Street.

Concerns are raised to the non-compliant building separation on both side boundaries (i.e. north and east). The site constraints have been noted, however the significant deficiency gives rise to amenity impacts including visual and acoustic privacy, visual bulk, natural lighting and ventilation. Furthermore, the non-compliance and its associated amenity impacts limit future development opportunities for adjoining properties.

Any window openings should be treated with suitable privacy attenuation to prevent direct overlooking to the adjacent residential properties.

Front & Secondary Frontage Setback

RDCP 2013 requires the primary and secondary property frontages to be consistent with the prevailing setbacks along the street. It is noted that the front setbacks along Anzac Parade between Byng St and Haig St do not exhibit a consistent distance and range from 2.81m to 4.553m. The predominant front setback along Byng Street is approximately 4.5m.

While the proposal appears to provide an adequate front setback, it does not comply with the required secondary frontage setback. The proposed nil to 1m setback along the secondary frontage is considered insufficient and contributes to an undesirable visual bulk when viewed from the public domain. In combination with the excessive building height, the reduced secondary frontage setback is likely to result in significant overshadowing impacts on the nearby dwelling houses located within the R2 Low Density Residential zone to the south.

Any future DA should be supported by detailed diagrams which overlay the DCP controls with the proposed building envelope. The setback zone should not be obstructed by any physical structure such as blade walls, utility boxes/cupboards, fences, or raised planter boxes.

Articulation and Modulation

In accordance with Section 4.1 in Part 4C of RDCP 2013, all buildings are to provide articulation by incorporating a variety of window openings, balcony types, balustrades, fins, blade walls, parapets, sun-shade devices, or louvres to add visual depth to the façades. It is noted that no recess is proposed on upper floors. Concerns are raised that an 8-storey RFB appears dominant from the existing streetscape, which comprises of a mix of single to 4-storey residential and commercial buildings.

It is further noted that a maximum building depth of 12m is proposed along the Byng Street frontage without any significant break-up or articulation. While this complies numerically with the maximum building depth requirement, concerns are raised regarding the visual scale and dominance of the continuous wall plane, particularly given the relatively small lot size. The lack of articulation contributes to an overall perception of excessive bulk and is inconsistent with the desired built form character of the locality.”

Subject Development Application

On 17 February 2026, the development application was lodged with Council.

On 24 February 2026, Council issued a letter to the applicant outlining issues with the application of the LMR and in-fill affordable housing provisions in the Housing SEPP to the proposed development, outlining the legalities of the development application and land use. Council recommended that the applicant withdraw the development application to address these issues.

On 3 March 2026, the applicant requested Council proceed with the consideration of the development application, with legal advice pending addressing the outstanding issues related to the Housing SEPP provisions.

On 5 March 2026, the applicant provided legal advice to Council seeking to justify that the Housing SEPP provisions were applicable to the development application.

On 17 March 2026, following Council's review of the legal advice, a further request for information was issued to the applicant seeking clarity of the land use classification of the development, of which Council asserts cannot be defined as a 'residential flat building' and therefore the Housing SEPP provisions are not applicable.

On 20 March 2026, the applicant's town planning consultant confirmed that the characterisation of the development as a 'residential flat building' was an issue. The applicant sought to address this by proposing to amend the development application to provide 4x apartments.

On 24 March 2026, Council responded to the applicant confirming that the land use classification for a mix use residential development comprising of a 'residential flat building' and 'co-living housing' development would remain an issue regardless of such changes. Council confirmed that should an amended DA be lodged in the NSW Planning Portal, Council would reject the application in accordance with section 38 of the EP&A Regulations. Again, Council recommended that the applicant withdraw the development application to address the land use classification issues.

On 30 April 2026, the applicant's town planning consultant confirmed that the development application would not be withdrawn and proceed with the assessment/determination.

On 30 April 2026, the Assessing Officer conducted a site visit of the subject property.

On 1 May 2026, the applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the Council's deemed refusal of the development application.

4. Proposal

The proposal seeks development consent for demolition of existing building/structures and construction of a part-7 and part-8 storey mixed use development comprising of 42 private room co-living housing and 2x 2-bedroom affordable housing apartments, at-grade parking for 4 parking spaces, associated ancillary and landscaping works.

Specifically, the proposal is seeking consent for a mixed use residential development comprising of the following:

Ground Floor

- Building entrance via a pedestrian access to Anzac Parade.
- 1x 2 bedroom affordable housing dwelling.
- An at-grade open parking area including 4x car parking spaces (including 1x accessible parking space and 1x car share space), 10x bicycle parking spaces and 2x motorbike parking spaces with access via Byng Street.
- Partially open waste bin room fronting Byng Street.
- Pump room fronting Byng Street.
- Associated planting to the outside areas of the site.

First Floor

- 1x 2 bedroom affordable housing dwelling.
- 6x co-living private rooms.

Second to Third Floors

- 9x co-living private rooms.

Fourth to Sixth Floors

- 6x co-living private rooms.

Seventh Floor

- Combined communal living area for all building occupants,
- 2x communal open spaces areas to the eastern and western sides of the building, respectively.

The proposed development seeks to provide 2x 2 bedroom affordable housing apartments and 42x private co living rooms, including 40x double occupancy rooms and 2x single occupancy rooms.



Figure 4: 3D model to Anzac Parade (Source: Texco Design)



Figure 5: 3D model to Byng Street (Source: Texco Design)

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development between 6 March 2026 and 23 March 2026 for 14 days, in accordance with the Randwick Community Engagement Strategy.

During the public exhibition period, Council received reports that residents had issues accessing the associated documentation on Council's Application Tracker. As such, Council renotified the proposed development between 27 March 2026 and 10 April 2026 for a further 14 days.

A total of twenty-three (23) submissions were received during both public exhibition periods, from the following properties:

- 962 Anzac Parade Maroubra
- 964 Anzac Parade Maroubra
- 966 Anzac Parade Maroubra
- 1 Byng Street Maroubra
- Planning Consultant Daintry Associates on behalf of 2 Byng Street
- Architect Consultant Lombardo Design Studio on behalf of 3 Byng Street
- 4 Byng Street Maroubra
- 5 Byng Street Maroubra
- 7 Byng Street Maroubra
- 17 Byng Street Maroubra
- 22 Byng Street Maroubra
- 33 Byng Street Maroubra
- 39 Byng Street Maroubra
- 41 Byng Street Maroubra – 4x unique submissions
- 26 Marine Parade Maroubra
- Resident of Haig Street Maroubra
- Resident of Kitchener Street Maroubra
- Hon Matt Thistlethwaite MP on behalf of residents.
- A petition with 188 recorded names and postcodes of residents.
- 1x no address provided

The submissions have been paraphrased and summarised below:

Issue	Comment
<p><u>Scale and Character</u></p> <ul style="list-style-type: none"> -Development has a poor character and design, does not fit area. -Does not sit comfortably within exiting neighbourhood. -Out of scale/character of 3-4 storey buildings. -Nothing of 8 storeys in the block. -7 storeys are beyond what is current allowed. 6 storeys maximum should be respected. -Does not transition to residential fringes. -Results in 'closing in' effect from massing of wall-like building. -Overdevelopment of a constrained site. 	<p>Agree, the proposed development has a massing and scale that is disproportionate to the site and locality. In addition, the proposed development fails to demonstrate how it is within an area under transition and that the development will be compatible with the desired future character. See Key Issues for a detailed discussion below.</p>
<p><u>Building Height</u></p> <ul style="list-style-type: none"> -Variation to maximum height control, Council needs to consider whether the departure from the planning controls is appropriate. 	<p>Agree, the proposed development has a maximum height of 26.28m, which represents a 119% variation with the applicable 12m maximum building height development standard. See Clause 4.6 Assessment below.</p>
<p><u>Apartment Design Guide</u></p> <ul style="list-style-type: none"> -Development appears to push acceptable apartment living standard in terms of access to light, ventilation and usable communal spaces. -Development fails comply with Part 2F building separation requirements, with non-complaint setbacks that are materiality below ADG benchmarks. fails to achieve visual 	<p>The proposed development seeks consent for a prohibited residential accommodation type. As such, Chapter 4 of the Housing SEPP and the ADG are not applicable to the development. That being said, should the ADG apply, Council is concerned that the development does not</p>

Issue	Comment
<p>amenity, shadow, privacy, cross ventilation and urban form objectives.</p>	<p>address relevant criterion, including but not limited to, the Part 3F 'Visual privacy' section.</p>
<p><u>Site Area</u> -516sqm is significantly below the 800sqm minimum for co-living. The site is incompatible for this development. -8 storey building on 500sqm block excessive scale and density.</p>	<p>Agreed, the single site redevelopment, with an area of 516.6sqm, represents a constraint on the redevelopment of the site to an 8 storey height, as well as impact upon the redevelopment potential of the adjoining sites.</p>
<p><u>Design Excellence</u> -A poor design that does not have design excellence. -Does not exhibit design excellence as the development has narrow and inefficient room layouts, reliance on mechanical ventilation compromise solar, conflict between privacy, outlook and internal amenity. -The development has an inflated envelope with poor setbacks that produce shadow impacts, inadequate separation and a poor relation to adjoining development. -Results in over-intensification of constrained and isolated site.</p>	<p>Agreed, the development does not exhibit design excellence. See detailed assessment in clause 6.11 of RLEP below.</p>
<p><u>Parking/Traffic</u> -Byng Street parking already constraint. -A detailed parking assessment should be carried out. -Not enough parking spaces provided. -44 dwellings and only 4 parking spaces, inadequate parking provided. -Deficiency with min 10 spaces under Housing SEPP. -Safety concern regarding additional cars on streets. -3 accessible rooms provided but only 1 accessible parking space. -The submitted Transport Impact Statement (TIS) is not credible or detailed enough. Based on a single survey one night in September 2025 only. -TIS reliance on street parking to Kitchener Street and western side of Anzac Parade is not convenient and unlikely to be used.</p>	<p>The proposed development seeks consent for a prohibited residential accommodation type. As such, there are no applicable controls or criteria for parking provisions.</p> <p>That being said, should the relevant parking provision of the Housing SEPP be applicable for in-fill affordable housing and co-living housing, the development would represent a significant variation to the applicable parking rate, which requires a more thorough TIS to address the impacts of the parking deficiency.</p>
<p><u>Solar Impacts</u> -Full extent of solar impact unclear in documents. -Development will block sunlight to my solar panels (962 Anzac Parade) -Shadows will cross multiple dwellings across Byng Street and Byng Lane.</p>	<p>Agreed, the submitted solar diagrams fail to provide the full extent of solar impacts, as the aerial 2D plans are cut off and the sun eye diagrams do not adequately detail impact on southern neighbours. In addition, the solar impact from the significant building height and FSR variations, and ADG separation distances result in significant solar impacts on neighbours, of which is not appropriate.</p>
<p><u>Privacy Impacts</u></p>	<p>Agreed, Council is concerned that habitable room windows are not adequately setback from</p>

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Issue	Comment
<p>-Large number of windows overlooking nearby residential properties, including living areas and backyards.</p>	<p>boundaries (in accordance with Part 3F 'Visual privacy' of the ADG), which result in adverse privacy impacts on neighbours. It is noted that elevations show windows with a notation of 'OBS', however there is no key to confirm what the window finish is and the impact it will have on the amenity of private rooms.</p>
<p><u>Noise Impacts</u> -Acoustic report severely underestimates noise from construction and the rooftop communal are, this includes parties and music to this area. -Concern from noise impacts from open corridors with only 1.6m privacy screening, can result in gathering of people in these areas.</p>	<p>Council is concerned that the development lacks sufficient setbacks, which will have an acoustic amenity impact on neighbours. In terms of the common areas, should the DA have been supported, conditions of consent could have been imposed to manage potential noise impacts.</p>
<p><u>Visual Outlook Impact</u> -Development will reduce outlook and visible sky from surrounding properties.</p>	<p>Agreed, the proposed development will impact upon the visual outlook of the neighbours, a result from the massing and scale issues of the development.</p>
<p><u>Application of Housing SEPP</u> -The co-living development does not benefit from the uplift under Chapter 6 of the SEPP, limited to residential flat buildings and shop top housing, of which this development is not. -The applicant's FSR calculation is incorrect, cannot rely upon LMR provisions in Chapter 6, as well as in-fill affordable housing and co-living bonuses, results in stacked application of bonuses with a significant exceedance.</p>	<p>Agreed, Chapters 3 and 6 of the Housing SEPP does not apply to the development as the development is a prohibited residential accommodation development. See RLEP 2012 section of the report below for a detailed discussion.</p>
<p><u>Affordable Housing</u> -Only 2 of 46 dwellings affordable. -Minimum proportion of affordable housing should be respected. -Does not meet minimum requirements to access the bonuses.</p>	<p>Noted. Council can confirm that whilst the development will provide 2x affordable housing dwellings in accordance with the in-fill affordable housing provisions of the Housing SEPP, as noted above, Chapter 2 of the Housing SEPP does not apply to the development as the development is a prohibited residential accommodation development. See RLEP 2012 section of the report below for a detailed discussion.</p>
<p><u>Co-living Housing</u> -This model fails to contribute to the stable, long-term fabric of Maroubra. -Unclear what demographic of person will be living in the studio apartments (i.e. students, backpackers, families) -Co-living typology likely to generate transient, high-turnover population resulting in operational impacts in terms of waste generation, servicing demands, noise, and pressure on local infrastructure. -Should the DA proceed, the plan of management should be enforced by 24/7 on-</p>	<p>Noted, however 'co-living housing' is a permitted land use within the Zone R3, in accordance with section 67 of the Housing SEPP. That being said, as noted above, Council confirms that Chapter 3 of the Housing SEPP does to apply to the development as the development is a prohibited residential accommodation development. See RLEP 2012 section of the report below for a detailed discussion.</p>

Issue	Comment
<p>site managed and strict adherence to waste management and noise protocols. -Site area of 516sqm far below 800sqm minimum in Housing SEPP.</p>	
<p><u>Amalgamation with 2 Byng Street</u> -The developer has not made a 'genuine and reasonable attempt' to acquire 2 Byng Street. -Results in the site isolation of 2 Byng Street. -Redevelopment of 2 Byng Street will be restricted and sterilised to achieve a development of the same scale due to site dimensions. Redevelopment cannot accommodate a residential flat building development. -2 Byng Street is only 342sqm. Application of ADG separation not achievable on site.</p>	<p>Agreed, Council is concerned that 2 Byng Street will be left isolated and constraint from future redevelopment. The applicant has failed to provide detailed analysis to demonstrate the full redevelopment potential of 2 Byng Street should the site be redeveloped on its own.</p>
<p><u>Future Redevelopment, Precedent and Cumulative Impact</u> -Development will constrain redevelopment of adjoining sites, leaving adjoining land in a constrained and isolated position. Does not create consistent and fair/orderly planning outcomes. -South Sydney Juniors own several properties in this block, will set a poor precedent for how the block is redeveloped. -Would set a poor precedent for development -Results in a cumulative development impact on the immediate area</p>	<p>Agreed, Council is concerned that the adjoining sites will be left constrained from future redevelopment. The applicant has failed to provide detailed analysis to demonstrate the full redevelopment potential of the adjoining sites.</p> <p>Noted, regarding the ownership of sites by South Sydney Juniors.</p> <p>Agreed, the development will impact upon the redevelopment of the subject block and surrounding area, as provided by the LMR provisions of the Housing SEPP.</p>
<p><u>Maroubra Junction LMR Area</u> -If 400m radius measured from the functional core for inner area LMR, being Pacific Square, it would be considered in the outer area. -Should be considered as part of outer area, not inner, as shouldn't measure from edge of town centre. -Not an accessible area. no train or light rail services nearby, only bus route. additional housing poorly serviced in this area.</p>	<p>Noted, however Council can confirm the site is located within the 'LMR inner area', in accordance with the relevant definitions in the Housing SEPP, as follows:</p> <p>low and mid rise housing inner area means—</p> <p>(a) land within 400m walking distance of—</p> <p>(i) land identified as "Town Centre" on the Town Centres Map, or</p> <p>(ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or</p> <p>(iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and</p> <p>walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</p> <p>Council can confirm that the site is located within 400mm 'inner area' of the 'Maroubra junction town centre', when measuring walking</p>

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Issue	Comment
	distance being the shortest distance of the outer edge of the town centre border to the subject site.
<p><u>Strategic Alignment with 2023 Urban Design Framework</u> -Framework advocates for lot amalgamation. Development results in fragmented development. -The development at 960 Anzac Parade is a positive step in meeting Maroubra’s housing targets. -Request Council rezone the entire 8-lot strip of 962-974 Anzac Parade to match density and height at 960 Anzac Parade.</p>	<p>Noted. Noted. Noted, however a rezoning request should be explored with Council separately from this development application through a separate Planning Proposal.</p>
<p><u>Infrastructure</u> -Insufficient sewerage, power and road infrastructure to support this type of development. -Insufficient schools and to accommodate population. -Insufficient roads, parking, waste services, community amenities, already under strain.</p>	<p>Noted. With regard to schools, roads, community amenities, and the like, such infrastructure are not a matter of consideration for a development application under Section 4.15 of the EP&A Act. In terms of essential service infrastructure, the development application was referred to Sydney Water who raised no issues with existing sewer infrastructure. However, Council is concerned that the application has failed to provide an infrastructure assessment to determine if adequate arrangements for electricity supply have been made to accommodate the additional dwellings and load on the existing electricity network.</p>
<p><u>Waste Management</u> -Insufficient space on council verge for the required waste bins. -Bin storage on the ground floor is a health and amenity risk. -Waste room too small on ground floor. -1100L bins on verge will impact the public domain.</p>	<p>Agreed, Council is concerned about the impact of a partially open bin room on the ground floor. In addition, Council’s Development Engineering team have confirmed that the bin room is not adequately sized for a development of this scale.</p>
<p><u>Accessible Room</u> -Provision of only 1 accessible parking space for accessible rooms lacks supporting infrastructure.</p>	<p>Noted, however accessible parking space requirements comply with relevant NCC requirements.</p>
<p><u>Construction Impacts</u> -A development of this scale will extend construction impacts including vehicle movements, noise, dust and disruptions to local access.</p>	<p>Noted, however should the DA have been supported, relevant conditions of consent would have been imposed to adequately minimise the impact of the construction phase of the development.</p>
<p><u>Devaluation</u> -Development will decrease the value of my home from privacy and inability to access services.</p>	<p>Noted, however not a matter of consideration for a development application under Section 4.15 of the EP&A Act.</p>

6. Relevant Environment Planning Instruments

6.1. SEPP (Biodiversity and Conservation) 2021

The aims of Chapter 2 are:

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

The proposed development involves the removal of vegetation within the site. The proposed removal is permitted without development consent on the basis that the clearing is ancillary to the proposal, and the affected vegetation does not trigger a separate permit, and is not a heritage item nor within a heritage conservation area. See Appendix 1 for detailed Development Landscaping comments.

As such, the proposal achieves the relevant objectives and provisions under Chapter 2.

6.2. SEPP (Housing) 2021

Chapter 2 ‘Affordable housing’

Division 1 ‘In-fill affordable housing’ in Part 2 ‘Development for affordable housing’

The development application seeks to use the in-fill affordable housing provisions under Division 1 ‘In-fill affordable housing’ in Part 2 ‘Development for affordable housing’ of Chapter 2 of the Housing SEPP to provide affordable housing by allowing for greater building height and FSR bonuses for development that includes an affordable housing component.

The Statement of Environmental Effects states that the development is “a mixed use building comprising of residential apartment and a co-living housing development”.

Section 15C(1) of the Housing SEPP states that this division applies to development that includes “residential development”.

Section 15B of the Housing SEPP includes the following definition of “residential development”:

residential development means development for the following purposes—

- (a) attached dwellings,*
- (b) dual occupancies,*
- (c) dwelling houses,*
- (d) manor houses,*
- (e) multi dwelling housing,*
- (f) multi dwelling housing (terraces),*
- (g) residential flat buildings,*
- (h) semi-detached dwellings,*
- (i) shop top housing.*

The proposed development consists of a mixed use development comprising of a part co-living housing development, of which is not ‘residential development’ for the purposes of this division of the Housing SEPP.

As such, Council asserts that the in-fill affordable housing provisions of the Housing SEPP are not applicable to the proposed development and therefore does not benefit from the FSR and HoB bonuses. See further details regarding the land use classification in the RLEP 2012 section of this report.

As such, Chapter 2 of the Housing SEPP does not apply to the proposed development.

Chapter 3 ‘Diverse housing’

Part 3 ‘Co-living housing’

The Statement of Environmental Effects states that the development is “a mixed use building comprising of residential apartment and a co-living housing development”.

The proposed development cannot be defined as a ‘co-living housing’ development as detailed in the RLEP 2012 section of this report below and represents a prohibited residential development.

As such, Chapter 3 of the Housing SEPP does not apply to the proposed development.

Chapter 4 ‘Design of residential apartment development’

Chapter 4 of the Housing SEPP seeks to improve the design of ‘residential apartment development’.

Section 144(2)(c) states that the chapter applies to ‘residential apartment development’ including mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.

Council notes that RLEP 2012 does not state that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter. The proposed development is for a mixed use development including a co living housing component.

As such, Chapter 4 of the Housing SEPP does not apply to the proposed development.

That being said, Council’s Design Excellence Advisory Panel (DEAP), which functions as design review panel for the purposes of Chapter 4 of the Housing SEPP, was referred the development application for advice concerning the design quality of the development. The DEAP has advised that they do not support the proposal in its current form. A summary of the issues is noted below with comments addressing each point raised:

Issue	Comment
<p><u>1. Context and Neighbourhood Character</u></p> <ul style="list-style-type: none"> • Notwithstanding the resolution of the legal application of the LMR/in-fill provisions, any uplift does not negate the requirement to respond appropriately to both existing and foreseeable context. • <u>Comprehensive Context Analysis required</u>: informed by; topography and slope; block grain and lot rhythm; built form typologies and prevailing setbacks; transition between low-rise dwellings and mid-rise forms; landscape character and canopy patterns. • <u>Future Character and Development Pattern required</u>: detailed modelling of potential future redevelopment on all adjacent sites, demonstrating likely envelope outcomes under comparable controls. • <u>Site Consolidation</u>: strongly recommends exploring consolidation with adjoining properties to achieve a site area and width capable of accommodating an eight-storey form while maintaining appropriate building separation and amenity. Alternatively, refine the floor plate, comply with ADG separation objectives, increase setbacks to Byng Street, and significantly reduce building height to suit the existing site constraints. • <u>Street Interface and Entry</u>: more resolved ground plane strategy is required, incorporating 	<p>Agreed.</p> <p>Agreed, lack of detailed site analysis.</p> <p>Agreed, lack of detailed future character assessment.</p> <p>Agreed, lack of consolidation results in site isolation and development constraints.</p> <p>Agreed, amendments required.</p>

Issue	Comment
<p>landscaping, clear addressing and threshold definition, clearer building entry.</p> <ul style="list-style-type: none"> • Front Setback: it would be expected that an increased setback would be provided, particularly on a corner site. 	<p>Agreed, amendments required.</p>
<p>2. Built Form and Scale</p> <ul style="list-style-type: none"> • The Panel does not support the proposed building height or envelope configuration in its current form, produces compromised separation and amenity outcomes inconsistent with the Housing SEPP Design Quality Principles and ADG Parts 2, 3 and 4. • Building Separation and Setbacks: increase side and rear setbacks to achieve ADG-compliant separation; submit floor plans of 956–958 Anzac Parade and 2 Byng Street showing habitable and non-habitable rooms to further test separation scenarios; demonstrate compliance with ADG Parts 2F and 3F; address NCC fire separation requirements in relation to openings. • Massing and Articulation: develop a concept that articulates the building form consistent with mid-rise typologies and future character modelling; reduce the mid-building datum height to align with context analysis or the gutter height of 956–958 Anzac Parade; consider strengthening the corner condition; reduce perceived height. 	<p>Noted and agreed.</p> <p>Agreed, greater separation and modelling required.</p> <p>Agreed, greater modulation and modelling required.</p>
<p>3. Density</p> <ul style="list-style-type: none"> • The proposed density is not supported. The current FSR results in insufficient building separation, reduced amenity for neighbouring dwellings, potential isolation of 2 Byng Street. • Recommendations: reassess density in conjunction with height and separation, demonstrate that yield does not compromise amenity outcomes, reduce gross floor area to improve setbacks, communal space and articulation. 	<p>Noted and agreed.</p> <p>Agreed, massing inappropriate on site.</p>
<p>4. Sustainability</p> <ul style="list-style-type: none"> • Connecting with Country: develop an integrated strategy addressing cultural narratives, native planting, water cycles and place identity. • Environmental Performance: prepare a sustainability strategy aligned with Council policy and the SEPP Sustainable Buildings 2022. Deliver a 100% electric building; provide EV-ready infrastructure; install photovoltaic systems; consider green roofs and rainwater harvesting; ensure all apartments achieve NatHERS compliance. • Solar Shading: provide effective shading to north- and west-facing windows. 	<p>Noted.</p> <p>Noted.</p> <p>Agreed.</p>
<p>5. Landscape</p> <ul style="list-style-type: none"> • Recommendations: consider relocating the entry to Byng Street; provide clear thresholds, 	<p>Agreed, amendments required.</p>

Issue	Comment
pedestrian protection and high-quality landscaping; provide minimum 1m-wide planted zones to side setbacks; ensure proposed screens and planting to carparking and waste bin area sufficient for screening.	
<p>6. Amenity</p> <ul style="list-style-type: none"> • <u>Entry Experience</u>: improve legibility and integrate entry with the corner condition, provide weather protection and enhanced landscaping. • <u>Upper-Level Co-living Units</u>: consider relocating Levels 4–6 units to the northern elevation to improve solar access and the gallery to the south. <ul style="list-style-type: none"> • Explore cross-ventilation opportunities through rear of units, subject to NCC requirements. • <u>Outlook and Privacy</u>: increase separation for lower levels (Ground–Level 3); reassess impacts under future development scenarios; provide adjustable privacy screening to lower-level balconies facing Anzac Parade. • <u>Apartment Design</u>: provide full internal dimensions; consider adjusting minimum floor-to-floor heights 3150mm (stacked balconies) and 3250mm (non-stacked); review kitchen locations where compromised by entry conditions. 	<p>Agreed, amendments required.</p> <p>Noted, however Council is concerned about the amenity of rooms with insufficient setbacks.</p> <p>Agreed, greater separation required.</p> <p>Noted.</p>
<p>7. Safety</p> <ul style="list-style-type: none"> • <u>Recommendations</u>: simplify and rationalise entry level transitions; apply CPTED principles to the pedestrian and vehicle building entrances, garden adjacent to the Anzac Parade bus stop and all shared spaces. 	<p>Agreed, amendments required.</p>
<p>8. Housing Diversity and Social Interaction</p> <ul style="list-style-type: none"> • <u>Recommendations</u>: provide accessible and inclusive street interface; deliver required adaptable and liveable dwellings in accordance with policy requirements. 	<p>Agreed, amendments required.</p>
<p>9. Aesthetics</p> <ul style="list-style-type: none"> • <u>Recommendations</u>: reduce reliance on rendered façades; review use of Hebel façades, consider more durable materials such as face brick, concrete masonry or precast concrete; increase solar shading to north- and west-facing façades. 	<p>Agreed, amendments required.</p>

The detailed comments provided by the DEAP are provided in Appendix 1 of this report. For these reasons, the development application is recommended for refusal.

Chapter 6 ‘Low and mid rise housing’

The development application seeks to use the ‘Low and Mid Rise’ (LMR) housing provisions under Part 4 ‘Residential flat buildings and shop top housing’ of Chapter 6 of the Housing SEPP that allow for greater development controls, which seek to encourage more low and mid-rise housing to be built within 800m walking distance from nominated town centres and transport hubs.

The proposed development seeks consent for a mixed use development comprising of a co living housing component and 2x 2-bedroom dwellings.

Whilst the site is located within the 'low and mid rise housing inner area', Council can confirm that the proposed development is not a 'residential flat building' (in accordance with the definition in RLEP 2012) and therefore does not benefit from the LMR housing provisions relating to number of storeys, FSR and HoB. See further details regarding the land use classification in the RLEP 2012 section of this report.

As such, Chapter 6 of the Housing SEPP does not apply to the proposed development.

6.3. SEPP (Resilience and Hazards) 2021

Chapter 4 'Remediation of land'

Chapter 4 of SEPP (Resilience and Hazards) 2021 applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 of SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Council's Environmental Health Officer has confirmed that a Preliminary Site Contamination Investigation is required to be conducted to address potential contamination issues. Council notes that the applicant has failed to provide such a report.

In this regard, it is Council's position that the site may not be suitable for the proposed development and poses a potential risk of contamination. Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, the land is considered to be not suitable for the proposed land use, as proposed due to a lack of adequate information and Clause 4.6 of SEPP (Resilience and Hazards) 2021 has not been satisfied and Council has no jurisdiction authority to approve the application.

As such, the proposed development is recommended for refusal.

6.4. SEPP (Sustainable Buildings) 2022

In accordance with *Environmental Planning and Assessment Regulation 2021*, BASIX Building has the following definition:

BASIX building means a building that contains at least 1 dwelling, but does not include the following—

- (a) hotel or motel accommodation,
- (b) a boarding house, hostel or co-living housing that—
 - (i) accommodates more than 12 residents, or
 - (ii) has a gross floor area exceeding 300 square metres.

A BASIX Certificate has been submitted for the 2x 2-bedroom dwellings, as per the requirements of the *Environmental Planning and Assessment Regulation 2021* and SEPP (Sustainable Buildings) 2022. 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.

6.5. SEPP (Transport and Infrastructure) 2021

Subdivision 2 'Development likely to affect an electricity transmission or distribution network', Division 5 'Electricity transmission or distribution'

Section 2.48 of the T&I SEPP requires the consent authority to give written notice to Ausgrid and take into consideration any response for development within proximity to electrical transmission and distribution infrastructure.

The proposed works are located within 5m of an exposed overhead electricity power line, located on the corner of Anzac Parade and Byng Street. As such, the proposal was referred to Ausgrid for comment. See Appendix 1 for the Ausgrid referral which notes that Ausgrid does not object to the proposed development.

Therefore, Council is satisfied that the proposed development has satisfied Section 2.48 of the T&I SEPP.

Subdivision 2 'Development in or adjacent to road corridors and road reservations', Division 17 'Roads and traffic'

Section 2.119 of the T&I SEPP requires the consent authority to consider the following matters for development on land that has a frontage to a classified road:

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

Council notes that the subject site has a frontage to Anzac Parade, which is a classified road. Council is satisfied that the proposed development will not impact upon the safety, efficiency and ongoing operation of High Street as no vehicular access is proposed to the site. Council is also satisfied that the proposed development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road, subject to the future detailed development application.

Therefore, Council is satisfied that the proposed development has satisfied Section 2.119 of the T&I 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 Residential R3 Medium Density under RLEP 2012. See the subject site and the relevant zoning map below:

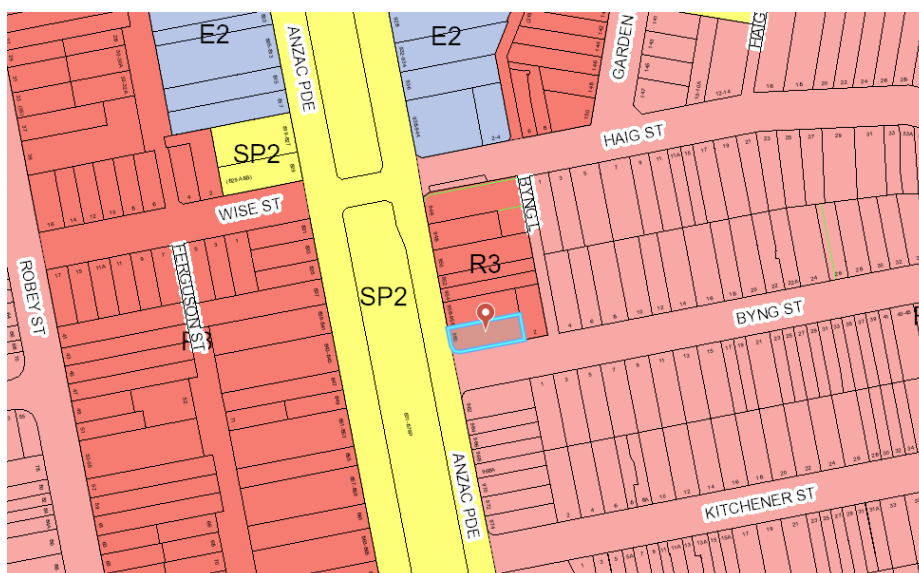


Figure 6: Zoning Map (Source: Randwick City Council)

Land Use Classification

The relevant land use classifications are 'residential flat building' and 'co-living housing', which have the following definitions in the Standard Instrument:

“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

co-living housing means a building or place that—

(a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and

(b) provides occupants with a principal place of residence for at least 3 months, and

(c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.”

In addition, the definition of 'dwelling' is relevant to determining the relevant land use classification, which has the following definition in the Standard Instrument:

“dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.”

A 'residential flat building' is a land use type that is permissible with consent in Zone R3 with Council's consent.

Development for the purposes of 'co-living housing' may be carried out with consent pursuant to Section 67 on land in a zone in which development for the purposes of 'co-living housing', 'residential flat buildings', or 'shop top housing' is permitted under another environmental planning instrument. 'Residential flat buildings' are permissible with consent within Zone R3 under the RLEP. Therefore, co-living housing is permissible with consent on the subject land.

Council notes that the development application seeks consent for a single, mixed use building consisting of 2x 2-bedroom dwellings, 42 private co-living housing rooms and share common areas. The proposal constitutes a single integrated building for the purposes of land use classification.

Council notes that the proposed building cannot be defined as a 'residential flat building' as the building only contains 2x dwellings. In addition, the building contains co-living housing, of which the definition expressly prohibits as part of the land use definition.

Furthermore, Council notes that the definition of 'co-living housing' is not applicable as the building contains dwellings that are not private rooms but self-contained dwellings themselves that are capable of being occupied or used as a separate domicile. As such, private rooms in a co-living development are not considered a 'dwelling' in accordance with the definition in the Standard Instrument.

As such, Council asserts that the proposed building does not have an applicable residential accommodation land use classification in accordance with the Dictionary in the RLEP 2012 or the Standard Instrument, and is therefore prohibited development.

As such, the proposed development is recommended for refusal.

Zone Objectives

Clause 2.3(2) of RLEP 2012 states that *"the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone."*

The objectives of Zone R3 Medium Density Residential are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 proposed concept development application is inconsistent with the objectives of the zone in the following ways:

- The proposed development does not provide for the housing needs of the community in that it seeks consent for co-living housing with significant contraventions to the building envelope development standards that far exceeds the scale of development for this mix-residential site, in which the LMR provisions relied upon seek to deliver residential flat building development in the residential zone.
- The proposed development does not provide a variety of housing types within a medium density residential environment in that it seeks consent for prohibited residential accommodation development.
- The proposed development is within in a precinct undergoing transition being in the "low and mid rise housing" area, however, the proposed development fails to provide a scale or form that contributes to the desired future character of the area. In addition, the applicant has not provided modelling for greater densities resultant from the "low and mid rise housing" and "in fill affordable housing" provisions of the Housing SEPP, to demonstrate what densities are able to be achieved within the precinct.
- The proposed development will not protect the amenity of residents as it fails to provide sufficient off-street parking, amenity, landscaping, solar access, visual amenity, solar access, and privacy for both the future occupants of the building and the neighbouring residents.
- The proposed development will not encourage housing affordability as the development seeks to provide co-living housing that far exceeds the expectations of this diverse housing typology to be delivered as part of Chapter 3 of the Housing SEPP.

Therefore, the proposed development is recommended for refusal.

Development Standards

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

Clause	Development Standard	Proposal	Compliance
Clause 4.3: Building Height (max)	12m N.b. the development application does not benefit from the LMR or in-fill affordable housing provisions in the Housing SEPP, as detailed above.	26.28m (RL58.85 of lift overrun over RL32.57 being the underside of the existing dwelling GF level flooring).	No, see Clause 4.6 Assessment below
Clause 4.4: Floor Space Ratio (max)	0.9:1 Site area = 516.6sqm Max GFA = 464.94sqm N.b. the development application does not benefit from the LMR, co-living housing or in-fill affordable housing provisions in the Housing SEPP, as detailed above.	2.63:1 (based on a total GFA of 1357sqm including storage, waste rooms and enclosed corridors to floors).	No, see Clause 4.6 Assessment below

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6.6.1. Clause 4.6 - Exceptions to development standards

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

6.6.2. Clause 5.21 - Flood planning

The objective of Clause 6.2(1) is to minimise the flood risk to life and property associated with the use of land; to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change; to avoid adverse or cumulative impacts on flood behaviour and the environment; and to enable the safe occupation and efficient evacuation of people in the event of a flood.

Council can confirm that the site is not within the flood planning area. As such, clause 5.21 of the RLEP is not relevant to the subject development application.

6.6.3. Clause 6.2 – Earthworks

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

The submitted Geotechnical Investigation Report is for a multi-storey residential building, overlying a single basement level, which does not reflect the scope of work under this subject development application. As such, the development application has not adequately addressed the relevant matters of consideration under clause 6.2 of RLEP 2012.

As such, the subject development does not satisfy clause 6.2 of RLEP 2012 and is recommended for refusal.

6.6.4. Clause 6.4 – Stormwater management

Clause 6.4 requires the consent authority to be satisfied that the development in residential and employment zones is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water; includes, if practicable, on-site

stormwater retention for use as an alternative supply to mains water, groundwater or river water,; avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact; and incorporates, if practicable, water sensitive design principles.

Council is satisfied that the proposed development has adequately address stormwater management, as the site stormwater discharges to the gutter on Anzac Pde via an onsite detention system. See Appendix 1 for comments from Council’s Development Engineer on this matter.

As such, the subject development satisfies clause 6.4 of RLEP 2012.

6.6.5. Clause 6.8 – Airspace operations

Clause 6.8 requires the consent authority to consulted with the relevant Commonwealth body if the proposed development will penetrate the Limitation or Operations Surface.

Council referred the development application to the Sydney Airport Corporation. Concurrence has been received from the Sydney Airport Corporation, who are supportive of the development application. Refer to Appendix 1 for their comments.

As such, the subject development satisfies clause 6.8 of RLEP 2012.

6.6.6. Clause 6.10 – Essential services

Clause 6.10 requires the consent authority to be satisfied that essential services are available or that adequate arrangements have been made to make them available. These services include water and electricity supply, sewage disposal and management, stormwater drainage or on-site conservation, and suitable vehicular access.

Council is not satisfied that the applicant has considered that adequate arrangements have been made for electricity supply to the proposed development. The development application has not been accompanied by an infrastructure assessment to determine if adequate arrangements for electricity supply have been made to accommodate the additional dwellings and load on the existing electricity network.

As such, the subject development does not satisfy clause 6.10 and is recommended for refusal.

6.6.7. Clause 6.11 – Design excellence

Section 6.11(2) of the RLEP 2012 states that development consent must not be granted to development to which this Clause applies unless the consent authority is satisfied that the proposed development exhibits design excellence.

The proposed development is subject to clause 6.12 of RLEP as it seeks consent for buildings >15m in height.

The proposed concept development application does not exhibit design excellence, in accordance with the following matters of consideration:

Matter of Consideration	Comments
6.11(4)(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.	<ul style="list-style-type: none"> The proposed development has an 8 storey scale and massing that is dominant within the locality. The proposed development fails to have a form that successfully divides the envelope into sections that present a human scale and contribute the existing local character of the area. The proposed southern façade of the building fronting Byng Street has a largely unbroken 32m façade with a 1m setback, which results in a form that is excessive within the urban block and fails to respond to the site conditions and characteristics.

	<ul style="list-style-type: none"> • The proposed development does not sufficiently modulate the side elevations of the building to reduce the perceived massing and height of the building. The elevations are monolithic and visually dominant, visually prominent from public domain. • The proposed development does not sufficiently articulate the façade of the building to reduce the perceived massing and height of the building. • The proposed development has a poor corner condition, failing to integrate design choices that strengthen the corner expression of the building. • The proposed ground floor plane has a poor architectural design for the following reasons: <ul style="list-style-type: none"> ○ The main building entrance and lobby are accessed from a side passage along the northern side rather than direct access from street. ○ Due to the dimensions of the site, the development provides an at-grade parking arrangement which is undesirable due to design and amenity impacts. ○ The development provides a partially open, at-grade bins storage area to Byng Street which is undesirable due to design and amenity impacts. ○ The Byng Street frontage is dominated by services that result in a poor streetscape relationship to this side of the site. ○ Limited planting areas are provided to the perimeter of the site to balance the 8 storey scale of the development. ○ The lack of site area and inability to amalgamate with adjoining neighbours for a larger development site fails to provide a basement level which would resolve most of these design flaws and issues with the poorly configured ground floor plate.
<p>6.11(4)(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p>	<ul style="list-style-type: none"> • The proposed development does not sufficiently articulate the façade of the building to reduce the perceived massing and height of the building. • The proposed development fails to reduce the perceived height and massing of the development through respective design choices. • The proposed building entry lacks legibility and civic presence. • The proposed ground floor plane is poor for the reasons as outlined above. • Insufficient planting has been proposed to balance the massing of the 8 storey development.
<p>6.11(4)(c) how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,</p>	<ul style="list-style-type: none"> • The applicant has failed to provide a detailed contextual analysis or urban design justification for the proposed form and scale of the development. • The proposed development will visually dominate the other adjoining sites and buildings, which is not responsive to the existing or desired character of future form. • The proposed development fails to provide adequate separation between adjoining sites, which will impact upon the redevelopment potential of these sites. • The proposed development fails to provide adequate planted zones within the side setback areas to improve the appearance of the development by softening the impact of the 8 storey buildings.

<p>6.11(4)(d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security, resource, energy and water efficiency, renewable energy sources and urban heat island effect mitigation,</p>	<ul style="list-style-type: none"> • The proposed development represents a prohibited residential accommodation development which does not meet sustainable design principles in terms of solar impacts to neighbouring sites, a lack of natural ventilation to rooms, privacy impacts on future residents and neighbours, poor ground floor plane that does not incorporate CPTED principles, lack of adequate sufficient planting. • The proposed development fails to provide an integrated approach to resident acoustic amenity, natural ventilation and air quality.
<p>6.11(4)(e) whether the proposed development detrimentally impacts on view corridors and landmarks.</p>	<ul style="list-style-type: none"> • The applicant has failed to provide evidence that the development will not impact upon existing view corridors.

As such, the subject development does not exhibit design excellence as required under clause 6.11, and is therefore recommended for refusal.

7. Clause 4.6 Exception to a Development Standard

The proposal seeks to vary the following development standards contained within RLEP 2012:

RLEP 2012	Development Standard	Proposal	Proposed variation	Proposed variation (%)
Clause 4.3: Building Height	12m	26.28m	14.28m	119%
Clause 4.4: Floor Space Ratio	0.9:1	2.63:1	1.73	192%

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.

The Applicant has failed to provide written requests to vary the Building Height and Floor Space Ratio development standards. The Applicant has failed to adequately demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

and has failed to demonstrate that there are sufficient environmental planning grounds to justify the contravention of the development standard.

On this basis, the requirements of clause 4.6(3) have not been satisfied and development consent should not be granted for development that contravenes the Building Height and Floor Space Ratio development standards in RLEP 2012.

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 below (noting that the proposed development is prohibited development and does not have an applicable 'residential accommodation' land use classification).

8.1.1. Part B3 – Ecologically Sustainable Development

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

8.1.2. Part B4: Landscaping and Biodiversity

Council is satisfied that the proposed development meets the landscape requirements in accordance with Part B4 of RDCP 2013. Refer to detailed assessment by Council's Landscape Officer in the Appendix 1 Referrals section of this report.

8.1.3. Part B5: Preservation of Trees and Vegetation

Council is satisfied that the proposed development meets the tree preservation requirements in accordance with Part B5 of RDCP 2013. Refer to detailed assessment by Council's Landscape Officer in the Appendix 1 Referrals section of this report.

8.1.4. Part B6: Recycling and Waste Management

Council is not satisfied that the proposed development meets the waste requirements in accordance with Part B6 of RDCP 2013. Refer to detailed assessment by Council's Development Engineer in the Appendix 1 Referrals section of this report.

8.1.5. Part B7: Transport, Traffic, Parking and Access

Council is not satisfied that the proposed development meets the parking requirements in accordance with Part B7 of RDCP 2013, the proposed development represents prohibited residential accommodation land use. As such, the applicable parking rate cannot be applied, however Council's Development Engineer has considered the parking rate as proposed. Refer to detailed assessment by Council's in the Appendix 1 Referrals section of this report.

8.1.6. Part B8: Water Management

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

8.1.7. Part B9: Management Plan

A Plan of Management has been submitted by the applicant, adequately addressing all elements outlined in Section B9 of the RDCP. Should the DA have been supported, a relevant condition has been included to ensure that the Plan of Management is to be adhered to throughout the operation of the development.

8.1.8. Part C2: Medium Density Residential

The proposed development represents a prohibited residential accommodation development that does not have an applicable land use classification. That being said, should the development have been considered as a 'residential flat building', the development would not satisfy the objectives of the Part C2 DCP in terms of site planning, massing, and amenity.

8.1.9. Part F3: Sydney Airport planning and noise impacts

The proposed development has a height greater than 15.24m AHD. As such, the development must be referred to the Sydney Airport Corporation Limited (SACL) for approval in accordance with Clause 6.8 of RLEP.

Council referred the development application to the Sydney Airport Corporation. Concurrence has been received from the Sydney Airport Corporation, who are supportive of the development application. Refer to Appendix 1 for their comments.

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 does not satisfy the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 5 and the discussion in Key Issues below.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied. <i>Environmental Planning and Assessment Regulation 2021</i> Section 26 requires a development application for development to specify the name of the registered community housing provider who will manage the affordable housing component. It is noted that as the in-fill

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Section 4.15 'Matters for Consideration'	Comments
	<p>affordable housing provisions are not applicable, compliance with this requirement is not necessary.</p> <p>Section 29 requires a development application that relates to residential apartment development must be accompanied by a statement by a qualified designer. It is noted that as the development is not a residential apartment development, as such, compliance with this requirement is not necessary.</p> <p>Sections 82 and 85 are also not applicable as no part of the Housing SEPP is applicable to the development application, as the development is prohibited development as it does not have an applicable residential accommodation definition.</p> <p><i>Housing and Productivity Contribution</i> The proposed development is subject to a housing and productivity contribution (HPC) in accordance with section 7.28 of the EP&A Act 1979. The Applicant lodged the development application without acknowledging the imposition of the HPC. Council asserts that the HPC is applicable in accordance with the Act and Regulations.</p>
<p>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>	<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 inconsistent with the desired future character in the locality.</p> <p>The proposal will result in detrimental social or economic impacts on the locality.</p>
<p>Section 4.15(1)(c) – The suitability of the site for the development</p>	<p>The site is located in close proximity to local services and public transport.</p> <p>The development application is not suitable for the subject site in seeking significant variations to the maximum FSR and Building Height development standards subject to the site. Such significant variations represent an overdevelopment of the site.</p>
<p>Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation</p>	<p>The issues raised in the submissions have been addressed in this report.</p>
<p>Section 4.15(1)(e) – The public interest</p>	<p>The proposal does not promote the objectives of the zone and will result in significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is not considered to be in the public interest.</p>

9.1. Discussion of Key Issues

Prohibited Development

As noted in the RLEP 2012 section of this report, the development application seeks consent for a single, mixed use building consisting of 2x 2-bedroom dwellings, 42 private co-living housing rooms and share common areas. The proposal constitutes a single integrated building for the purposes of land use classification.

Council notes that the building does not have an applicable residential accommodation definition in accordance with RLEP 2012 and the Standard Instrument and is therefore prohibited development. See detailed assessment and consideration above.

Building Envelope and Massing

The proposed development seeks variations to the building envelope standards of building height (a variation of 119% with the 12m development standard) and floor space ratio (a variation of 192% with the 0.9:1 development standard).

The proposed development does not have a size and scale of development that recognises the desirable elements of the existing streetscape and built form, being a greater height than what is envisioned in the area. In addition, the applicant has failed to provide a detailed character assessment of the area in transition to demonstrate that the proposed development will be consistent with the desired future character having regard to relevant provisions of the Housing SEPP.

The proposed development will adversely impact on the amenity of adjoining and neighbouring land in terms of visual amenity, loss of privacy, overshadowing and views.

- In terms of visual amenity, the proposed development consists of an 8 storey building that maintains a largely consistent envelope across all levels. The massing and envelope of the proposed building do not have sufficient modulation/articulation or exhibit design excellence, which will have an adverse impact upon visual amenity of the neighbouring buildings.
- In terms of visual privacy, the proposed development does not comply with ADG separation requirements, which may result in direct overlooking of adjoining dwellings and their private open space. In terms of acoustic privacy, the proposed development does not comply with ADG separation requirements, which may result in acoustic impacts on adjoining dwellings.
- In terms of solar access, the proposed development will result in adverse solar impacts on adjoining and nearby neighbours, as a direct result of the non-compliant FSR and building height development standards.
- In terms of view sharing, a detailed view impact assessment has not been submitted with the submitted development application. The full extent of the impact on existing views is not known

For these reasons, it is recommended that the development application be refused.

Desired Future Character Test

Council notes that as the proposed development is prohibited development, the development does not benefit from any of the 'low and mid rise housing policy provisions', 'co-living housing provisions' or the 'in-fill affordable housing provisions' under the Housing SEPP.

That being said, should the provisions have been applicable, Council would have had to consider whether the development is compatible with the (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.

Council acknowledges that on account of the subject site and block being within the 'low and mid rise housing inner area' of the 'Maroubra junction town centre' under Chapter 6 of the Housing SEPP, that if the provisions were applicable, that the block would be considered as undergoing transition, and therefore Council would need to consider if the development is compatible with the desired future character of the precinct.

In terms of the 'low and mid rise housing policy provisions', the area of 'R3' within the inner area of the Maroubra Junction for LMR, residential flat buildings are subject to the following development standards:

- 22m and 6 storey heights
- 2.2:1 FSR

- No min lot size or frontage width.

In addition, the area of 'R2' to the eastern side of Byng Lane and southern side of Byng Street, RFBs permitted under LMR but subject to the following development standards:

- Min 500sqm lot size
- Min 12m width
- 0.8:1 FSR
- 9.5m height.

Furthermore, it is noted that a residential flat buildings development could also seek a bonus of up to 30% in building height and FSR, in accordance with the in-fill affordable housing provisions (as per Housing SEPP).

See below Figure 7 below, being the zoning map showing that the subject site is on the edge of the area within the LMR inner area that would transition from 22m residential flat building development to 9.5m residential flat building development.

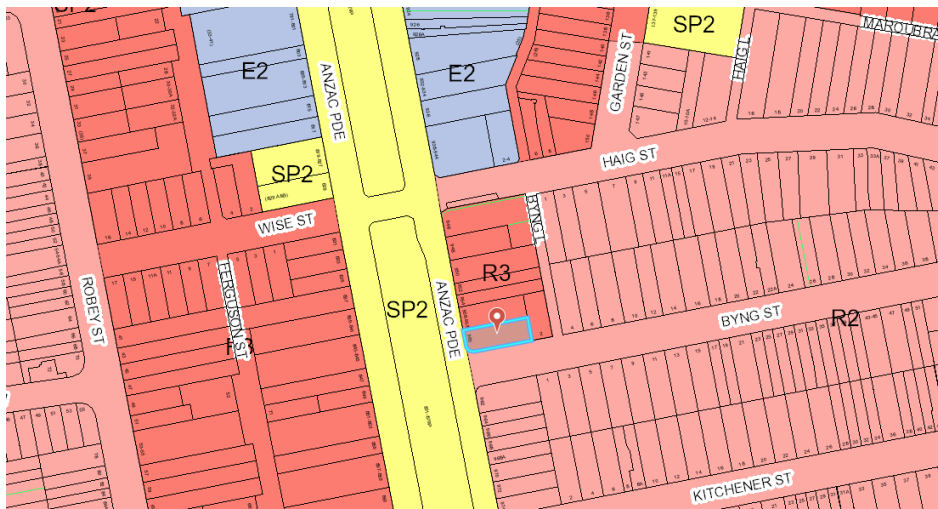


Figure 7: Zoning Map of the subject site and locality (Source: Randwick City Council)

The subject proposal is the first in this block seeking consent for a part 7/8 storey form on a single lot of 516sqm and a corner allotment.

Council asserts that the scale of the development is incompatible with desired future character of the locality, for the following reasons:

- The applicant has failed to provide a detailed character assessment of the area in transition to demonstrate that the proposed development will be consistent with the desired future character having regard to relevant provisions of the Housing SEPP.
- The proposed development has an 8 storey presentation on both street frontages that far exceeds the scale of development within the block and vicinity.
- The proposed development has a tall, slender form with minimal setbacks and separation to boundaries that are visually dominant within the streetscape.
- The proposed development lacks any significant change in form that provides a human scale to the development to the streetscape.
- The development fails to have a form and massing that transitions down in scale to the adjoining Zone R2 land to the eastern and southern sides of Byng Street, which would, if redeveloped under the LMR provisions, consist of largely 2-3 storey development.
- The proposed development lacks any significant modelling and design of how locality will develop in the future should such a development be taken up on all sites within the block, as well as within the Zone R2 areas beyond the subject site's block.
- The submitted redevelopment massing to 2 Byng Street that forms part of the architectural set is unrealistic, has a poor massing and scale with only 3m setbacks to side boundaries

to levels 1-4, and 4.5m to levels 5-8, which on a site with a frontage width of 12.54m cannot achieve reasonable amenity. It is also noted that the site has an area of approximately 345sqm, which significantly restricts the redevelopment potential of the site to a comparable 8 storey development. Council is therefore concerned that failure to amalgamate the development with 2 Byng Street will leave the site isolated and impacting upon its redevelopment potential under the LMR provisions.

- The proposed development fails to recognise that the northern adjoining neighbour at 956-958 Anzac Parade is a 4 storey non-strata subdivided RFB with 6 dwellings. The development fails to demonstrate how the proposed building has a scale and massing that relates to this building, of which it is unclear whether it will redevelop within the future.

Insufficient Information

A full and robust assessment of the proposal cannot be completed as insufficient information has been submitted with the development application, including the following matters:

a) *Design Analysis*

- The development application is not accompanied by a contextual analysis or urban design report to assess and determine how the locality will transition in form and scale as a result of the 'low and mid rise housing inner area' in accordance with Chapter 6 of the Housing SEPP. Such analysis is to include, but not limited to topography and slope; block grain and lot rhythm; built form typologies and prevailing setbacks; transition between low-rise dwellings and mid-rise forms; and landscape character and canopy pattern.

b) *Modelling*

- The development application is not accompanied by detailed modelling of potential future redevelopment on all adjacent and nearby sites, demonstrating likely envelope outcomes under comparable controls. This is to include, but not limited to, indicative envelopes with detailed separation analysis, privacy analysis, solar access analysis, indicative layout, basement configuration, etc.

c) *Architectural Plans*

- The plans do not show in detail the adaptable dwellings and how they have been designed in accordance with AS 4299 "Adaptable Housing".
- The plans do not show internal room dimensions on the plans.
- The plans do not include the location of any air-conditioning condensers on the plans.
- The plans do not show the relevant location of all required fire services and equipment, in accordance with the BCA requirements.
- Provide a 1:50 detailed section plan demonstrating that the proposed floor-to-floor ceiling heights of 3.1m are sufficient to accommodate relevant services and flooring between floors.
- Provide a 1:50 detailed section plan through the street and COS interfaces.
- The plans do not show the soil depths of the planters on the podium to Level 7.

d) *Shadow Diagrams*

- The submitted solar diagrams are inadequate in demonstrating the extent of overshadowing impact of the proposed building envelope envisioned in RLEP and RDCP. The shadow diagrams fail to show:
 - Full existing and proposed hourly shadow diagrams between 8am–4pm extending beyond Byng Street and demonstrating impacts under existing and future context scenario.

e) *Electricity Supply*

- The development application has not been accompanied by an infrastructure assessment to determine if adequate arrangements for electricity supply have been

made to accommodate the additional dwellings and load on the existing electricity network.

f) *Contamination*

- The applicant has failed to provide a Preliminary Site Contamination Investigation Report, prepared by a suitable qualified professional, has not been submitted for assessment. This Preliminary Investigation shall be carried out in accordance with the requirements of the NSW EPA Guidelines and is to be undertaken by a suitably qualified environmental consultant. The Preliminary Site Contamination Investigation is to identify any past or present potentially contaminating activities and must be provided to Council, in accordance with Council's Land Contaminated Land Policy. Should the Preliminary Site Contamination Investigation be unable to justifiably conclude that the site is currently suitable for the proposed use, a Detailed Site Contamination Investigation must be undertaken by an independent appropriately qualified environmental consultant.

g) *Geotechnical Investigation Report*

- The development application cannot be properly assessed because a Geotechnical Investigation Report based on the proposed scope of works has not been provided, addressing the relevant matters of consideration under clause 6.2 of RLEP 2012.

10. Conclusion

That the application for demolition of existing building/structures and construction of a part-7 and part-8 storey mixed use development comprising of 42 private room co-living housing and 2x 2-bedroom affordable housing apartments, at-grade parking for 4 parking spaces, associated ancillary and landscaping works, at 960 Anzac Parade, Maroubra, be refused for the reasons listed in the recommendation section.

Appendix 1: Referrals

1. External Referral Comments:

1.1. DEAP

**Randwick Design Excellence Advisory Panel
Final Endorsed Comments**



DA INFORMATION	
Application Number	DA/176/2026
Address	960 Anzac Parade, Maroubra, NSW 2035
Meeting Date	20th April 2026
Panel Members	Peter St Clair (chair)
	Mathew Howard
	Russell James Olsson
Report Date	27th April 2026

INTRODUCTION

This report summarises the advice and recommendations of the Design Excellence Advisory Panel (DEAP) in relation to the above development application.

The Panel's advice is provided to assist Council in its assessment of the proposal against Chapter 4 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), including the Design Quality Principles for residential apartment development and the Apartment Design Guide (ADG). The advice is also intended to guide the applicant and their design team in refining the proposal to better achieve the objectives and requirements of the Housing SEPP.

The DEAP is appointed by Randwick City Council as an independent advisory body. The Panel is not the consent authority. The comments set out below reflect the professional design advice of suitably qualified experts in architecture, urban design, planning and landscape architecture.

In response to the DEAP's comments, the applicant may be requested to submit amended plans. Prior to preparing any amended plans, the applicant must consult with the relevant Council assessing officer to discuss the Panel's advice and any other matters requiring amendment. Any amended plans submitted to Council must be accompanied by a written response detailing how each of the DEAP's comments has been addressed to Council's satisfaction.

OVERVIEW OF THE PROPOSAL

The Panel thanked the design team for attending the DEAP. The applicant's architect presented architectural drawings dated 24/12/2025, Revision B.

Positive Aspects Identified by the Panel

The Panel acknowledges and supports:

- The provision of two affordable housing apartments with good levels of cross ventilation and outlook.
- The provision of co-living units of varying sizes, including accessible dwellings.
- Good levels of amenity, including daylighting and outlook from shared circulation spaces above Level 2.
- The provision of a substantial communal living area and dual communal open spaces in a future-proofed rooftop location.

Notwithstanding these positive elements, the Panel has identified significant concerns regarding context response, built form, separation, amenity and density.

1. CONTEXT AND NEIGHBOURHOOD CHARACTER

The site is zoned R3 Medium Density Residential and is located within 400m walking distance of the Maroubra Junction Town Centre. Surrounding development predominantly comprises one- and two-storey detached dwellings, four-storey residential flat buildings, and up to eight-storey residential flat buildings located approximately 250m further north on Anzac Parade. The adjoining property to the north at 956–958 Anzac Parade contains a four-storey, non-strata subdivided residential flat building. The adjoining site to the east at 2 Byng Street contains a two-storey dwelling.

Building setbacks from Anzac Parade vary between approximately 3m and 4.5m with zero setback areas forming part of the town centre to the north. The proposed building has a front setback of 3m that appears similar to the existing building. However due to the proposed increased height and density, it would be expected that an increased setback would be provided, particularly on a corner site. An area of R2 zoning lies directly to the east and south, characterised predominantly by one- and two-storey detached dwellings. Façade materials include face brick, painted render and weatherboard from a range of historical periods.

The site falls within the “inner area” of the Low and Mid-Rise provisions, where future uplift may occur. Council's current position is that the Low and Mid-Rise (LMR) and infill affordable housing provisions under the Housing SEPP do not apply to co-living development, but rather to residential flat buildings and shop-top housing. Accordingly, the proposed 30% uplift in building height and FSR do not apply. This legal matter is being pursued separately between Council and the applicant and is not a matter for the Panel's determination.

Notwithstanding the resolution of this matter, any uplift does not negate the requirement to respond appropriately to both existing and foreseeable context.

Panel Comments and Recommendations

Comprehensive Context Analysis Required

With the exception of a 2D streetscape analysis, no detailed context analysis was provided. Development at this scale must be informed by:

- Topography and slope
- Block grain and lot rhythm
- Built form typologies and prevailing setbacks
- Transition between low-rise dwellings and mid-rise forms
- Landscape character and canopy patterns

This analysis should clearly inform the site strategy, massing, articulation and landscape approach.

Future Character and Development Pattern

The Panel requests detailed modelling of potential future redevelopment on all adjacent sites, demonstrating likely envelope outcomes under comparable controls. This is essential to justify building height, separation and the appropriateness of an eight-storey typology on the subject site.

Site Consolidation

The Panel strongly recommends exploring consolidation with adjoining properties to achieve a site area and width capable of accommodating an eight-storey form while maintaining appropriate building separation and amenity. Alternatively, refine the floor plate, comply with ADG separation objectives, increase setbacks to Byng Street, and significantly reduce building height to suit the existing site constraints.

Street Interface and Entry

The building entry lacks legibility and civic presence. A more resolved ground plane strategy is required, incorporating landscaping, clear addressing and threshold definition. Consider relocating the entry to Byng Street adjacent to the retained *Olea europaea* (Tree 1)

2. BUILT FORM AND SCALE

The Panel does not support the proposed building height or envelope configuration in its current form.

While the proposal seeks to utilise LMR and affordable housing incentives, the resulting envelope produces compromised separation and amenity outcomes inconsistent with the Housing SEPP Design Quality Principles and ADG Parts 2, 3 and 4.

Panel Comments and Recommendations

Building Separation and Setbacks

- Increase side and rear setbacks to achieve ADG-compliant separation.
- Submit floor plans of 956–958 Anzac Parade and 2 Byng Street showing habitable and non-habitable rooms to further test separation scenarios.
- Demonstrate compliance with ADG Parts 2F and 3F.
- Address NCC fire separation requirements in relation to openings.
- Note that reduced separation may only be appropriate where blank walls are proposed.

Massing and Articulation

- Develop a concept that articulates the building form consistent with mid-rise typologies and future character modelling.
- Reduce the mid-building datum height to align with context analysis or the gutter height of 956–958 Anzac Parade.
- Consider strengthening the corner condition by strategies such as:
 - Wrapping balconies or recesses around the corner
 - Relocating the residential lobby closer to the corner
 - Introduce double-height or vertically expressed corner elements
 - Align landscaping with entry and pedestrian movement
 - Blending scale and materiality to transition from major road to softer secondary residential street.
- Reduce perceived height through strategies such as:
 - A defined podium aligned with surrounding context
 - Greater horizontal emphasis
 - Breaking the building into smaller volumes
 - Additional upper-level setbacks and terraces

3. DENSITY

The proposed density is not supported. The current FSR results in:

- Insufficient building separation
- Reduced amenity for neighbouring dwellings
- Potential isolation of 2 Byng Street

Panel Recommendations

- Reassess density in conjunction with height and separation.
- Demonstrate that yield does not compromise amenity outcomes.
- Reduce gross floor area to improve setbacks, communal space and articulation.
- Any uplift must demonstrate clear design excellence and improved amenity.

4. SUSTAINABILITY

Sustainability and Connecting with Country were not adequately addressed.

Panel Recommendations**Connecting with Country**

- Develop an integrated strategy addressing cultural narratives, native planting, water cycles and place identity.

Environmental Performance

- Prepare a sustainability strategy aligned with Council policy and the SEPP Sustainable Buildings 2022.
- Deliver a 100% electric building (strongly encouraged).
- Provide EV-ready infrastructure.
- Install photovoltaic systems with future expansion capacity.
- Consider green roofs and rainwater harvesting.
- Ensure all apartments achieve NatHERS compliance.

Solar Shading

- Provide effective shading to north- and west-facing windows.

5. LANDSCAPE**Panel Recommendations**

- Consider relocating the entry to Byng Street adjacent to the retained *Olea europaea*.
- Provide clear thresholds, pedestrian protection and high-quality landscaping.
- Provide minimum 1m-wide planted zones to side setbacks.
- Ensure proposed screens and planting to carparking and waste bin area sufficient for screening

6. AMENITY**Panel Recommendations****Entry Experience**

- Improve legibility and integrate entry with the corner condition.
- Provide weather protection and enhanced landscaping.

Upper-Level Co-living Units

- Consider relocating Levels 4–6 units to the northern elevation to improve solar access and the gallery to the south.
- Explore cross-ventilation opportunities through rear of units, subject to NCC requirements.

Outlook and Privacy

- Increase separation for lower levels (Ground–Level 3).
- Reassess impacts under future development scenarios.
- Provide adjustable privacy screening to lower-level balconies facing Anzac Parade.

Apartment Design

- Provide full internal dimensions.
- Consider adjusting minimum floor-to-floor heights:
 - 3150mm (stacked balconies)
 - 3250mm (non-stacked)
- Review kitchen locations where compromised by entry conditions.

7. SAFETY

Panel Comments and Recommendations

- Simplify and rationalise entry level transitions.
- Apply CPTED principles to the pedestrian and vehicle building entrances, garden adjacent to the Anzac Parade bus stop and all shared spaces.

8. HOUSING DIVERSITY AND SOCIAL INTERACTION

Panel Comments and Recommendations

- Provide accessible and inclusive street interface.
- Deliver required adaptable and liveable dwellings in accordance with policy requirements.

9. AESTHETICS

The façade design requires further refinement to align with ADG Part 4M.

Panel Recommendations

- Reduce reliance on rendered façades, which may be vulnerable in Maroubra's coastal climate and result in long-term durability, visual quality and maintenance issues.
- Review use of Hebel façades, which can be highly dependent on coatings and joints and less durable without consistent maintenance (particularly in strata developments).
- Consider more durable materials such as face brick, concrete masonry or precast concrete.
- Increase solar shading to north- and west-facing façades.
- Refer also to Section 2 for built form recommendations.

ADDITIONAL INFORMATION REQUIRED FOR NEXT DEAP

- Comprehensive context analysis
- Future redevelopment modelling
- Connecting with Country strategy
- Sustainability strategy

CONCLUSION

The Panel does not support the proposal in its current form.

Substantial revision is required to the contextual response, building separation, envelope and façade design. The Panel recommends investigating site consolidation to achieve a built form capable of delivering design quality consistent with the objectives of the State Environmental Planning Policy (Housing) 2021.

If the Chapter 2 Infill Affordable Housing and Chapter 6 Low and Mid-Rise Housing provisions do not apply to the proposed co-living development, the applicant may instead consider a residential flat building typology with fewer apartments per floor. If these provisions do apply, they do not override the requirement to achieve design quality under Chapter 4. The Panel's comments apply in either scenario.

The Panel welcomes the opportunity to review a revised proposal at a future DEAP meeting.

1.2. Ausgrid

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

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

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

Ausgrid Overhead Powerlines are in the vicinity of the development.

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

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

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

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

New Driveways - Proximity to Existing Poles

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

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New or modified connection

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

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

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

Regards,
Ausgrid Development Team

For Official use only

D31/26

1.3. Sydney Airport Corporation



Reg No.: 26/0279

Monday, 30 March 2026

To: RANDWICK CITY COUNCIL & NSW PLANNING
PORTAL

Notice to Proponent of Property Development

Dear Sir / Madam,

Application for approval of a controlled activity pursuant to:

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

Proposed Activity:	PROPERTY DEVELOPMENT
Location:	960 ANZAC PDE MAROUBRA
Proponent:	RANDWICK CITY COUNCIL & NSW PLANNING PORTAL
Date:	30/03/2026

Sydney Airport received the above application from you.

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

The application sought approval for the PROPERTY DEVELOPMENT to a height of 58.85 metres Australian Height Datum (AHD).

In my capacity as Airspace Protection Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 58.85 metres AHD.

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

Sydney Airport

Sydney Airport Corporation Limited ACN 082 578 809 — The Nigel Love Building, 10 Arrivals Court, Locked Bag 5000
Sydney International Airport NSW 2020 Australia — Telephone +61 2 9667 9111 — sydneyairport.com.au

SYD Classification: Confidential

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

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

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

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

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

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

The height of the prescribed airspace at this location is 75.00 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones:

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

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

Sincerely,



Leanne Grech
Senior Airspace Protection Officer

Sydney Airport

- 2 -

SYD Classification: Confidential

Note:

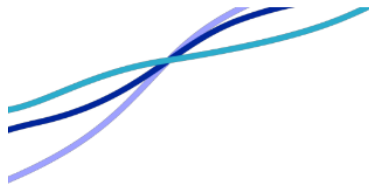
1. a person who conducts a controlled activity otherwise than with an approval commits an offence against the Act.
 - s. 183 and s. 185 Airports Act 1996.
 - Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

Sydney Airport

- 3 -

SYD Classification: Confidential

1.4. Sydney Water Corporation

**D31/26****17 March 2026****Our reference: N/A****William Joannides**

Randwick City Council

william.joannides@randwick.nsw.gov.au**RE: Development Application DA/176/2026 at 960 Anzac Parade, Maroubra (A-116411/CNR-93035)**

Thank you for notifying Sydney Water of DA/176/2026 at 960 Anzac Parade, Maroubra, which proposes the demolition of existing building and associated structures, construction of an eight (8) storey mixed use building comprising of two (2) apartments and 42 rooms of co-living housing. The co-living housing can accommodate a maximum of 81 lodgers. Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in understanding the servicing needs of the proposed development.

Water and Wastewater Servicing

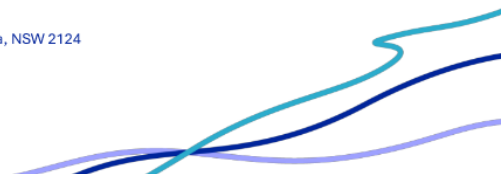
- Our preliminary assessment indicates that water wastewater servicing should be available for the proposed development.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the Section 73 application stage.

Next steps

- Should Council decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.
 - Section 73 Compliance Certificate
 - Building Plan ApprovalFurther details of the conditions can be found in Attachment 1.
- Council is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

Sydney Water Corporation ABN 49 776 225 038

2 Parramatta Square, 1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 sydneywater.com.au

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Please note that the available capacity may change over time depending on the rate of development and increased demand elsewhere in the potable water and wastewater catchments. Sydney Water does not reserve capacity pre-development, and it is advised that the proponent applies directly to Sydney Water for a Section 73 Compliance Certificate as soon as feasible.

Council can read further advice on requirements for this proposal in Attachments 1 and 2. Should Council require further information, please contact Joanne Chan from the Growth Analytics Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

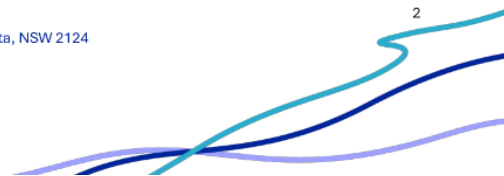
Growth Analytics Team

Growth and Development, Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Enclosed:

- [Sydney Water Development Application Information Sheet \(for proponent\)](#)

Sydney Water Corporation ABN 49 776 225 038
2 Parramatta Square, 1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 sydneywater.com.au



2. Internal Referral Comments:

2.1. Development Engineering

It is understood the proposal is for 42 Co-Living rooms (comprising 39 double + 3 single rooms) + 2 x 2-bedroom affordable housing units.

Flooding

Satisfactory, the site is not impacted by flooding for all flood events up to and including the 1% AEP (1 in 100yr). No flood controls are applicable

Drainage

Satisfactory, the concept drainage plans show discharge to the gutter on Anzac Pde via an OSD system. This is acceptable subject to the final approval of Transport for NSW as Anzac Pde is a state road.

Vehicle Parking

Under the Housing SEPP (2021), the development would need 1 space for the 2 affordable apartments and 8.4 spaces for the 42 rooms Co-living component being a total of 10 spaces required.

In response, they have provided 4 spaces comprising of 1 space for the affordable units and 3 spaces for the Co-living including 1 carshare and 1 accessible space.

Consistent with past approvals we would accept 1 carshare space being the equivalent of 5 normal spaces resulting in a total equivalent provision of 8 spaces (3 + 1 Car share (5) = 8)

There is therefore a perceived shortfall of 2 spaces.

Motorbike Parking

Under the Housing SEPP (2021) it only states an appropriate amount of motorbike spaces is to be provided.

In response they have provided only 2 motorbike spaces. This is considered low for 42 Co-living rooms and would not be supported.

It should be noted that under Part B7 of the DCP they would require 8 motorbike spaces (1 space per 5 rooms)

Bicycle Parking

Under the Housing SEPP (2021) it only states an appropriate amount of bicycle spaces is to be provided.

In response they have provided 10 bicycle spaces. This is considered low for 42 Co-living rooms and would not be supported.

It should be noted that under Table 3, Part B7 of the DCP they would require 25 Bicycle spaces (rate of 1 bike space per 2 rooms + 1 visitor space per 10 rooms)

Parking Layout

Satisfactory, no issues although it should be noted the driveway on the council verge does not need to be so wide given its only serving 4 carpaces.

Waste Management

For the purposes of estimated waste generation it has been assumed that only half of the double rooms would be occupied by two people resulting in a total of 59 occupants for the Co-living component.

The following waste generation rates have been adopted for assessment of Co-Living and are based on the rates provided in the Waste Management Guidelines while allowing some diversion to FOGO:

- 8L/occupant/day for general waste
- 3L/occupant/day for recycled waste
- 14L per room/week for FOGO

Based on the above rates the 59 occupants would generate the following amount of waste

- General Waste = 3304L = 14 x 240L bins = 5 x 660L bins = 3 x 1100L bins (based on weekly collection)
- Recycled Waste = 2478L = 11 x 240L bins = 4 x 660L bins = not available in 1100L bins (based on fortnightly collection)
- FOGO = 588L = 3 x 240L bins = not available in 660L or 1100 litre bins (based on weekly collection)

The 2 x 2-bedroom affordable units would also generate additional demand of

- 1 x 240L for general waste
- 1 x 240L bin for recycling
- 1 x 240L bin for FOGO

The bin room does not appear to be large enough to accommodate the required number of bins based on council's standard collection frequencies and is not supported.

Council's current policy is that the bin storage rooms should still be sized based on Council's standard bin sizes and collection frequencies, of which the bin room size is inadequate.

2.2. Development Landscaping

The following comments are based on the documents listed below:

- Arboricultural Impact Assessment Report by Jacksons Nature Works dated 12/12/25.
- Architectural Plans by Texco Design, dwg's A001 – A403, rev B dated 24/12/25.
- Landscape Plans by Conzept Landscape Architects, sheets 1-6, rev B dated 22/01/26.

While their Arborist Report & plans propose the retention of **Tree 1**, which is a poor example of an exotic Olive Tree on our Byng St verge, closest to the corner of Anzac Pde, Council would not require retention. Even if not directly affected by any works, Council would still require its removal and replacement (at the applicant's cost) with more desirable natives as this would match in with the rest of the street & also align with the objectives of our Street Tree Masterplan. This approach is consistent with previous comments provided for PL/15/2025.

No objections are raised to the removal of **T2** (another Olive street tree) further to the east to allow for the re-positioned crossing/carpark entry as shown.

Again, consistent with past advice, there is no significant vegetation within the development site that would pose a constraint, so could be removed where needed (**Trees 3 & 5-10**). It may be possible to retain the Kentia Palm (**T4**) in the NE site corner as shown given the tolerance of this species, and I could provide conditions to this effect.

The Landscape Plans show the required level of detail but due to the 3m wide front and rear setbacks, neither of these areas will offer any usable open space or facilities for occupants at all, consisting purely of mass/screen planting. In lieu of this, a communal area is noted at Level 7 with seating, BBQ, awning/ pergola etc.

Species composition is appropriate, comprising a majority of natives, and while soil depth and dimensions of the podium planters at Level 7 have not been shown, the Planting on Slab Detail (sheet 05) includes a notation that 'depth will conform to ADG Guidelines'. Podium details are required.

2.3. Environmental Health

Contamination

Council is required to consider the potential for land contamination as part of its obligations under Section 4.15 of the Environmental Planning and Assessment Act 1979. The subject site includes land that has been used for historical commercial purposes, and as such, the potential for contamination must be appropriately assessed. The development application did not include a Preliminary Site Investigation (PSI) to address this matter.

Council cannot be satisfied that the land is suitable for the proposed use, or that it can be made suitable. A Preliminary Site Investigation undertaken by a suitably qualified person is required to undertake assessment of the site and clearly state the site is suitable for the proposed use or indicate that a further detailed site investigation is required.

Acoustic Amenity

Council's Environmental Health Officer raised concerns that in order to achieve design excellence, the development needs to provide an integrated approach to acoustic amenity, natural ventilation and air quality. It is noted that the submitted Acoustic Report, prepared by PKA Acoustic Consulting, Section 6.1.3 states:

**Notes for Windows (Mandatory to be adhered to)*

1. Windows noted as "No" in the table above must be closed to comply with internal noise goals and therefore cannot be used meet BCA natural ventilation requirements. This does not imply that these windows are required to be fixed/non-operable. Alternate ventilation such as mechanical or passive systems may be required. The relevant ventilation personnel should be consulted to determine which rooms will require alternate ventilation."

It is understood as part of guideline requirements, natural ventilation must be made available to occupancies even if windows are required to be closed to achieve acoustic criteria. These requirements may alter the current design and need to be considered by both a suitably qualified acoustic consultant and suitably qualified air quality consultant.

Responsible officer: William Joannides, Environmental Planning Officer

File Reference: DA/176/2026

Development Application Report No. D32/26

Subject: 263 and 265 Darley Road, Randwick (DA/1439/2025)

Executive Summary

Proposal:	Alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping works
Ward:	North Ward
Applicant:	F Collacott
Owner:	F Collacott, C Collacott, N Hutchings, M Zimmermann
Cost of works:	\$445,500
Reason for referral:	The Director City Planning has made a discretionary referral in accordance with the RLPP Guidelines.

Recommendation

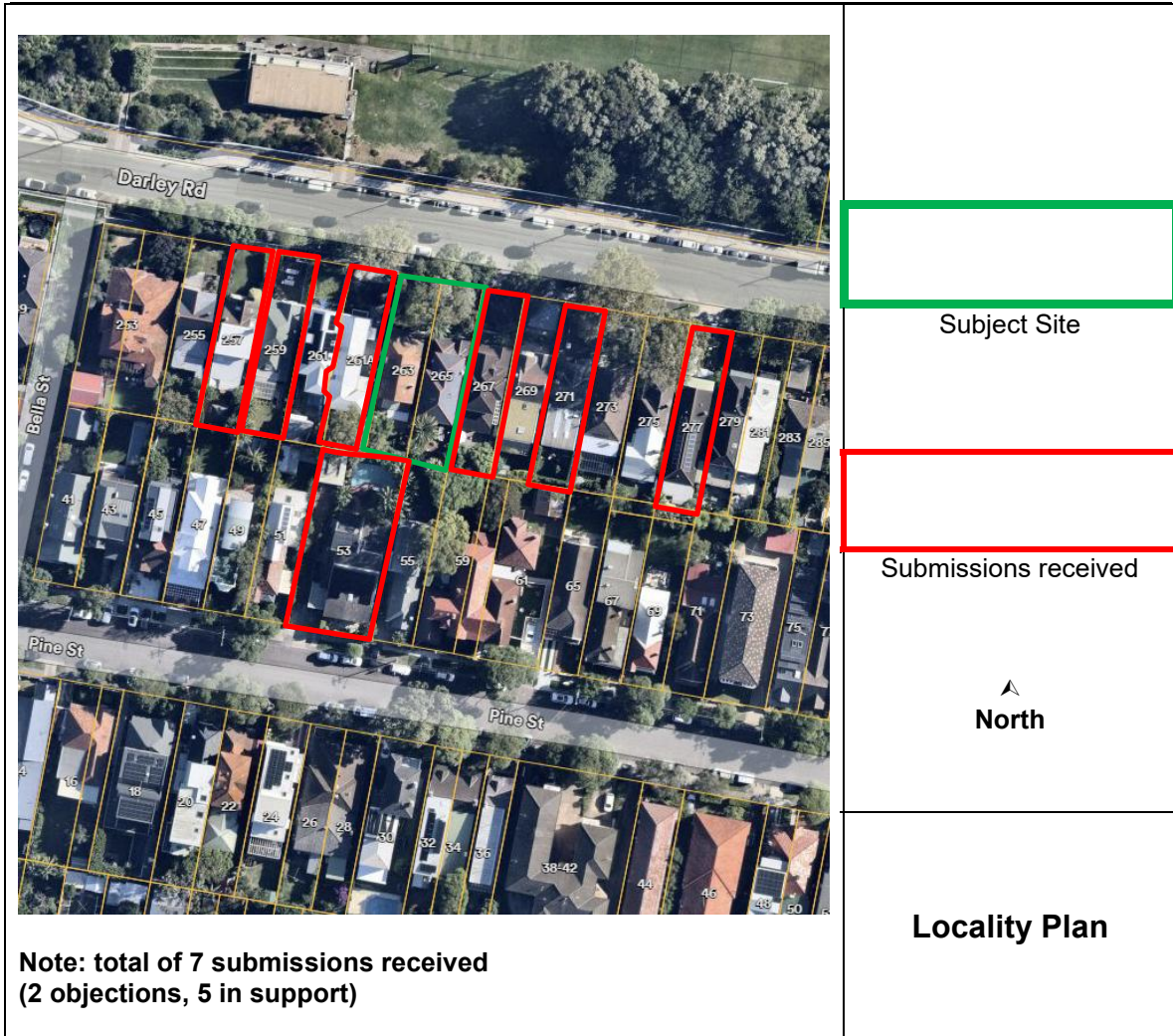
That the RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 1439/2025 for alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping works, at Nos. 263-265 Darley Road, Randwick, for the following reasons:

1. The proposal is inconsistent with the R3 Medium Density residential zone objectives under Randwick Local Environmental Plan 2012 in that the removal of the sandstone retaining wall will have an adverse impact on the streetscape and desired future character of the area.
2. The proposal does not comply with Clause 5.10 Heritage Conservation under Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the heritage objectives and controls in Part B2 Section 3 Landscape Elements of Randwick Development Control Plan 2023.
4. The proposal does not comply with Randwick City Council Council's Urban Forest Policy and the relevant objectives and controls in Part B4 – Landscaping and Biodiversity and Part B5 – Preservation of Trees and Vegetation of Randwick Development Control Plan 2013.
5. The proposal does not comply with the objectives and controls in Part B7 Section 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain of Randwick Development Control Plan 2013.
6. The proposal does not comply with the flood controls in Part B8 5.5 Driveway access and car parking of Randwick Development Control Plan 2023.
7. The proposal does not comply with the minimum internal garage width requirements under Australian Standard 2890.1 - Parking facilities – Off-street car parking.
8. The proposed pedestrian stairs in Council's road reserve do not comply with Council's minimum setback requirements for vehicle crossings and will have an adverse impact on sightlines and pedestrian safety.

9. The proposal does not comply with the objectives and controls in Part C1 of Randwick Development Control Plan 2023:
 - i. 4.7 Earthworks
 - ii. 6.1 Location of car parking facilities
 - iii. 6.2 Parking facilities forward front facade alignment
 - iv. 6.5 Garage configuration
10. The proposed development would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA).
11. The proposed development will establish an undesirable precedent for other properties, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character.
12. The proposed development will result unacceptable impacts on streetscape character and public domain integrity due to the removal of the sandstone retaining wall to make way for the proposed double garages and is not in the public interest.
13. Inadequate information has been submitted to Council as the Geotechnical report and the Arborist Report accompanying the development application are based on a previous design scheme and do not reflect the current proposed design.

Attachment/s:

Nil



The key assessment issues relate to streetscape character, heritage impacts, public safety, non-compliance with Randwick Development Control Plan (RDCP) 2013 and engineering issues.

The application was referred to the Randwick Design Excellence Advisory Panel (DEAP) for advice in relation to urban design and visual impact of the proposed works. The DEAP does not support the proposal due to the removal of sections of the sandstone retaining wall, and the risk of setting a precedent that would fragment the streetscape and reduce public domain amenity and accessibility. It also found the proposal fails to demonstrate sufficient long-term public benefit or a cohesive urban design outcome to justify these impacts.

Council's Heritage Officer does not support the proposal on heritage grounds due to the unacceptable visual and physical impact on the North Randwick Heritage Conservation Area (HCA). It is also inconsistent with the applicable heritage planning controls under the Randwick Local Environmental Plan 2012 and RDCP.

Although the sandstone retaining wall is in need of some repair and maintenance works, it forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character and appearance of the locality.

The proposed removal of a portion of the sandstone retaining wall to facilitate double garages and vehicular access in front of the subject dwellings would result in the fragmentation of a continuous and cohesive landscape feature that contributes positively to the streetscape character. When considered in conjunction with concurrent DAs at the western end of the retaining wall, the cumulative effect would be the progressive reduction in the integrity and continuity of this landscape feature, resulting in an overall degradation of the streetscape.

Concerns also remain with the undesirable precedent that would be set for other properties without rear access adjacent to the sandstone wall to undertake similar works, which may lead to further ad hoc modifications over time and a continuing loss of the wall's extent and character.

Accordingly, the proposal, in combination with other likely future modifications, would result in unacceptable cumulative impacts on streetscape character and public domain integrity.

The Applicant has raised public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall. These conditions are acknowledged; however, they are not considered to represent a unique or abnormal circumstance within the context of established residential streets.

While it is acknowledged that Council has previously approved similar garage applications involving partial removal of sandstone retaining walls within the LGA, such approvals are not determinative of the current DA.

Having regard to the above, it is considered that the proposal to provide private parking for benefit of the adjacent residences does not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk. Accordingly, the proposal is not supported.

2. Site Description and Locality

The site is situated on the southern side of Darley Road, opposite the eastern end of Queens Park. It comprises two Federation-style dwelling houses at Nos. 263 and 265 Darley Road, each on a separate lot with an area of 370.6m² and a combined site area of 741.2m². Refer to **Figures 1 to 3**.

The existing dwellings are elevated above Darley Road, separated from the road by a sandstone retaining wall and public footpath which extends across the site frontage within the Council road reserve. On-street car parking is located at the road level. The sandstone retaining wall extends for approximately 140m in front of 14 residential properties along Darley Road and does not currently contain openings for vehicular access.

The site is located within the North Randwick Heritage Conservation Area (Item C1 within Part 2, Schedule 5 of Randwick Local Environmental Plan 2012).



Figure 1: Existing dwelling at 265 Darley Road (Source: Applicant's SEE)



Figure 2: Existing dwelling at 263 Darley Road (Source: Applicant's SEE)



Figure 3: Existing sandstone retaining wall within Council's road reserve

3. Relevant history

Previous Relevant DAs

263 Darley Road

On 10 January 2024, Council approved a DA for alterations and additions to the existing dwelling including new first floor level (DA17/2023). Condition 2 of the consent required all proposed works forward of the front building line, including works within the Council Road Reserve, the double garage, associated landscape works and earthworks, driveway crossing, retaining walls and footpaths to be deleted.

265 Darley Road

On 10 January 2024, Council approved a DA for alterations and additions to the existing dwelling including new first floor level (DA/18/2023). Condition 2a of the consent required all proposed works forward of the front building line including the double garage and storage room, front terraces, earthworks retaining walls, footpaths, and landing to the ground floor.

Randwick Design Excellence Advisory Panel

On 17 February 2025, Council facilitated a Design Excellence Advisory Panel (DEAP) meeting for property at 263 Darley Road and also 241 Darley Road. The DEAP was requested to assess three potential options regarding the provision of double garages in the front setback of these properties including (1) do not permit, (2) provision of a pedestrian bridge and (3) demolition of stairs on either side.

The DEAP provided the following recommendation:

The Panel's view is that, after careful consideration of the issues and possible alternate solutions, that council should not approve the proposed off-street parking for the two subject properties due to the negative impacts on the streetscape character and public domain accessibility. Approving the applications would likely set a precedent for future similar applications that would fundamentally and irreparably impact upon the character and amenity of this section of Darley Road.

In April 2025, Council Staff conducted a presentation to the Darley Road Residents, with findings from an investigation into whether garages could be supported along the section of Darley Road. There was input from multiple technical experts in Council, such as civil assets and public domain, asset management, development engineering, heritage, integrated transport and transport engineering.

Council advised the Darley Road residents that it could not be guaranteed that a future DA proposing removal of the retaining wall would be supported due to the adverse impact on the streetscape and cumulative impact of other properties without rear lane access pursuing a similar approach.

4. Proposal

The proposal comprises the following works:

- removal of 8 trees (five in Council’s verge and 3 on the site)
- demolition of the existing sandstone retaining wall and pedestrian stairs within the Council road reserve
- excavation of up to 4.5m into the slope at the front of the site
- construction of:
 - a basement double garage on each lot, accommodating two car spaces and a bin storage area
 - construction of a vehicular crossover on each lot
 - pedestrian entry stairs from Darley Road to the ground floor of both dwellings
 - public pedestrian stairs within the Council footpath
 - a landscaped terrace above both garages.

The proposed garages will have a sandstone clad finish and steel frame Colorbond doors

Refer to **Figures 4 to 6**.

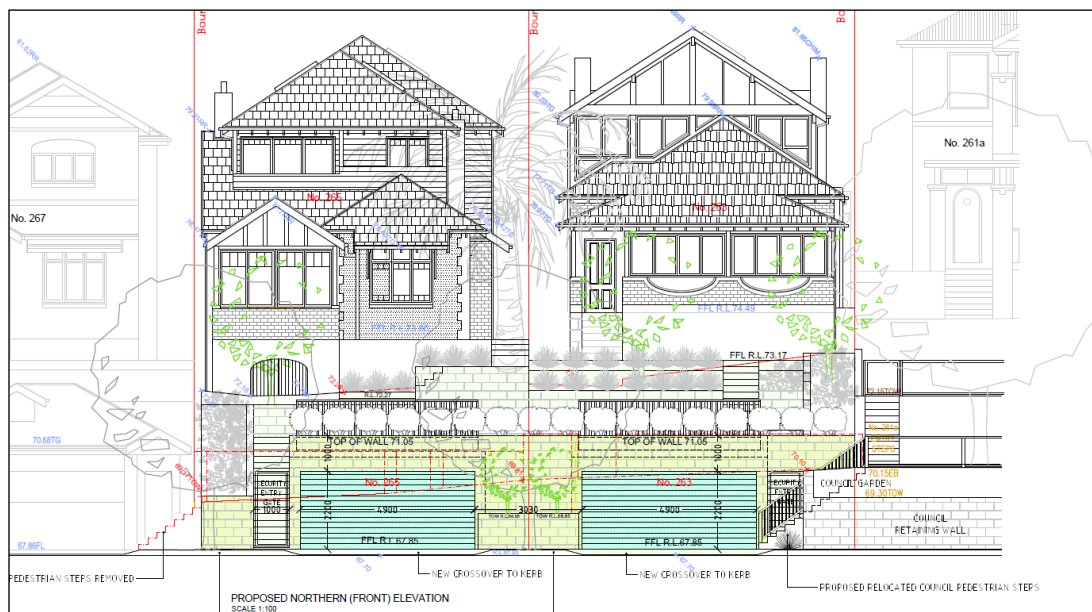


Figure 4: Proposed front elevation

- 267 Darley Road (Objection)

Issue	Comment
Removal of a tree and impacts on urban heat and environmental and amenity values Proposal should be redesigned to retain the tree	Council's Landscape Officer does not support the proposed tree removals. The application is not supported.
Fails to address flood behaviour, overland flow paths and does not incorporate any mitigation measures	The proposal does not comply with the flood controls and is not supported Council's Development Engineer. The application is not supported.
Plans show incorrect boundary between 265 and 267	The application is not supported.
Fails to address the impact on water mains and services, potential damage, access during construction, approvals and easements	No concerns were raised in relation to infrastructure by Council's Development Engineer. The application is not supported.
Sandstone retaining wall is fundamental to the heritage significance of the HCA Existing heritage fabric should be preserved	Council's Heritage Planner does not support the proposal from a heritage perspective. The application is not supported.
Adverse impacts on street frontage, pedestrian access, driveways, safety and amenity in Darley Road	The application is not supported by Council's Development Engineer from a pedestrian safety perspective. The proposal will have an adverse impact on the streetscape character. The application is not supported
Cumulative construction impacts in terms of noise, dust and amenity	These matters can be managed through conditions of consent if approved.
Potential damage to public infrastructure and associated costs	No concerns were raised in relation to damage and cost for public infrastructure by Council's Development Engineer. The application is not supported.
Council should undertake a site inspection and meeting	Plandev has undertaken a site inspection. The issues raised in the objection have been carefully considered in the assessment and a meeting with the objector was not warranted.

- 261A Darley Road (Objection)

Issue	Comment
Steps in front of my property will be a hazard and should be relocated 1m away from my property	Council's Development Engineer raised concerns with the location and design of the pedestrian stairs. The application is not supported.

D32/26

D32/26

- 271 Darley Road (Support)

Issue	Comment
Enhance safety and accessibility	Whilst the public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall, are acknowledged, the proposed works would not remove risk but would instead reconfigure the interface between vehicles, pedestrians and the road reserve through the introduction of additional and more frequent driveway movements. The application is not supported.
Compatible with the streetscape and other double garages in the street	The subject sandstone retaining wall forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character of the locality. The proposed development will have an adverse impact on the streetscape character. The application is not supported.

- 257 Darley Road (Support)

Issue	Comment
Improve safety and usability	Refer to comments above
Enhance street level access	Concerns are raised with having street level access on the grounds of streetscape, heritage, landscaping and engineering issues. The application is not supported.
Consistent with the streetscape	Refer to comments above

- 259 Darley Road (Objection)

Issue	Comment
Enhance safety and accessibility	Refer to comments above
Bring the stairs into line with modern standards	Council's Development Engineer raised concerns with the design of the stairs.
More convenient street level access	Refer to comments above
Design is positive	Refer to comments above

- 53 Pine Street (Support)

Issue	Comment
Benefit to nearby residents and pedestrians	The private benefits to adjacent residents do not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk
Address access and condition of footpath	Refer to comments above

- 277 Darley Road (Support)

Issue	Comment
Improve safety and amenity	Refer to comments above
Precedent already established	The proposal will result in a cumulative precedent risk.

6. Relevant Environment Planning Instruments

6.1. SEPP (Biodiversity and Conservation) 2021

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

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

The proposed development involves the removal of established vegetation from Council's raised public verge and within the site, as follows:

Public Verge (Street Trees)

- 2 x Lemon Scented Gums in front of 263 (1 x large and mature - Tree 1, and 1 x small specimen - T2); and
- 3 x small exotic Chinese Weeping Elms (Trees 1-3) in front of 265.

Trees on the site

- 1 x mature, 9m tall native, Blueberry Ash (T3)
- 18m tall Chinese Weeping Elm (T4) within no.263,
- an 8m tall Canary Island Date Palm (T5) from no.265.

Council's Landscape Development Officer advises that the removal of the street tree (Tree 1) is not supported due to the uncertainty with the design and scope of external civil works.

Additionally, the removal of the established trees on the site is contrary to Council's Urban Forest Policy and RDCP 2023 Part B4 – Landscaping & Biodiversity and Part B5 – Preservation of Trees and Vegetation.

The proposal does not satisfy the biodiversity requirements in Chapter 2 of the SEPP.

6.2. SEPP (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The provisions of the Resilience and Hazards SEPP require Council to consider the likelihood of contamination on the site. The site has previously been used for residential purposes and is unlikely to contain any contamination. The adjoining and adjacent properties are currently used for residential purposes.

On the above basis, the site is considered suitable in its present state for the residential development. No further investigations of contamination are considered necessary.

6.3. Randwick Local Environmental Plan 2012 (LEP)

On 18 August 2023, the Department of Planning and Environment (DPE) formally notified the LEP amendment (amendment No. 9) updating the *Randwick Local Environmental Plan 2012*, and the updated LEP commenced on 1 September 2023. As the subject application was lodged on or after

1 September 2023, the provisions of RLEP 2012 (Amendment No. 9) are applicable to the proposed development, and the proposal shall be assessed against the updated RLEP 2012.

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

The proposal is inconsistent with the specific objectives of the zone in that it will have an adverse impact on the existing sandstone retaining wall within the streetscape and the desired future character of the area.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
CI 4.4: Floor space ratio (max)	0.75:1	No change	Yes
CI 4.3: Building height (max)	9.5m	Less than 9.5m	Yes

6.3.1. Clause 5.10 - Heritage conservation

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

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

Council’s Heritage Planner is not satisfied that the proposed works comply with clause 5.10 of RLEP 2012. Refer to comments from Council’s Heritage Planner at Referrals section of this report.

6.3.2. Clause 6.2 – Earthworks

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

The proposal involves excavation works up to 4.5m in depth to accommodate the basement garages in the front of the existing dwellings. Inadequate information has been submitted to Council as the supporting Geo-technical report accompanying the DA is based on the previous design scheme and does not reflect the current proposed design.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2023

The RDCP 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.

Draft DCP

Council has commenced a comprehensive review of the existing Randwick Development Control Plan 2013. Stage 2 of the Draft Development Control Plan (DCP) was reported to the ordinary Council meeting of 18 November 2025 and was endorsed to go on public exhibition. The draft DCPs were on exhibition from 22 January until 05 March 2026.

Following the exhibition period, the stage 2 DCP will be finalised, endorsed and brought into effect by mid-2026. Given the imminency of the implementation, consideration has been given to the draft DCP, where applicable.

Following a review of the draft RDCP, it is noted that the relevant provisions, particularly those relating to access to dwellings elevated above retaining walls within the public domain, have been retained without substantive change.

8. Environmental Assessment

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal does not satisfy the relevant parking, landscaping, heritage objectives and controls of the RDCP 2023. See table in Appendix 2 and the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development will have an adverse impact within the streetscape.
Section 4.15(1)(c) – The suitability of the site for the development	The site is constrained by an existing sandstone retaining wall within Council's road reserve, which contributes to the streetscape character of the surrounding area. Accordingly, the site is not 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 will have adverse impact on the existing sandstone retaining wall within the streetscape and the desired future character of the area. The proposal is therefore contrary to the R3 zone objectives. Accordingly, the proposal is not in the public interest.

8.1. Discussion of Key Issues

Streetscape Character

The proposal involves the removal of sections of an elevated sandstone retaining wall located within Council's road reserve, and for the construction of two double garages with associated vehicular crossings to serve the existing dwellings at 263 and 265 Darley Road.

The sandstone retaining wall extends for approximately 140 metres along Darley Road, opposite Queens Park, forming the frontage to 14 residential properties. The subject properties are located at the eastern end of this wall. This application has been assessed concurrently with separately lodged development applications for 239 and 241 Darley Road, which similarly propose double garages and the removal of wall sections at the western end of the continuous structure.

Part B7, Section 3.8 of the Randwick Development Control Plan (RDCP) provides specific controls for off-street parking where dwellings are elevated above retaining walls in the public domain. These controls identify circumstances in which off-street parking is generally not supported, including where it would adversely affect visual amenity, the established streetscape, or pedestrian accessibility.

The Applicant contends that the wall does not function as a single continuous streetscape element, arguing instead that it comprises two modified wall segments at either end of the raised footpath, separated by a substantial sandstone outcrop. The Applicant further submits that existing breaks and access points have been introduced over several decades, and that the proposal targets the more degraded "bookend" sections while retaining the more intact central portion, thereby improving the overall streetscape outcome.

Following a detailed visual inspection, Plandev considers that the retaining wall remains a continuous and cohesive element, with the only interruption being the natural sandstone outcrop located within the higher central section. This outcrop – extending approximately 35 metres across the frontage of Nos. 255, 257 and 259 Darley Road – forms an integral component of the broader retaining wall structure and contributes significantly to the established character of the locality.

While some repair and maintenance works are warranted, the sandstone retaining wall as a whole represents a visually unified and positive streetscape feature. The proposed removal of wall sections to accommodate double garages at the eastern end would fragment this continuous element. Although the coordinated approach across four properties at either end of the wall avoids isolated, piecemeal openings, the cumulative effect would nonetheless diminish the integrity and continuity of the wall, resulting in a gradual erosion of its contribution to the public domain.

A key concern is the precedent such approvals may establish. Properties along the wall without rear access may seek similar interventions, leading to further ad hoc modifications and a progressive loss of the wall's original extent, cohesion and character.

The Applicant notes that 43% of the 14 dwellings along the raised footpath already benefit from on-site parking and therefore have no need for additional street-front access. They also contend that the topography and configuration of the central section of the wall limit the feasibility of similar proposals elsewhere. Plandev observes, however, that four properties currently obtain access from Pine Street via a right-of-way, and one property has a rear garage accessed from Bella Street – representing 36% of the properties. Plandev considers that other properties without rear parking could pursue similar arrangements, potentially resulting in future penetrations of the retaining wall. Accordingly, Plandev does not accept the Applicant's assertion that no further openings would occur beyond those proposed in the current applications.

The Applicant also argues that precedent has already been established through the removal of wall sections in front of 239, 267, 269, 271 and 273 Darley Road to accommodate garages. However, these approvals were granted between 1989 and 2003, predating the current planning controls. They are not determinative of the present application and do not confer an entitlement to further modification of the remaining wall. Each proposal must be assessed on its individual merits, having regard to contemporary planning controls, site context and cumulative impacts. While earlier openings were approved, the cumulative outcome has contributed to fragmentation of what was once a continuous public domain feature. These historic approvals were assessed in isolation and

do not diminish the significance of the remaining intact wall, which continues to function as a cohesive and valued streetscape element.

The sandstone retaining wall along Darley Road is a significant and continuous public-domain feature that contributes positively to the established character of the locality. The proposed removal of wall sections to accommodate double garages at 263 and 265 Darley Road would fragment this continuous element, diminish its visual integrity, and create an undesirable precedent for further ad hoc penetrations along the wall. The cumulative impacts of such interventions would result in a progressive degradation of the streetscape and are inconsistent with the objectives and provisions of Part B7, Section 3.8 of the RDCP.

Having regard to the current planning controls, the existing streetscape context, and the potential cumulative impacts, the proposal is not supported.

Public Safety

The Applicant has raised public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall, specifically relating to limited clearance for vehicle door opening and perceived risk of interaction with passing traffic. These conditions are acknowledged; however, they are not considered to represent a unique or abnormal circumstance within the context of established residential streets.

Kerbside parking adjacent to fixed boundary elements such as retaining walls, fences, trees and other public domain infrastructure is a common and accepted condition across established residential streets in the urban area. While such environments require care by vehicle occupants and drivers, they do not in themselves constitute a demonstrated public safety deficiency warranting alteration of public domain assets. Council's Development Engineer has raised no concerns with traffic and pedestrian safety associated with the existing public parking arrangements adjacent to the sandstone retaining wall.

Importantly, the proposed works would not remove risk but would instead reconfigure the interface between vehicles, pedestrians and the road reserve through the introduction of additional and more frequent driveway movements. This includes increased vehicle crossing activity, reversing manoeuvres and pedestrian-vehicle conflict at the driveway threshold.

Having regard to the above, it is considered that the limited and unsubstantiated safety benefits associated with the proposal do not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk. Accordingly, the proposal is not supported.

Heritage

The subject site is located within the Randwick North HCA.

This DA was referred to Council's Heritage Officer for comment. Council's Heritage Officer advises that the proposal is not supported from a heritage perspective for the following reasons:

"These proposed works at Darley Road would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA) and its immediate context/precinct.

The proposal is inconsistent with the Randwick Local Environmental Plan (LEP) 2012, as well as the Randwick Development Control Plan (RDCP) 2023 (and draft RDCP 2026 currently on public exhibition)."

Council's Heritage Officer advises that the sandstone retaining wall is currently under investigation for its heritage significance and listing.

It is noted that the heritage significance of the subject retaining wall was considered in an appeal to the Land and Environment Court in *Ryder v Randwick City Council* [2024] NSWLEC 1590, brought by the owners of 241 Darley Road against Council's deemed refusal of a DA seeking approval for

a double garage and the removal of a section of the adjacent sandstone retaining wall within Council's road reserve. In September 2024, the Commissioner dismissed the appeal and found that the subject sandstone retaining wall was not of heritage significance.

Non-compliance with the RDCP controls

Part C1, Section 6.1 of the Randwick Development Control Plan (RDCP) establishes a clear preference for locating parking facilities to rear lanes or secondary street frontages. Where this is not feasible, parking structures should be positioned behind the front façade alignment and integrated with the dwelling, or alternatively located to the side of the building to minimise visual impact.

Part C1, Section 6.2 of the RDCP provides limited circumstances in which garages may be located forward of the dwelling. This is only permissible where no alternative feasible location exists and where the site is significantly elevated above street level. In such cases, the garage must demonstrate that it will not adversely impact the visual amenity of the streetscape and must provide compelling justification for the removal of any significant landscape elements, including sandstone retaining walls.

The Applicant's Statement of Environmental Effects identifies several nearby properties that contain double garages within the front setback. Plandev acknowledges that such development occurs within parts of the broader locality and that double garages form part of the existing development pattern in some areas beyond the retaining wall.

However, the circumstances of the subject site differ materially from those examples. The proposed development requires the removal of a section of the sandstone retaining wall located within Council's road reserve. As outlined earlier in this report, this wall forms part of a continuous and cohesive streetscape element that contributes significantly to the character of Darley Road. Its removal would result in a substantial adverse impact on the visual integrity of the public domain. The existence of other double garages in the locality does not justify the loss of this important landscape feature.

In addition, each subject allotment has a frontage of 9.14 metres, which is below the minimum 12-metre frontage recommended in Section 6.1 of the RDCP for accommodating double garages. The controls specify that narrow lots should generally adopt a single-garage width unless it can be demonstrated that a double garage is consistent with the established streetscape pattern and allows for adequate landscaping within the front setback.

While some non-compliant examples exist in the vicinity, these do not establish a prevailing or desirable development pattern. In this instance, the proposed double garages – combined with the required removal of the sandstone retaining wall and the reduced capacity for meaningful landscaping—would result in an over-dominant built form that is inconsistent with the desired future character of the streetscape.

Part B7, Section 3.8 of the RDCP further regulates off-street parking for dwellings elevated above retaining walls in the public domain. It identifies several reasons why off-street parking in such circumstances is generally not supported, including impacts on visual amenity, pedestrian accessibility, and the character of the public domain.

The proposal is inconsistent with these controls. It involves substantial demolition of the existing sandstone retaining wall, introduces double-garage widths on narrow lots, and alters pedestrian access arrangements in a manner that compromises sightlines and pedestrian safety.

The proposed development does not satisfy the objectives or requirements of the RDCP relating to parking location, streetscape character, or the protection of significant public-domain landscape features. The removal of the sandstone retaining wall, combined with the scale and prominence of the proposed double garages, would result in an unacceptable visual impact and an over-dominant built form that is inconsistent with the desired character of Darley Road.

The proposal is contrary to the relevant parking, access and streetscape controls and would result in adverse impacts on both the public domain and pedestrian safety. For these reasons, the development is not supported.

Engineering Issues

Council's Development Engineer has identified the following concerns with the proposal:

- The proposed garage floor levels do not comply with Council's minimum flood planning controls and are therefore not supported.
- The internal garage width does not satisfy the relevant Australian Standard.
- The proposed pedestrian stairs do not achieve the required 900mm setback from the vehicle crossing, resulting in compromised sightlines and reduced pedestrian safety.
- Insufficient detail has been provided regarding the handrail overrun at the top of the stairs, and this issue has not been adequately resolved in the design.

Accordingly, the proposal is not supported on engineering grounds.

9. Conclusion

That DA/439/2025 for "*alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping*" be refused for the following reasons:

1. The proposal is inconsistent with the R3 Medium Density residential zone objectives under Randwick Local Environmental Plan 2012 in that the removal of the sandstone retaining wall will have an adverse impact on the streetscape and desired future character of the area.
2. The proposal does not comply with Clause 5.10 Heritage Conservation under Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the heritage objectives and controls in Part B2 Section 3 Landscape Elements of Randwick Development Control Plan 2023.
4. The proposal does not comply with Randwick City Council Council's Urban Forest Policy and the relevant objectives and controls in Part B4 – Landscaping and Biodiversity and Part B5 – Preservation of Trees and Vegetation of Randwick Development Control Plan 2013.
5. The proposal does not comply with the objectives and controls in Part B7 Section 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain of Randwick Development Control Plan 2013.
6. The proposal does not comply with the flood controls in Part B8 5.5 Driveway access and car parking of Randwick Development Control Plan 2023.
7. The proposal does not comply with the minimum internal garage width requirements under Australian Standard 2890.1 - Parking facilities – Off-street car parking.
8. The proposed pedestrian stairs in Council's road reserve do not comply with Council's minimum setback requirements for vehicle crossings and will have an adverse impact on sightlines and pedestrian safety.
9. The proposal does not comply with the objectives and controls in Part C1 of Randwick Development Control Plan 2023:
 - i. 4.7 Earthworks
 - ii. 6.1 Location of car parking facilities
 - iii. 6.2 Parking facilities forward front facade alignment
 - iv. 6.5 Garage configuration
10. The proposed development would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA).

11. The proposed development will establish an undesirable precedent for other properties, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character.
12. The proposed development will result unacceptable impacts on streetscape character and public domain integrity due to the removal of the sandstone retaining wall to make way for the proposed double garages and is not in the public interest.
13. Inadequate information has been submitted to Council as the Geo-technical report and the Arborist Report accompanying the development application are based on a previous design scheme and do not reflect the current proposed design.

D32/26

Appendix 1: Referrals

1. External referral comments:

1.1. Design Excellence Advisory Panel (DEAP)

Council's DEAP provided the following advice:

Introduction

This document provides a summary of advice and recommendations arising from the Design Excellence Advisory Panel (DEAP) meeting held in relation to the above application.

The DEAP comments are intended to assist Council in their design consideration of an application, including assessment against Chapter 4 of the Housing SEPP and the design principles for residential apartment development (as applicable).

The DEAP is appointed by Randwick City Council as an advisory group, not a decision-making body. The written and verbal comments are the professional opinions of the Panel members and constitute expert design quality advice. The Panel members are suitably qualified persons with expertise in architecture, planning, urban design, heritage, and/or landscape architecture.

To address the DEAP comments, the Applicant may be requested to submit amended plans. Prior to preparing any amended plans, the Applicant must discuss the DEAP comments (and any other matter(s) that may require amendment) with the relevant Council assessing officer. Any amended plans submitted to Council must be accompanied by a written response that details how each of the DEAP comments have been satisfactorily addressed.

Proposal

As described in the applicant's development application description, the proposal is for:

Alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping works

Panel Comments and Recommendations

Principle 1 – Context and Neighbourhood Character

1. The Panel recognised at the meeting that this section of Darley Road is defined by elevated dwellings, a continuous sandstone retaining wall, a raised public footpath, and a strong topographic relationship between the private lots and the public domain, including an interface with Queens Park. The Panel's view is that significance of the place does not sit only in the individual dwellings, but in the way the wall, stairs, slope and dwellings combine to form a coherent streetscape condition.
2. The Panel's concern is that the current applications do not operate at the streetscape scale. The applications introduce garages, driveways, stair reconfigurations and wall removals on a lot-by-lot basis to achieve private off-street parking. While the applicants describe that the proposal consolidates the intervention at the ends of the wall and avoids a fragmented outcome, the broader issue is that the long term public domain condition depends on what happens across the full length of the wall, not just within these four sites.
3. The Panel acknowledges the applicants' email received after the meeting, including their response that a) the remaining section of wall is not susceptible to similar future interventions, and that b) the wall itself is not a continuous or uniform element. The Panel considers either responses do not address the Panel's broader concern:
 - a. The Panel notes that the current access arrangements of neighbouring properties do not appear to provide a meaningful guarantee against future comparable applications. In particular, properties adjacent to 241 Darley Road do not currently benefit from rear access via Pine Street, and other properties with apparent rear access rely in part on easement arrangements over privately owned land. The Panel therefore remains concerned that these applications may establish or reinforce a potential precedent for similar interventions, both along this section of Darley Road and more broadly for comparable wall and footpath conditions elsewhere in Randwick. From the Panel's perspective, the sandstone wall, topography, footpath and stairs together form a significant and coherent streetscape condition. If similar interventions were to occur progressively over time, that condition would be increasingly vulnerable to erosion.
 - b. The key issue is not whether every part of the wall is identical in construction or condition, but whether this section of Darley Road continues to read as a coherent public domain system made up of wall, topography, footpath and stairs.
4. Accordingly, the Panel considers that the applications risk progressive erosion of the continuous public domain character of this section of Darley Road, even if the immediate works are more consolidated than previous submissions.

Principle 2 – Built Form and Scale

1. The principal built form changes occur below the existing dwellings through the insertion of garages, internal driveways, reconstructed retaining walls and terraces above. The architectural language of sandstone cladding and coloured doors appear suitable within the streetscape context. However, the Panel considers that the fundamental issue is not the treatment of the garage elevations, but the overall extent of intervention required to allow this parking outcome into the constrained sites.
2. The Panel notes that the garages are located forward of the building line, on narrow frontages of approximately 9.1m, and require substantial excavation to be achieved. In this respect, the built

form response is not arising naturally from the site conditions, but seems rather driven by the parking demand. The resulting arrangement places considerable alterations of the public domain edge and appears to weaken the established relationship between the dwellings, retaining wall and the footpath.

3. The Panel also notes that while double garages exist elsewhere in the street, these lots do not comfortably accommodate that typology without its public domain consequences. In this respect, the proposal does not create a cohesive response to its site conditions.

Principle 3 – Density

The proposals do not materially alter residential density and therefore do not raise specific concerns under this principle.

Principle 4 – Sustainability

1. The Panel considers that the removal of established trees within private property to facilitate garages and driveways will reduce canopy performance. The applicants propose only limited replacement private property canopy, which appears inadequate having regard to the extent of excavation, reduced deep soil function in the front setback, and the overall loss of vegetated area.
2. The Panel further notes that the proposal of additional street tree canopy does not offset the loss of privately owned tree canopy.

Principle 5 – Landscape

1. The applications appear to comply with quantitative landscape controls. However, the Panel is concerned with the viability, usability and public domain performance of the resulting landscape rather than numeric compliance alone.
2. The proposals significantly diminishes the landscape role of the privately owned front setback. Deep soil calculations appear to rely in part on narrow residual areas that are unlikely to offer meaningful outcome. In particular, the front setback landscape does not convincingly demonstrate sufficient width, permeability or planting opportunity to support robust canopy.
3. The Panel is also concerned by the removal of healthy trees to facilitate garages. Tree identification is inconsistent across the documents, particularly at 263-265, where the architectural and arboricultural documents do not align. Lot 239 and 241 does not include an arborist report, despite survey indicating a number of existing trees. This needs to be corrected so that the extent of tree loss and replacement is properly demonstrated. More broadly, the Panel considers that removal of established trees for the purpose of delivering private parking spaces is difficult to justify, particularly where public parking is also being lost.
4. The Panel notes that private landscape treatment associated with the garage frontage appears to be minimal, relying on a limited and repetitive shrub planting. Additional draping or softening planting should be incorporated to reduce the visual harshness of the proposed walls and garage entries.

Principle 6 – Amenity

1. The proposals generally maintain acceptable residential amenity for the existing dwellings themselves.
2. The Panel considers that public domain amenity is materially affected. The proposals reduce street parking. While private resident convenience may improve; however, the broader amenity of the street and pedestrian realm is reduced.

3. The Panel acknowledges the applicants' email response submitted after the meeting notes that there would be no net loss of parking. It is the opinion of the Panel that public on-street parking and private off-street parking are not directly comparable, as the latter serves only individual properties while the former is a shared public resource available to residents, visitors, service vehicles and the broader community. The replacement of public kerbside parking with private garages therefore does not represent a neutral outcome from a public domain or amenity perspective.

Principle 7 – Safety

1. The proposal includes relocation and reconstruction of public pedestrian stairs. The Panel acknowledges that newly constructed stairs may achieve better compliance with current technical standards than the existing stairs. However, that is not equivalent to delivering a better public domain outcome.
2. The critical issue is that the new stair arrangements do not reduce barriers. At 241 Darley Road, the stair arrangement increases from ~9 steps to ~18 steps in a switchback configuration. At 263-265 Darley Road, stair count increases from ~7 to ~12. In this respect, the proposal does not reduce barriers, but redistributes and increases them. These amendments appear as regressions in pedestrian legibility and accessibility, notwithstanding any improvement in technical compliance.
3. In particular, the switchback stair is of concern due to its reduced sightlines, more complex movement pattern and creates a weaker sense of pedestrian direction / wayfinding. The Panel notes that the applications prioritise private vehicle access over pedestrian clarity and ease of movement.
4. The proposal also creates additional public domain infrastructure in the form of new stairs and retaining structures. These become an ongoing Council maintenance burden. The Panel considers that if such infrastructure is to be reconstructed, it would be better delivered as part of a coordinated public domain response across the full length of the wall rather than piecemeal through individual private applications where the primary driver is the provision of off-street parking.

Principle 8 – Housing Diversity and Social Interaction

1. The proposals do not alter housing diversity and therefore raise no specific concerns under this principle.

Principle 9 – Aesthetics

1. The visual character of this section of Darley Road is strongly influenced by the sandstone wall, the topographic section, and the contrast between the raised dwellings and the public footpath. While the applications attempt to rationalise the intervention and consolidate garage entries, the Panel considers that the long-term aesthetic outcome cannot be assessed by only looking at the four sites in isolation.
2. The key visual risk is that the applications begin to transform a continuous wall and footpath condition into site specific driveway and stair responses. Even if the immediate design treatment is relatively controlled, the long-term visual outcome is likely to depend on how future adjoining properties respond. The Panel considers that the visual and spatial significance of this section of Darley Road depends on the continuity of the sandstone wall, topography and raised pedestrian edge. If Council's broader assessment finds that approval of these applications would increase the likelihood of similar future interventions, the Panel considers that this would be an important design concern, as it would place the long term aesthetic coherence of the streetscape at risk.
3. The Panel acknowledges the applicants' email response submitted after the meeting. The response notes that the panel focused too much on precedent and planning rather than design. In

the Panel's view planning and design matters should be collectively considered in this instance. Precedent, public domain continuity, parking interface, stair and path legibility, wall removal, canopy loss and streetscape character are all core urban design, public domain and landscape architecture issues arising directly from the proposal.

Conclusion

1. Key issues identified by the Panel include:
 - Loss of public on-street parking to facilitate private off-street parking and garages
 - The precedent created by partial removal of the sandstone retaining wall
 - The risk of progressive fragmentation of the streetscape and public domain if similar proposals follow, both along Darley Road and elsewhere in the Randwick LGA
 - Weakening of the public verge amenity, pedestrian accessibility and legibility
2. The Panel acknowledges that the applicants have attempted to present the four applications as a coordinated response and have provided follow-up clarification regarding existing breaks in the wall, prior parking approvals, and the applicant's view that the precedent risk is limited. However, the Panel is not convinced that these matters resolve the broader urban and landscape design concerns. The applications still rely on a private development application to alter what is intrinsically a public domain system, and they do not adequately demonstrate that a desirable long-term streetscape and accessibility outcome can be achieved.
3. The Panel does not support the proposal in its current form and configuration. The Panel recommends that Council carefully consider whether the public domain outcomes of the proposal provide a sufficient public benefit to justify the removal of sections of the sandstone wall, the loss of on-street parking, and the introduction of more complex stair and driveway arrangements.

The Applicant provided the following response to the Panel's comments:

1. *The retaining wall is not a continuous or uniform element. It comprises two modified walls at the eastern and western ends of the raised footpath, separated by a large sandstone outcrop, with existing breaks and access points already established over several decades. The proposal focuses on the degraded bookend segments while retaining the more intact and prominent central portion, delivering a net improvement to overall streetscape quality.*
2. *The relevant precedent is already established. Five properties (273, 271, 269, 267 and 239) have been granted access by Randwick Council and have removed sections of the sandstone wall to install garages over approximately the last forty years. This is not a new condition being introduced by these applications.*
3. *The remaining wall is not susceptible to similar intervention. There are 14 homes along the raised section of the footpath between 239 and 265 Darley Road with 43% of those allotments already benefiting from existing parking facilities and having no need for street front access. The topography and wall configuration through the central section further limit the feasibility of similar interventions elsewhere. Therefore, the 2025 DAs do not establish a new planning precedent and represent site-specific responses unique to the bookends of the wall and not a transferable model.*
4. *The proposal delivers significant public domain benefit. The existing footpath gradient at 241 Darley Road and beyond currently exceeds applicable safety codes, posing a liability risk to Council. The proposed works rectify this condition, providing compliant access, improved stair design, and clearer pedestrian movement, a critical safety upgrade that is a common positive theme across the more than 10 supporting submissions received. This represents a meaningful and measurable improvement to the public domain, not a neutral change. Technical matters raised by the panel regarding excavation, deep soil zones, and garage proportions are being addressed through the assessment process.*
5. *There is no net loss of parking. In the previous Land and Environment Court proceedings, John Flanigan of Randwick Council submitted an expert report dated 29 May 2024 concluding that*

the proposed garage would result in no net loss of car parking. This conclusion holds true across all four DAs. The existing disabled parking space outside 239–241 Darley Road was installed in the late 1990s for a now-deceased resident, is no longer in active use, and is constrained in its current configuration such that it cannot be safely accessed regardless.

6. *The coordinated four-property approach directly addresses piecemeal risk. A consistent and controlled intervention at defined bookend locations, developed collaboratively across four households, is the antithesis of fragmented incremental change.*

These matters are considered in the body of this assessment report.

2. Internal referral comments:

2.1. Heritage Planner

Council's Heritage Planner provided the following comments:

The Site

The subject sites are not listed as individual heritage items either at Local or State level. However, they are identified as contributory items and located within the North Randwick Heritage Conservation Area (C1) as defined by the Randwick Local Environmental Plan (RLEP) 2012 and Randwick Development Control Plan (RDCP) 2023.

The front aspect of these properties demonstrates a unique intersection between the public and private domains, characterised by the stairways, landscaping/street trees and the elevated public footpath above a substantial historic sandstone retaining wall. That sandstone wall abuts a natural rock face which is visible at approximately 20m to the west of the subject site, retaining the properties along this section of the Darley Road. The State Heritage Inventory sheet noted the significance of the HCA as follow –

The North Randwick heritage conservation area is significant for its persistent, strongly Federation streetscapes. The imposition of a varied subdivision pattern, on the north facing slopes adjoining Centennial Park, has created numerous internal views and vistas of special interest. The combination of street pattern, topography and native and cultural plantings, set off the areas original buildings to good advantage. The heritage value of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings. The mixed building stock adds to the area's interest, ranging from larger Federation houses on Darley Road to small semi-detached on Dangar Street. Whilst many buildings have been substantially altered, there has been, very little redevelopment relative to other parts of Randwick. Most buildings and streetscapes retain their essential period character.

Please note that site location on Page 7 of HIS is incorrect.

Background

DA/17/2023 – Alterations and additions to the existing dwelling house, new basement garage with crossover to the kerb, landscaping works and relocation of Council pedestrian stairs, footway and sandstone retaining wall – Approved without any alteration to the sandstone retaining wall

Proposal

Alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping works

Submission

D05972775 – HIS

D05972763 – Architectural drawings

Controls

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

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

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

Comments

The Development Application for the demolition of the retaining wall, the substantial excavation of site for garaging etc and the driveway crossover is not supported from a heritage perspective.

These proposed works at Darley Road would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA) and its immediate context/precinct.

The proposal is inconsistent with the Randwick Local Environmental Plan (RLEP) 2012, as well as the Randwick Development Control Plan (RDCP) 2023 (and draft RDCP 2026 currently on public exhibition).

Particulars:

- (a) The site of the proposed development is located within the North Randwick Heritage Conservation Area (C1) as defined by the RLEP 2012 and Randwick RDCP 2023*
- (b) RLEP 2012 Clause 5.10 (1) includes an Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views*
 - The proposal involves the demolition of substantial historical fabric*
 - The proposal substantially alters the perceived setting of the dwelling within its precinct*
 - The proposal will adversely affect the views from the street towards the dwelling itself*
 - Setting an adverse precedent and its cumulative impact (see proposals submitted for demolition of the sandstone retaining wall along Darley Rd), the proposal poses detrimental (irreversible) adverse impact on the historic sandstone retaining wall*
 - The sandstone retaining wall is currently under investigation for its heritage significance and listing*
- (c) RDCP 2023 Part B2, 3 Landscape Elements includes objectives of ensuring that significant individual retaining walls are retained and conserved and that private works including the provision of vehicular access ... do not impact upon the heritage value of landscape elements. Specifically:*
 - That significant sandstone retaining walls must not be removed or replaced*
 - That significant sandstone walls or rock faces must not be modified for*

*vehicular access**(d) RDCP 2023 Part B7 3.8 (draft RDCP 2026 Part B7 4.7 currently on public exhibition) Access to Dwelling Elevated Above Retaining Walls in Public Domain*

- *Provision of vehicular access must minimise demolition, modification, and damage to existing retaining walls in the public domain*
- *Double width driveway and entry to on-site parking involving full or part removal of retaining walls in the public domain is not permitted*
- *Development must not involve any significant change to the gradients of public footpaths above the retaining walls, except to facilitate equitable access. (It is noted that this proposal is for a total demolition of the public pathway at the front of this residence, resulting in a substantial shortening of the pathway and an increased height in the proposed new stairway to the west of the proposal. This effectively makes the remaining pathway shorter and steeper and therefore less attractive and more difficult for use)*
- *The Explanation in Part B7 3.8 (Draft RDCP 2026 Part B7 4.7 currently on public exhibition) notes the likely further compromise of visual integrity, streetscape character and pedestrian access as precedent is established, and successive developments for vehicular access incrementally remove wall sections*

2.2. Development Engineer

Council's Development Engineer provided the following comments:

General Comments

The application is not supported in its present form. The issues are outlined below.

Flooding Issues

The site lies within the catchment for the Council commissioned and adopted Kensington/Centennial Park Flood Study. Being well elevated above the roadway the site itself is generally not subject to flooding however there is an overland flow path on Darley Road directly in front of the site and the proposed significant excavation of the verge and provision of a double garage with a slab close to street level now make it susceptible to this flow path.

The Flood model predicts max flood depths of up to 0.19m with a top water level of RL 67.90 AHD for the 1% AEP (1 in 100yr flood) directly in front of the site on Darley Road (see plot below). The proposed garage slab for both dwellings are depicted on the architectural plans as RL 67.85 AHD being 50mm below the 1% AEP flood level.

Figure 1 – Flood Plot 1% AEP (1 in 100yr) flood

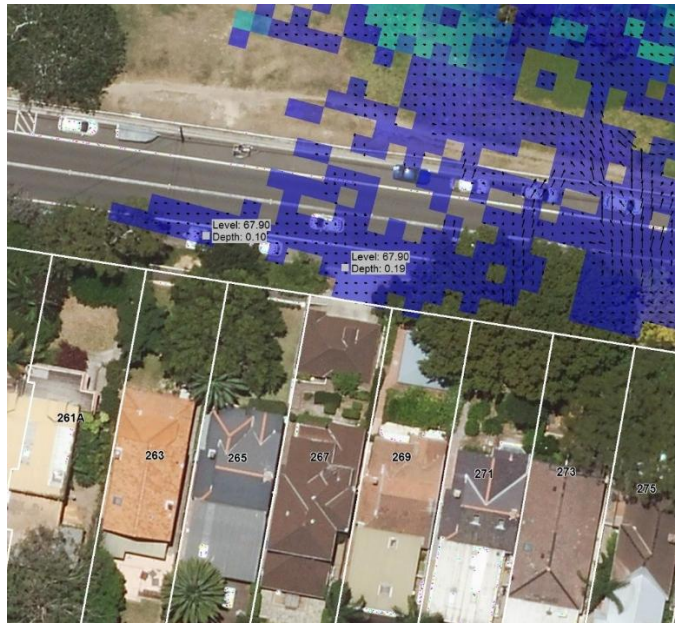


Table B Part B8 of the DCP includes the following flood controls with relation to carparking for new garages.

Table B - Floor Levels for Car Parking

Scenario	Floor Level
Above ground level open car parking, car ports and garages	
Open car parking spaces and car ports	5% AEP flood
Residential garages with up to two spaces	1% AEP but not less than 0.15m above surrounding ground level
Residential garages with more than two spaces	Applicable residential habitable floor level requirement (Table A)
Enclosed industrial/ Commercial parking spaces	Applicable industrial/commercial floor level requirement (Table A)
Underground car park (where floor level is more than 0.8m below surrounding ground level)	
All driveways	1% AEP plus 0.3m freeboard at its highest point
All emergency exits	All underground garages and car parks to have emergency exits protected from inundation up to the 1% AEP flood plus 0.5m freeboard with a minimum of 0.2m freeboard from vehicle entry point.
All other openings inundated by flooding or local overland flow path	All openings to be sealed up to 1% AEP + 0.5m freeboard with a minimum of 0.3m above the surrounding ground level

As the proposed garages do not meet the above requirements the application is not supported on flooding grounds. The proposed garages will have to be raised to RL 67.90 AHD to achieve compliance. It is noted vehicle access grades across the council verge would still be able to achieve compliance as a result.

Parking Issues

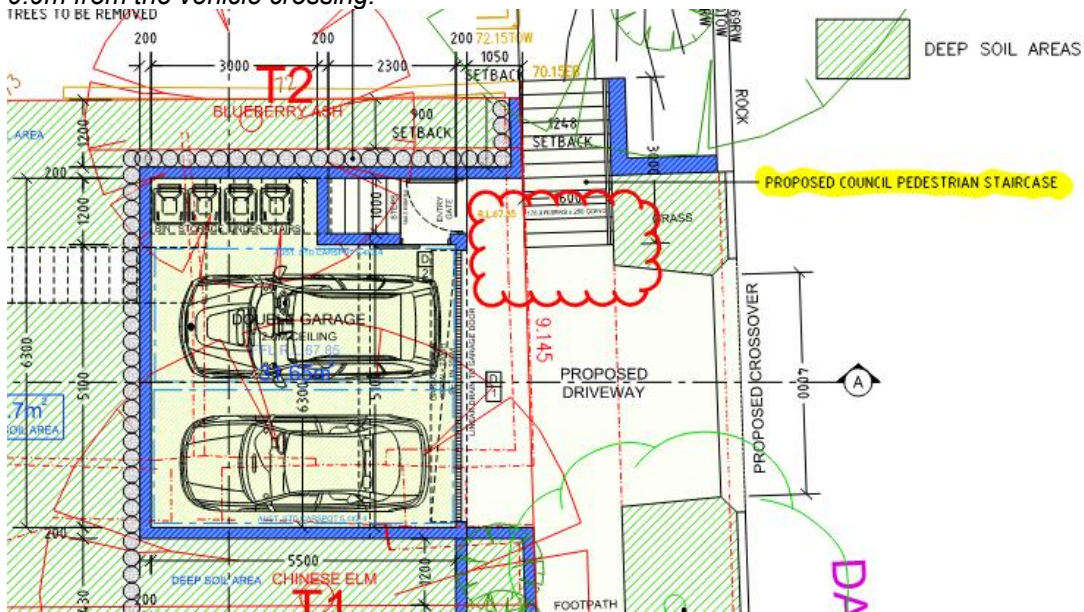
Under Australian Standard 2890.1 the minimum internal width for a double garage is 5.4m being twice the width required for a carspace that is enclosed on one side (2.7m).

The submitted architectural plans indicate the proposed garages have an internal width of 6.3m at the location of the waste-bin bay however they then narrow to only 5.1m due to the intrusion of the stairs being 300mm below the minimum width required. Furthermore, the intrusion will likely be opposite the location of a car door when a vehicle is parked creating a significant restriction to passengers.

The minimum garage width of 5.1m is therefore not supported and it is noted widening the garage 300mm to achieve compliance will impact on the proposed deep soil zone adjacent.

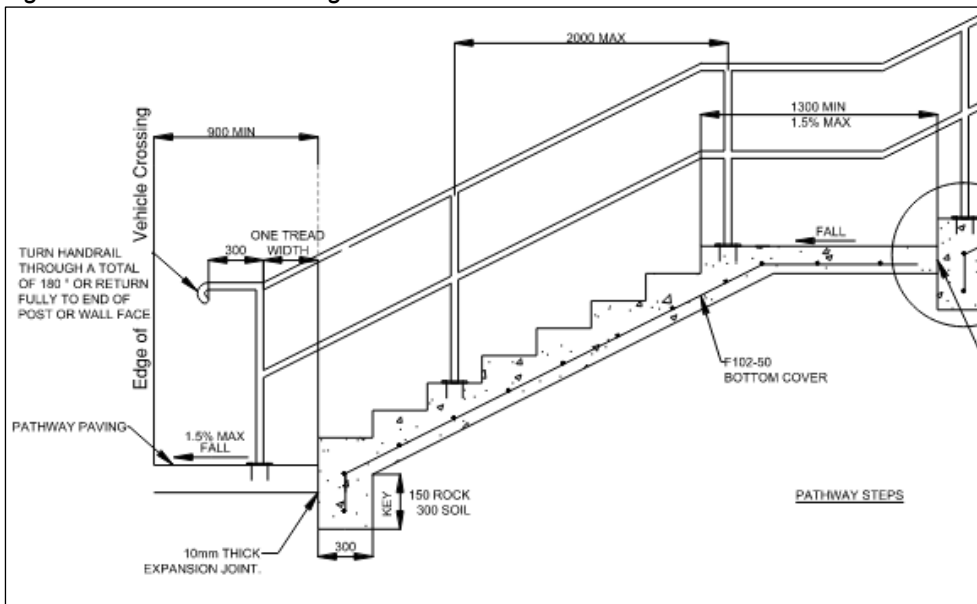
Council Stair Issues

The proposed council stairs located on the western edge of the development adjacent to 263 Darley Road will not meet the minimum council setback requirements for vehicle crossings. For the purposes of pedestrian safety and sightlines the bottom of the stairs must be setback a minimum of 0.9m from the vehicle crossing.



The setback is to also allow for the overrun of a handrail which will be required to be installed immediately adjacent to the council stairs. To illustrate Council’s standard drawing SD-20 is copied below.

Figure 2 – Standard Drawing SD-20



The submitted proposal will not be able to achieve the above requirements and is not supported due to impacts on pedestrian safety. Concerns are also raised at the top of the proposed Council stairs and the impact on pedestrian access to No.261 Darley Road, which has not been addressed nor detailed on the plans.

Street Tree Issue

Demolition of the existing sandstone retaining wall, followed by major excavations, lowering of ground levels and civil works on both public and private property for the two new vehicle crossings and internal garages as shown would require the removal of all five trees from Council's raised public verge, being 2 x Lemon Scented Gums for no.263 (1 x large and mature – Tree 1, and 1 x small specimen – T2), as well as 3 x small exotic Chinese Weeping Elms (Trees 1-3) in front of no.265.

The architectural plans show the 18m tall Lemon Scented Gum (Tree 1) which is located past the western boundary of no.263, in front of the neighbouring site at no.261A as being retained, with the Arborist estimating that impacts from constructing a new set of public stairs and the internal garage would result in a minor encroachment of only 7.7% of its TPZ.

However, the Development Engineers comments provided above detail that in order to satisfy Council's requirements for pedestrian safety, sight lines and also to allow for an overrun of the handrail, the end of the public stairs must be setback a minimum of 900mm from the edge of the crossing, meaning that works for the new/reconstructed public stairs would then be pushed further to the west than what is currently shown, closer to Tree 1, substantially increasing the level of encroachment, with concerns also raised about how the top of these new public stairs would then be matched into the pedestrian access for the neighbours at no.261A, with this level of detail not having been shown on the plans.

Given uncertainty over the exact design and scope of external civil works for no.263, and the resulting impact this would appear to have on Council's asset (Tree 1), the application for no.263 cannot be supported.

Council will not consider the removal of Tree 1 given its large size, mature status and presence in the local landscape (also being within a HCA), with any proposal needing to demonstrate how it can be safely retained in the public domain, and at minimum, may involve documenting the findings of non-invasive exploratory trenching (root mapping) along the front property boundary and similarly affected areas, together with a greater level of detail being shown on the plans so that an accurate assessment of likely impacts can be made.

Conversely, no objections are raised to removing the other, juvenile, 6m tall Lemon Scented Gum (Tree 2) also on the raised verge, immediately to the east of T1, in front of no.261A but closer to the common boundary of no.263, given its much smaller size and unsuitable position against the sandstone wall, together with the three, 3m tall Chinese Weeping Elms (T1-3) that are also in the public verge, further to the east again, in front of no.265, as they are not as important to local biodiversity, with their close formation also likely to result in overcrowding in the future.

If amended/further information is sought for this application, it is recommended that a more legible Tree Numbering system be implemented for all trees on both sites (to be represented as one group/total) to avoid the existing duplication, as it is currently difficult to differentiate and accurately identify individual specimens as some share the same Tree Number despite being located on separate properties.

In the interests of accuracy, the Arborist Reports will also need to be revised and updated to now reference the most current set of architectural plans which are the subject of this application, as the assessment and recommendations of December 2022 are based on previous plans from March 2022.

Private Tree Issues

Further to above, these same works will also require the removal of all three mature trees within the front setbacks of the private properties, comprising 1 x mature, 9m tall native, Blueberry Ash (T3) and an 18m tall Chinese Weeping Elm (T4) within no.263, and an 8m tall Canary Island Date Palm (T5) from no.265.

The size of these trees combined with their co-joined crowns and elevated position above street level enhances their presence in the streetscape, and as a group, were also observed to perform a partial screening and privacy function between the properties and adjoining busy roadway, so are viewed as contributory items to the Heritage Conservation Area.

However, all three will require removal if the works proceeded as shown, which will result in an irreversible visual impact on the dwellings, streetscape and HCA given both the quantity and size of trees involved, combined with the fact that only minimal replacement planting can be provided back throughout these same areas due to being in restricted planters on podium above the garages, and will include small perimeter privacy hedges around each of the garage terraces and 3 x small exotic feature trees (Magnolia, 5m in height) in the areas of deep soil near the dwellings, comprising one new tree within no.265 and two within no.263.

Whilst DA/17/2023 was approved for no.263, and DA/18/2023 for no.265, both applications retained all of the public and private trees discussed above, as works were limited purely to the dwellings only, with any reference to garages and civil works forward of the building line formally deleted.

Lastly, these plans do not indicate any work for either of the rear setbacks, so no comments are made for specimens in those parts of both properties.

In summary, due to concerns over the loss of vegetation to accommodate property development, Council now places a greater emphasis on the protection and retention of established trees, which is formally supported by our Urban Forest Policy and other similar initiatives, which seek to retain, enhance and improve canopy cover and biodiversity wherever possible throughout the LGA.

Further, Part B4 – Landscaping & Biodiversity; Section 3, Landscape Design; sub-section 3.1: Existing Vegetation and Natural Features of Council's DCP 2013 states the following:

Objective:

- To conserve and incorporate significant natural features and vegetation of the site as part of the landscape design.*

Controls:

- i. Maximise the retention and protection of existing vegetation including trees, shrubs and groundcover vegetation.*
- ii. Retain and incorporate existing natural features, such as cliffs and rock outcrops into the landscape design where possible.*

Part B5 – Preservation of Trees & Vegetation, section 1 – Introduction, also states:

Objective

- To effectively protect the urban forest in Randwick City, with particular emphasis on retaining trees with cultural, heritage and natural significance.*

There is an inability to provide adequate compensation in the form of like-for-like replacement planting, both on public and private property due to a combination of line of sight requirements and the extent of the footprints involved, with the 3 dwarf cultivar trees shown in the front setbacks not to achieve compliance with Part 2.6 – Landscaping & Tree Canopy Cover, Controls, point i) of Council's C1 – Low Density Residential DCP, which requires 25% canopy coverage per site within 10 years of completion, as 1 x tree is shown within no.265, and 2 x within no.263, with their 2-3m canopy spread not able to meet this target.

Due to the extent of civil works required, it would not be possible to construct either of these garages independent of the other site, given that trees on the opposing property (in both cases) would need to be removed due to their size, location and the exclusion zones that would apply.

The loss of all three established trees from the front setbacks of the private properties, combined with removal of the sandstone wall and insufficient replacement planting, within a Heritage Conservation Area, does not comply with the relevant objectives and controls detailed above, so cannot be supported.

The submitted Landscape Plan was prepared by the architect rather than a qualified Landscape professional and does not contain construction details of the podium planting, such as but not limited to, planter dimensions and soil depth, drainage layers and similar, to demonstrate viability of the proposed planting.

The numbering assigned to trees in the Arborist Reports differs to those shown on the architectural plans, which is confusing and needs to be amended to ensure consistency across all forms of documentation.

It is also noted that Council's Heritage Officer has opposed both applications due to issues associated with the sandstone retaining wall and this sites location within the North Randwick Heritage Conservation Area (Item C1 within Part 2, Schedule 5 of the Randwick LEP 2012), with Clause 5.10(1) including an Objective to "conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views".

Further, the RDCP 2023 Part B2, 3 Landscape Elements, includes objectives of "ensuring that significant individual retaining walls are retained and conserved and that private works including the provision of vehicular access does not impact upon the heritage value of landscape elements", specifically:

- *That significant sandstone retaining walls must not be removed or replaced*
- *That significant sandstone walls or rock faces must not be modified for vehicular access*

Appendix 2: RDCP Compliance Table

3.1 Part B2: Heritage

RDCP 2023 Part B2, 3 Landscape Elements which has been addressed by Council’s Heritage Planner (refer to the discussion above).

3.2 Part B7: Transport, Traffic, Parking and Access

DCP Clause	Controls	Proposal	Compliance
3.2	Vehicle Parking Rates		
	1. Space per dwelling house with up to 2 bedrooms 2. Spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed.	Two car spaces per dwelling will be provided.	Yes
3.8	Access to Dwellings Elevated Above Retaining Walls in Public Domain		
	i) Any provision of vehicular access to dwellings must minimise demolition, modification and damage to existing retaining walls within the public domain. ii) Double width driveway and entry to on-site parking involving full or part removal of retaining walls in the public domain must not be provided. iii) Development must not involve any significant change to the existing gradients of public footpaths above the retaining walls, except to facilitate equitable access. iv) The creation of an access driveway must not jeopardise the safety of pedestrians and vehicles. v) Works that require alteration or replacement of landscape elements and structures (such as handrails) adjacent to the public footpaths situated above retaining walls must be compatible with the streetscape character.	The proposal involves removal of sections of the sandstone retaining wall in Council’s road reserve to make way for private garages.	No

3.3 Part C1: Low Density Residential (2023)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R3	
2	Site planning	Site = 370.6m ² (each lot)	
2.4	Site coverage		
	Up to 300 sqm = 60%	48%	Yes

DCP Clause	Controls	Proposal	Compliance
	<p>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)</p>		
2.5	Deep soil permeable surfaces		
	<p>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.</p>	35%	Yes
2.6	Landscaping and tree canopy cover		
	<p>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</p>	There is an inability to provide adequate compensation in the form of like-for-like replacement planting, both on public and private property due to a combination of line of sight requirements and the extent of the building footprints.	No
4.6	Colours, Materials and Finishes		
	<p>i) Schedule of materials and finishes. ii) Finishing is durable and non-reflective and uses lighter colours. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climate to withstand natural weathering, ageing and deterioration. vi) Recycle and re-use sandstone</p>	Acceptable	Yes
4.7	Earthworks		
	<p>i) Excavation and backfilling limited to 1m, unless gradient too steep ii) Minimum 900mm side and rear setback iii) Subterranean spaces must not be habitable iv) Step retaining walls. v) If site conditions require setbacks < 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm. vi) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping)</p>	Excavation depth up to 4.5m	No

D32/26

D32/26

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.		
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	All dwellings		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m; and - Consistent with pattern in the street; and - Landscaping provided in the front yard. v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces)	Double garage on 9.14m lot	No
6.2	Parking Facilities forward of front façade alignment		
	i) The following may be considered: - An uncovered single car space - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site's frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: - There is no alternative, feasible location for accommodating car parking; - Significant slope down to street level - does not adversely affect the visual amenity of the street and the surrounding areas; - does not pose risk to pedestrian safety and - does not require removal of significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) - Compliments architectural character of dwelling ie roof pitch and finishes.	Removal of sandstone retaining walls	No
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: - Nil side setback on adjoining property; - Streetscape compatibility; - Safe for drivers and pedestrians;	900mm	Yes

DCP Clause	Controls	Proposal	Compliance
	- Amalgamated driveway crossing.		
6.4	Driveway Configuration		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	4m	Yes
6.5	Garage Configuration		
	i) Recessed behind front of dwelling ii) Maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) Min. 5.4m length of garage iv) Max. 2.6m wall height and 3m building height (for pitched roof) for detached garages v) Recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) Minimum clearance 2.2m (AS2890.1)	1m parapet	No

D32/26

Responsible officer: Plandev Pty Ltd, Thomas Mithen

File Reference: DA/1439/2025

Development Application Report No. D33/26

Subject: 239 Darley Road, Randwick (DA/77/2026)

Executive Summary

Proposal:	Alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works
Ward:	North Ward
Applicant:	S Solomon
Owner:	S Solomon
Cost of works:	\$242,000
Reason for referral:	The Director City Planning has made a discretionary referral in accordance with the RLPP Guidelines.

Recommendation

That the RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 77/2026 for alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works at No. 239 Darley Road, Randwick be refused for the following reasons:

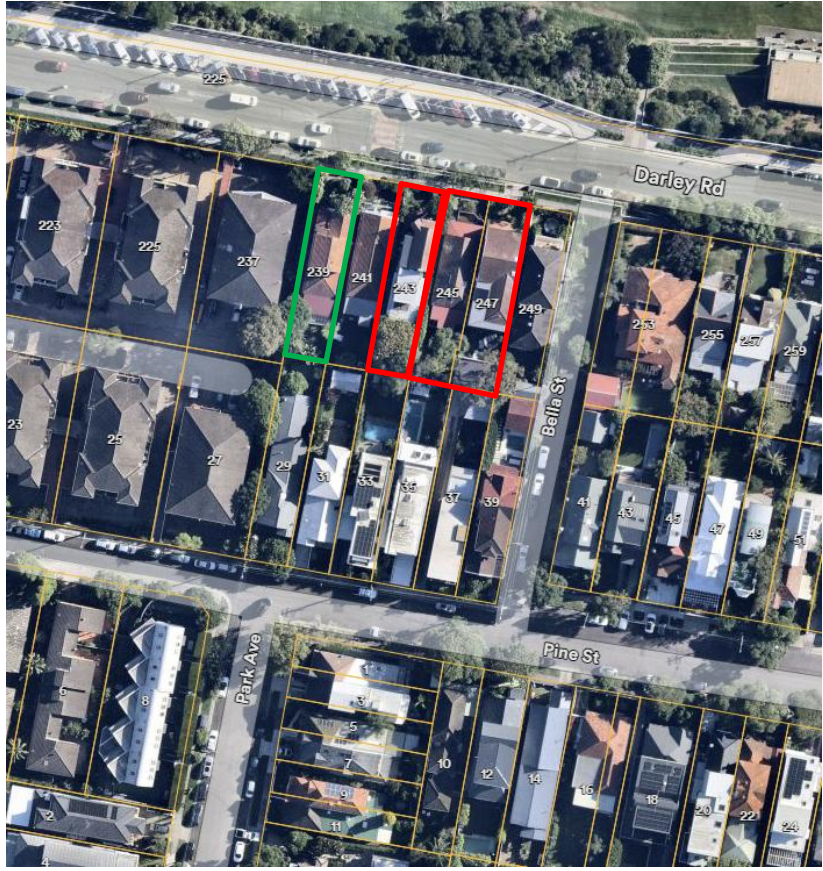
1. The proposal is inconsistent with the R3 Medium Density residential zone objectives under Randwick Local Environmental Plan 2012 in that the removal of the sandstone retaining wall will have an adverse impact on the streetscape and desired future character of the area.
2. The proposal does not comply with Clause 5.10 Heritage Conservation under Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the heritage objectives and controls in Part B2 Section 3 Landscape Elements of Randwick Development Control Plan 2023.
4. The proposal does not comply with the objectives and controls in Part B7 Section 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain of Randwick Development Control Plan 2013.
5. The proposal does not comply with the minimum internal garage width requirements under Australian Standard 2890.1 - Parking facilities – Off-street car parking.
6. The proposal does not comply with the objectives and controls in Part C1 of Randwick Development Control Plan 2023:
 - i. 2.5 Landscaping
 - ii. 2.6 Landscaping and Tree Canopy Cover
 - iii. 4.7 Earthworks
 - iv. 6.2 Parking Facilities forward front alignment
 - v. 6.5 Garage configuration
7. The proposed development would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA).

8. The proposed development will establish an undesirable precedent for other properties, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character.
9. The proposed development will result unacceptable impacts on streetscape character and public domain integrity due to the removal of the sandstone retaining wall to make way for the proposed double garage and is not in the public interest.

Attachment/s:

Nil

D33/26

	Subject Site
	Submissions received
	<p>▲ North</p>
<p>Locality Plan</p>	
<p>Note: 3 submissions were received – all in support A submission was received from No. 277 Darley Road and this property is not visible on the above aerial map</p>	

D33/26

1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the Director City Planning has made a discretionary referral in accordance with the RLPP Guidelines.

The development application (DA) seeks consent for alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works. The site currently contains a single garage accessed from Darley Road.

The DA has been independently assessed by Plandev, an external urban planning consultancy, alongside two concurrent development applications at 263-265 Darley Road (DA/1439/2025) and 241 Darley Road (DA/79/2026). These applications similarly seek consent for the removal of the sandstone retaining wall within Council’s road reserve to facilitate the construction of new double garages at the front of the respective dwellings. The concurrent DA at 241 Darley Road relates to the adjoining property at the eastern boundary of the site.

The DA was publicly notified from 6 February 2026 to the 20 February 2026 in accordance with the Randwick City Council Community Engagement Strategy. Three (3) submissions were received in support as a result of the notification process. The comments received in support were in relation to improved safety and accessibility and positive streetscape and design outcome for the street.

The key assessment issues relate to streetscape character, heritage impacts, public safety, non-compliance with Randwick Development Control Plan (RDCP) 2013 and engineering issues.

The application was referred to the Randwick Design Excellence Advisory Panel (DEAP) for advice in relation to urban design and visual impact of the proposed works. The DEAP does not support the proposal due to the removal of sections of the sandstone retaining wall and the risk of setting a precedent that would fragment the streetscape and reduce public domain amenity and accessibility. It also found the proposal fails to demonstrate sufficient long-term public benefit or a cohesive urban design outcome to justify these impacts.

Council's Heritage Officer does not support the proposal on heritage grounds due to the unacceptable visual and physical impact on the North Randwick Heritage Conservation Area (HCA). It is also inconsistent with the applicable heritage planning controls under the Randwick Local Environmental Plan 2012 and RDCP.

Although the sandstone retaining wall is in need of some repair and maintenance works, it forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character and appearance of the locality.

The proposed removal of a portion of the sandstone retaining wall to facilitate a double garage and vehicular access in front of the dwelling would result in the fragmentation of a continuous and cohesive landscape feature that contributes positively to the streetscape character. When considered in conjunction with concurrent DA on the adjoining property to the east and at the eastern end of the retaining wall, the cumulative effect would be the progressive reduction in the integrity and continuity of this landscape feature, resulting in an overall degradation of the streetscape.

Concerns also remain with the undesirable precedent that would be set for other properties without rear access adjacent to the sandstone wall to undertake similar works, which may lead to further ad hoc modifications over time and a continuing loss of the wall's extent and character.

Accordingly, the proposal, in combination with other likely future modifications, would result in unacceptable cumulative impacts on streetscape character and public domain integrity.

The Applicant has raised public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall. These conditions are acknowledged; however, they are not considered to represent a unique or abnormal circumstance within the context of established residential streets.

While it is acknowledged that Council has previously approved similar garage applications involving partial removal of sandstone retaining walls within the LGA, such approvals are not determinative of the current DA.

Having regard to the above, it is considered that the proposal to provide private parking for benefit of the adjacent residences does not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk. Accordingly, the proposal is not supported.

2. Site Description and Locality

The site is situated on the southern side of Darley Road, opposite the eastern end of Queens Park. It comprises a Federation-style dwelling house at 239 Darley Road with a total site area of 370.6m²

The existing dwelling is elevated above Darley Road, partly separated from the road by a sandstone retaining wall and pedestrian stairs across the eastern site frontage within the Council road reserve. A single garage is located on the western side of the sites frontage providing direct vehicular access off Darley Road. Refer to **Figure 1**.

The sandstone retaining wall extends for approximately 140m in front of 14 residential properties along Darley Road and does not contain openings for vehicular access.

The site is located within the North Randwick Heritage Conservation Area (Item C1 within Part 2, Schedule 5 of Randwick Local Environmental Plan 2012).



Figure 1: Existing dwelling (Source: Applicant's SEE)

3. Relevant history

Randwick Design Excellence Advisory Panel

On 17 February 2025, Council facilitated a Design Excellence Advisory Panel (DEAP) meeting for property at 263 Darley Road and also 241 Darley Road regrading proposed garages and removal of the sandstone retaining wall. The DEAP was requested to assess three potential options regarding the provision of double garages in the front setback of these properties including (1) do not permit, (2) provision of a pedestrian bridge and (3) demolition of stairs on either side.

The DEAP provided the following recommendation:

The Panels view is that, after careful consideration of the issues and possible alternate solutions, that council should not approve the proposed off-street parking for the two subject properties due to the negative impacts on the streetscape character and public domain accessibility. Approving the applications would likely set a precedent for future similar applications that would fundamentally and irreparably impact upon the character and amenity of this section of Darley Road.

In April 2025, Council Staff conducted a presentation to the Darley Road Residents, with findings from an investigation into whether garages could be supported along the section of Darley Road. There was input from multiple technical experts in Council, such as civil assets and public domain, asset management, development engineering, heritage, integrated transport and transport engineering.

Council advised the Darley Road residents that it could not be guaranteed that a future DA proposing removal of the retaining wall would be supported due to the adverse impact on the streetscape and cumulative impact of other properties without rear lane access pursuing a similar approach.

4. Proposal

The proposal comprises the following works:

- demolition of the existing sandstone retaining wall and pedestrian stairs within the Council road reserve
- excavation of up to 3.9m into the slope at the front of the site
- construction of:
 - a basement double garage accommodating two car spaces, internal corridor, lift access and a bin storage area
 - a vehicular crossover
 - pedestrian entry stairs from Darley Road to the ground floor of the dwelling
 - a landscaped terrace above the garage.

The proposed garage will have a sandstone clad finish and steel frame Colorbond doors.

The Statement of Environmental Effects (SEE) submitted with the DA states that the proposed works are intended to be undertaken in conjunction with 241 Darley Road.

It should be also noted that a portion of the double garage has internal clear width of 5,140mm, which does not comply with the relevant Australian Standards that requires a minimum width of 5,400mm.

Refer to **Figures 2 to 4.**

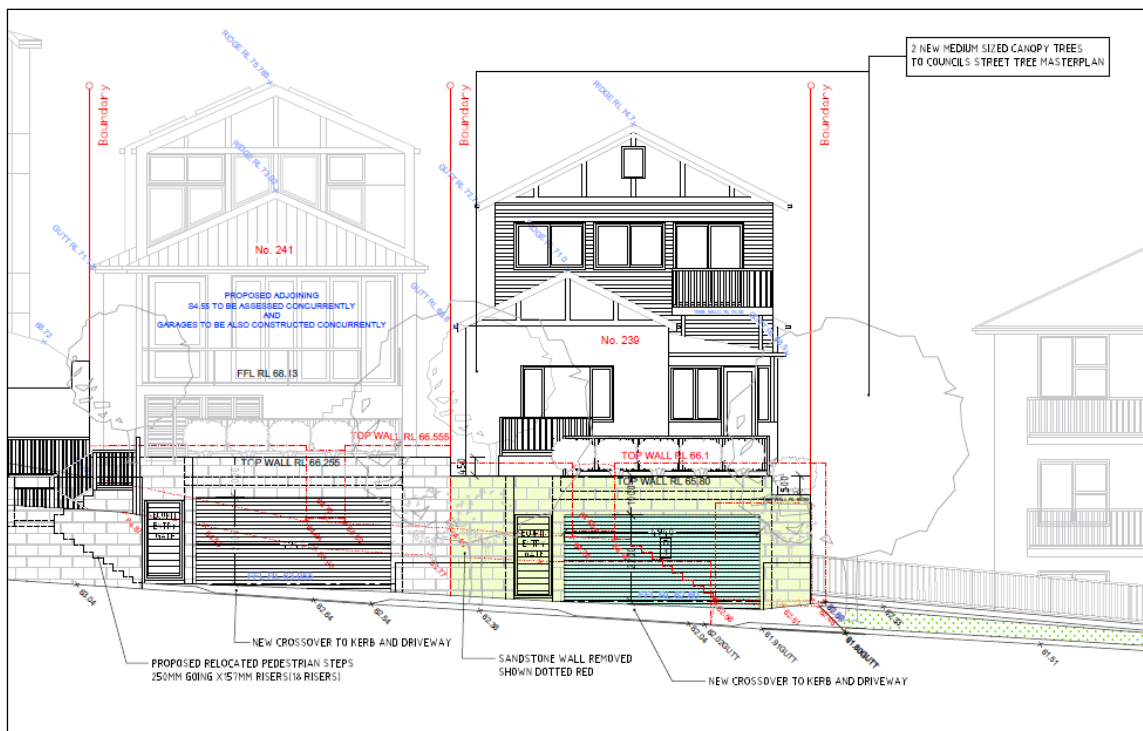


Figure 2: Proposed front elevation

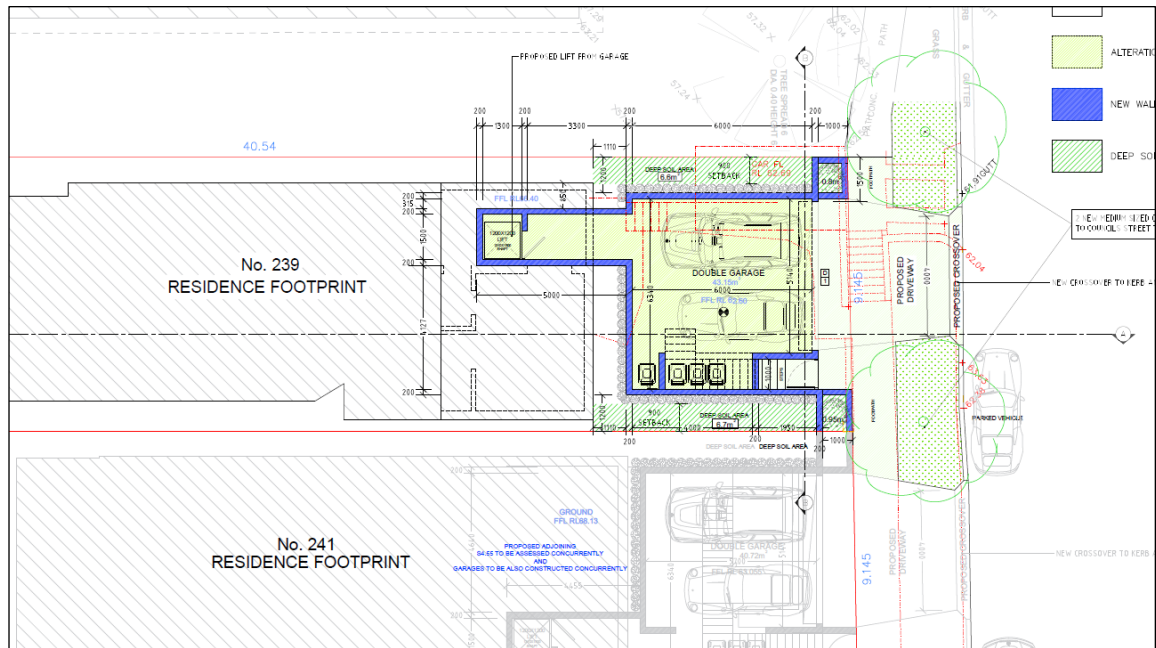


Figure 3: Proposed basement garage plan

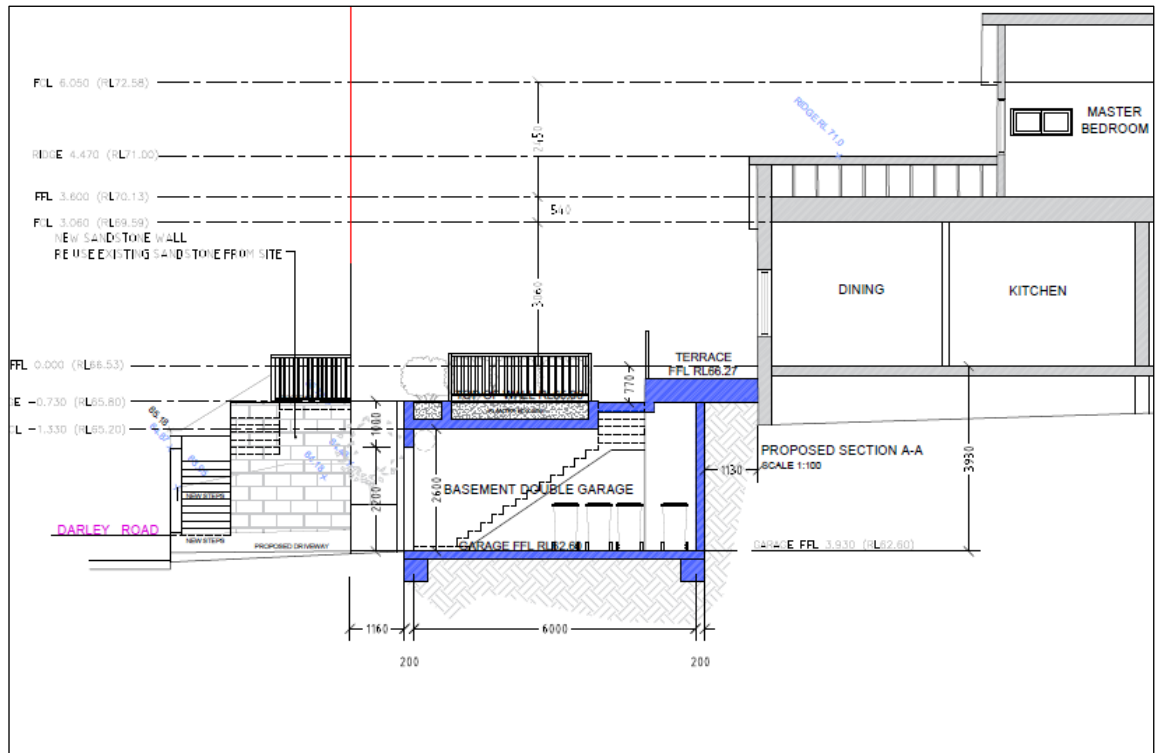


Figure 4: Proposed section

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick City Council Community Engagement Strategy. Three (3) submissions in support were received as a result of the notification process.

D33/26

- 243 Darley Road

Issue	Comment
Improved pedestrian access	Council's Development Engineer raised concerns with pedestrian access and sightlines. Whilst the public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall, are acknowledged, the proposed works would not remove risk but would instead reconfigure the interface between vehicles, pedestrians and the road reserve through the introduction of additional and more frequent driveway movements. The application is not supported.
Street trees have been approved for removal on other properties in vicinity of the site	This is not a relevant matter for consideration in the assessment of the DA
Improve streetscape appearance compared existing dilapidated wall	The subject sandstone retaining wall forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character of the locality. The proposed development will have an adverse impact on the streetscape character. The application is not supported.

- 245 & 247 Darley Road (same landowner of both properties)

Issue	Comment
Reduce parking congestion	The proposal will remove on-street resulting in no net parking gain.
Improve streetscape and appearance	Refer to comments above
Improve safety	Refer to comments above

- 277 Darley Road

Issue	Comment
improve safety and amenity	Refer to comments above
Precedent already established	The proposal will result in a cumulative precedent risk.

6. Relevant Environment Planning Instruments

6.1. SEPP (Biodiversity and Conservation) 2021

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

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

The proposed development does not involve the removal of any significant trees on the site. The proposal is acceptable in terms of the biodiversity requirements in Chapter 2 of the SEPP.

6.2. SEPP (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The provisions of the Resilience and Hazards SEPP require Council to consider the likelihood of contamination on the site. The site has previously been used for residential purposes and is unlikely to contain any contamination. The adjoining and adjacent properties are currently used for residential purposes.

On the above basis, the site is considered suitable in its present state for the residential development. No further investigations of contamination are considered necessary.

6.3. Randwick Local Environmental Plan 2012 (LEP)

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

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

The proposal is inconsistent with the specific objectives of the zone in that it will have an adverse impact on the existing sandstone retaining wall within the streetscape and the desired future character of the area.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
Cl 4.4: Floor space ratio (max)	0.75:1	No change	Yes
Cl 4.3: Building height (max)	9.5m	Less than 9.5m	Yes

6.3.1. Clause 5.10 - Heritage conservation

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

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

Council's Heritage Officer is not satisfied that the proposed works comply with clause 5.10 of RLEP 2012. Refer to comments from Council's Heritage Officer at Referrals section of this report.

6.3.2. Clause 6.2 – Earthworks

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

The proposal involves excavation works up to 3.9m in depth to accommodate a basement garage in the front of the existing dwelling. The Geotechnical report submitted with the DA concludes that the proposed earthworks for the development will not have a detrimental impact on neighbouring properties and subsurface drainage patterns subject to further investigation.

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.

Draft DCP

Council has commenced a comprehensive review of the existing Randwick Development Control Plan 2013. Stage 2 of the Draft Development Control Plan (DCP) was reported to the ordinary Council meeting of 18 November 2025 and was endorsed to go on public exhibition. The draft DCPs were on exhibition from 22 January until 05 March 2026.

Following the exhibition period, the stage 2 DCP will be finalised, endorsed and brought into effect by mid-2026. Given the imminency of the implementation, consideration has been given to the draft DCP, where applicable.

Following a review of the draft RDCP, it is noted that the relevant provisions, particularly those relating to access to dwellings elevated above retaining walls within the public domain, have been retained without substantive change.

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 does not satisfy the relevant parking, landscaping, heritage objectives and controls of the RDCP. See table in Appendix 2 and the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development will have an adverse impact within the streetscape.
Section 4.15(1)(c) – The suitability of the site for the development	The site is constrained by an existing sandstone retaining wall within Council’s road reserve, which contributes to the streetscape character of the surrounding area. Accordingly, the site is not considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in	The issues raised in the submissions have been addressed in this report.

Section 4.15 'Matters for Consideration'	Comments
accordance with the EP&A Act or EP&A Regulation	
Section 4.15(1)(e) – The public interest	The proposal will have adverse impact on the existing sandstone retaining wall within the streetscape and the desired future character of the area. The proposal is therefore contrary to the R3 zone objectives. Accordingly, the proposal is not in the public interest.

7.2. Discussion of key issues

Streetscape Character

The proposal involves the removal of a portion of the existing sandstone retaining wall and pedestrian stairway located within Council's road reserve, and for the construction of a double garage with an associated vehicular crossing in front of the existing dwelling at 239 Darley Road.

The sandstone retaining wall extends for approximately 140 metres along Darley Road, opposite Queens Park, forming the frontage to 14 residential properties. The subject site is located at the western end of this wall. This application has been assessed concurrently with separate development applications for 241 Darley Road (immediately adjoining to the east) and 263–265 Darley Road (located at the opposite eastern end of the wall), which also seek approval for double garages and the removal of sections of the sandstone retaining wall within the road reserve.

Part B7, Section 3.8 of the Randwick Development Control Plan (RDCP) regulates off-street parking for dwellings elevated above retaining walls in the public domain. The controls identify several reasons why off-street parking in these circumstances is generally not supported, including impacts on visual amenity, streetscape character, and pedestrian accessibility.

The Applicant contends that the wall does not function as a continuous streetscape element, arguing that it comprises two modified wall segments at the eastern and western ends of the raised footpath, separated by a substantial sandstone outcrop. The Applicant further submits that existing breaks and access points have been introduced over several decades, and that the proposal focuses on the more degraded "bookend" sections while retaining the more intact central portion, thereby improving the overall streetscape outcome.

Following a visual inspection, Plandev considers that the retaining wall remains a continuous and cohesive element, with the only interruption being the natural sandstone outcrop located within the higher central section. This outcrop—extending approximately 35 metres across the frontage of Nos. 255, 257 and 259 Darley Road—forms an integral component of the broader retaining wall structure and contributes significantly to the established streetscape character.

While some repair and maintenance works are warranted, the sandstone retaining wall as a whole represents a visually unified and positive public-domain feature. The proposed removal of a portion of the wall and the pedestrian stairs to accommodate a double garage would fragment this continuous element. Although the coordinated approach across four properties at either end of the wall avoids isolated, piecemeal openings, the cumulative effect would nonetheless diminish the integrity and continuity of the wall, resulting in a gradual erosion of its contribution to the streetscape.

A key concern is the precedent such approvals may establish. Properties along the wall without rear access may seek similar interventions, leading to further ad hoc modifications and a progressive loss of the wall's original extent, cohesion and character.

The Applicant notes that 43% of the 14 dwellings along the raised footpath already benefit from on-site parking and therefore have no need for additional street-front access. They also contend that the topography and configuration of the central section of the wall limit the feasibility of similar proposals elsewhere. Plandev observes, however, that four properties currently obtain access from Pine Street via a right-of-way, and one property has a rear garage accessed from Bella Street—representing 36% of the properties. Plandev considers that other properties without rear parking could pursue similar arrangements, potentially resulting in future penetrations of the retaining wall.

Accordingly, Plandev does not accept the Applicant's assertion that no further openings would occur beyond those proposed in the current applications.

The Applicant also argues that precedent has been established through the removal of wall sections in front of 239, 267, 269, 271 and 273 Darley Road to accommodate garages. However, these approvals were granted between 1989 and 2003, prior to the introduction of current planning controls. They are not determinative of the present application and do not confer an entitlement to further modification of the remaining wall. Each proposal must be assessed on its individual merits, having regard to contemporary planning controls, site context and cumulative impacts. While earlier openings were approved, the cumulative outcome has contributed to fragmentation of what was once a continuous public-domain feature. These historic approvals were assessed in isolation and do not diminish the significance of the remaining intact wall, which continues to function as a cohesive and valued streetscape element.

The current proposal would contribute to further incremental erosion of this wall feature, resulting in unacceptable cumulative impacts on streetscape character and public-domain integrity.

The sandstone retaining wall along Darley Road is a significant and continuous public-domain element that contributes positively to the established character of the locality. The proposed removal of a portion of the wall and pedestrian stairs to accommodate a double garage at 239 Darley Road would fragment this continuous feature, diminish its visual integrity, and create an undesirable precedent for further ad hoc penetrations along the wall.

The proposal is inconsistent with the objectives and provisions of Part B7, Section 3.8 of the RDCP and would result in adverse impacts on visual amenity, streetscape character and pedestrian accessibility. Having regard to the cumulative impacts, the established public-domain significance of the wall, and the relevant planning controls, the proposal is not supported.

Public Safety

The Applicant has raised public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall, specifically relating to limited clearance for vehicle door opening and perceived risk of interaction with passing traffic. These conditions are acknowledged; however, they are not considered to represent a unique or abnormal circumstance within the context of established residential streets.

Kerbside parking adjacent to fixed boundary elements such as retaining walls, fences, trees and other public domain infrastructure is a common and accepted condition across established residential streets in the urban area. While such environments require care by vehicle occupants and drivers, they do not in themselves constitute a demonstrated public safety deficiency warranting alteration of public domain assets. Council's Development Engineer has raised no concerns with traffic and pedestrian safety associated with the existing public parking arrangements adjacent to the sandstone retaining wall.

Importantly, the proposed works would not remove risk but would instead reconfigure the interface between vehicles, pedestrians and the road reserve through the introduction of additional and more frequent driveway movements. This includes increased vehicle crossing activity, reversing manoeuvres and pedestrian-vehicle conflict at the driveway threshold.

Having regard to the above, it is considered that the limited and unsubstantiated safety benefits associated with the proposal do not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk. Accordingly, the proposal is not supported.

Heritage

The subject site is located within the Randwick North HCA.

This DA was referred to Council's Heritage Officer for comment. Council's Heritage Officer advises that the proposal is not supported from a heritage perspective for the following reasons:

“These proposed works at Darley Road would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA) and its immediate context/precinct.

The proposal is inconsistent with the Randwick Local Environmental Plan (RLEP) 2012, as well as the Randwick Development Control Plan (RDCP) 2023 (and draft RDCP 2026 currently on public exhibition).”

Councils Heritage Officer advises that the sandstone retaining wall is currently under investigation for its heritage significance and listing.

It is noted that the heritage significance of the subject retaining wall was considered in an appeal to the Land and Environment Court in *Ryder v Randwick City Council* [2024] NSWLEC 1590, brought by the owners of 241 Darley Road against Council’s deemed refusal of a DA seeking approval for a double garage and the removal of a section of the adjacent sandstone retaining wall within Council’s road reserve. In September 2024, the Commissioner dismissed the appeal and found that the subject sandstone retaining wall was not of heritage significance.

Non-compliance with the RDCP controls

Part C1, Section 6.1 of the Randwick Development Control Plan (RDCP) establishes a clear hierarchy for the preferred location of parking facilities. Parking is to be provided from rear lanes or secondary street frontages wherever available. Where this is not feasible, parking structures should be located behind the front façade alignment and integrated with the dwelling, or positioned to the side, to minimise visual intrusion within the streetscape.

Part C1, Section 6.2 of the RDCP allows for garages forward of the dwelling only in limited circumstances – specifically where no alternative feasible location exists and where the site is significantly elevated above street level. In such cases, the garage must demonstrate that it will not adversely impact the visual amenity of the street and must provide strong justification for the removal of any significant landscape features, including sandstone retaining walls.

The Applicant’s Statement of Environmental Effects identifies several nearby properties that contain double garages within the front setback. Plandev acknowledges that such development occurs within parts of the broader locality and that double garages form part of the existing development pattern in some areas beyond the retaining wall.

However, the circumstances of the subject site differ materially from those examples. The proposed development requires the removal of a section of the sandstone retaining wall located within Council’s road reserve. As outlined earlier in this report, this wall forms part of a continuous and cohesive public-domain element that contributes significantly to the established character of Darley Road. Its removal would result in an adverse impact on the visual integrity of the streetscape. The presence of other double garages in the locality does not justify the loss of this important landscape feature.

In addition, each subject allotment has a frontage of 9.14 metres, which is below the minimum 12-metre frontage recommended in Section 6.1 of the RDCP for accommodating double garages. The controls specify that narrow lots should generally adopt a single-garage width unless it can be demonstrated that a double garage is consistent with the established streetscape pattern and allows for adequate landscaping within the front setback.

While some non-compliant examples exist in the vicinity, these do not establish a prevailing or desirable development pattern. In this instance, the proposed double garages – combined with the required removal of the sandstone retaining wall and the reduced capacity for meaningful landscaping – would result in an over-dominant built form that is inconsistent with the desired future character of the streetscape.

Part B7, Section 3.8 of the RDCP further regulates off-street parking for dwellings elevated above retaining walls in the public domain. It identifies several reasons why off-street parking in these circumstances is generally not supported, including impacts on visual amenity, pedestrian accessibility, and the character of the public domain. The proposal is inconsistent with these

controls, as it involves substantial demolition of the existing sandstone retaining wall, introduces double-garage widths on narrow lots, and alters pedestrian access arrangements in a manner that compromises sightlines and pedestrian safety.

Part C1, Section 2.5 (Deep Soil and Permeable Surfaces) requires that 25% of the front setback be provided as deep soil. The proposal provides only 19.6%, which does not comply with the control. The reduced deep-soil area limits opportunities for canopy planting and natural stormwater infiltration, resulting in adverse environmental and amenity impacts.

Part C1, Section 2.6 (Landscaping and Tree Canopy Cover) requires new development, or alterations that increase site coverage by more than 10%, to achieve a minimum 25% tree-canopy coverage, equating to at least three large canopy trees. Council's Landscape Officer notes that the submitted landscape plan proposes only one Magnolia 'Little Gem' and low-level decorative planting, which does not satisfy the required canopy cover in either quantity or mature size.

The proposed development does not comply with the relevant provisions of the RDCP relating to parking location, streetscape character, deep-soil planting, or tree-canopy requirements. The removal of a significant portion of the sandstone retaining wall, combined with the scale and prominence of the proposed double garages, would result in an over-dominant built form and unacceptable impacts on the visual and environmental quality of the site and the broader public domain.

For these reasons, the proposed development is not supported.

Engineering Issues

Council's Development Engineer has identified the following concerns with the proposal:

- It will exceed Council's current maximum allowed grade of 1 in 8 (12.5%) along the western edge of the vehicle crossing
- The minimum garage width of 5.14m does not satisfy the relevant Australian Standard and widening the garage 300mm to achieve compliance will impact on the proposed deep soil zone adjacent.
- Sightlines for drivers reversing out of the proposed garage) will be unacceptable unless the neighbouring garage at 241 Darley Road is also constructed because the existing raised verge would severely obstruct sightlines for reversing drivers from the proposed garage. If the development at No.241 is constructed the proposed on-street carspace located between the respective driveways would also be an obstruction for sightlines.

Accordingly, the proposal is not supported on engineering grounds.

8. Conclusion

That DA 77/2026 for "*alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works*" be refused for the following reasons:

1. The proposal is inconsistent with the R3 Medium Density residential zone objectives under Randwick Local Environmental Plan 2012 in that the removal of the sandstone retaining wall will have an adverse impact on the streetscape and desired future character of the area.
2. The proposal does not comply with Clause 5.10 Heritage Conservation under Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the heritage objectives and controls in Part B2 Section 3 Landscape Elements of Randwick Development Control Plan 2023.

4. The proposal does not comply with the objectives and controls in Part B7 Section 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain of Randwick Development Control Plan 2013.
5. The proposal does not comply with the minimum internal garage width requirements under Australian Standard 2890.1 - Parking facilities – Off-street car parking.
6. The proposal does not comply with the objectives and controls in Part C1 of Randwick Development Control Plan 2023:
 - i. 2.5 Deep Soil and permeable surfaces
 - ii. 2.6 Landscaping and tree canopy cover
 - iii. 4.7 Earthworks
 - iv. 6.1 Location of car parking facilities
 - v. 6.2 Parking facilities forward front facade alignment
 - vi. 6.5 Garage configuration
7. The proposed development would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA).
8. The proposed development will establish an undesirable precedent for other properties, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character.
9. The proposed development will result unacceptable impacts on streetscape character and public domain integrity due to the removal of the sandstone retaining wall to make way for the proposed double garage and is not in the public interest.

Appendix 1: Referrals

1. External referral comments:

1.1. Design Excellence Advisory Panel (DEAP)

Council's DEAP provided the following advice:

Introduction

This document provides a summary of advice and recommendations arising from the Design Excellence Advisory Panel (DEAP) meeting held in relation to the above application.

The DEAP comments are intended to assist Council in their design consideration of an application, including assessment against Chapter 4 of the Housing SEPP and the design principles for residential apartment development (as applicable).

The DEAP is appointed by Randwick City Council as an advisory group, not a decision-making body. The written and verbal comments are the professional opinions of the Panel members and constitute expert design quality advice. The Panel members are suitably qualified persons with expertise in architecture, planning, urban design, heritage, and/or landscape architecture.

To address the DEAP comments, the Applicant may be requested to submit amended plans. Prior to preparing any amended plans, the Applicant must discuss the DEAP comments (and any other matter(s) that may require amendment) with the relevant Council assessing officer. Any amended plans submitted to Council must be accompanied by a written response that details how each of the DEAP comments have been satisfactorily addressed.

Proposal

As described in the applicant's development application description, the proposal is for:

Alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping works

Panel Comments and Recommendations

Principle 1 – Context and Neighbourhood Character

1. The Panel recognised at the meeting that this section of Darley Road is defined by elevated dwellings, a continuous sandstone retaining wall, a raised public footpath, and a strong topographic relationship between the private lots and the public domain, including an interface with Queens Park. The Panel's view is that significance of the place does not sit only in the individual dwellings, but in the way the wall, stairs, slope and dwellings combine to form a coherent streetscape condition.
2. The Panel's concern is that the current applications do not operate at the streetscape scale. The applications introduce garages, driveways, stair reconfigurations and wall removals on a lot-by-lot basis to achieve private off-street parking. While the applicants describe that the proposal consolidates the intervention at the ends of the wall and avoids a fragmented outcome, the broader issue is that the long term public domain condition depends on what happens across the full length of the wall, not just within these four sites.
3. The Panel acknowledges the applicants' email received after the meeting, including their response that a) the remaining section of wall is not susceptible to similar future interventions, and that b) the wall itself is not a continuous or uniform element. The Panel considers either responses do not address the Panel's broader concern:
 - a. The Panel notes that the current access arrangements of neighbouring properties do not appear to provide a meaningful guarantee against future comparable applications. In particular, properties adjacent to 241 Darley Road do not currently benefit from rear access via Pine Street, and other properties with apparent rear access rely in part on easement arrangements over privately owned land. The Panel therefore remains concerned that these applications may establish or reinforce a potential precedent for similar interventions, both along this section of Darley Road and more broadly for comparable wall and footpath conditions elsewhere in Randwick. From the Panel's perspective, the sandstone wall, topography, footpath and stairs together form a significant and coherent streetscape condition. If similar interventions were to occur progressively over time, that condition would be increasingly vulnerable to erosion.
 - b. The key issue is not whether every part of the wall is identical in construction or condition, but whether this section of Darley Road continues to read as a coherent public domain system made up of wall, topography, footpath and stairs.
4. Accordingly, the Panel considers that the applications risk progressive erosion of the continuous public domain character of this section of Darley Road, even if the immediate works are more consolidated than previous submissions.

Principle 2 – Built Form and Scale

1. The principal built form changes occur below the existing dwellings through the insertion of garages, internal driveways, reconstructed retaining walls and terraces above. The architectural language of sandstone cladding and coloured doors appear suitable within the streetscape context. However, the Panel considers that the fundamental issue is not the treatment of the garage elevations, but the overall extent of intervention required to allow this parking outcome into the constrained sites.
2. The Panel notes that the garages are located forward of the building line, on narrow frontages of approximately 9.1m, and require substantial excavation to be achieved. In this respect, the built

form response is not arising naturally from the site conditions, but seems rather driven by the parking demand. The resulting arrangement places considerable alterations of the public domain edge and appears to weaken the established relationship between the dwellings, retaining wall and the footpath.

3. The Panel also notes that while double garages exist elsewhere in the street, these lots do not comfortably accommodate that typology without its public domain consequences. In this respect, the proposal does not create a cohesive response to its site conditions.

Principle 3 – Density

The proposals do not materially alter residential density and therefore do not raise specific concerns under this principle.

Principle 4 – Sustainability

1. The Panel considers that the removal of established trees within private property to facilitate garages and driveways will reduce canopy performance. The applicants propose only limited replacement private property canopy, which appears inadequate having regard to the extent of excavation, reduced deep soil function in the front setback, and the overall loss of vegetated area.
2. The Panel further notes that the proposal of additional street tree canopy does not offset the loss of privately owned tree canopy.

Principle 5 – Landscape

1. The applications appear to comply with quantitative landscape controls. However, the Panel is concerned with the viability, usability and public domain performance of the resulting landscape rather than numeric compliance alone.
2. The proposals significantly diminishes the landscape role of the privately owned front setback. Deep soil calculations appear to rely in part on narrow residual areas that are unlikely to offer meaningful outcome. In particular, the front setback landscape does not convincingly demonstrate sufficient width, permeability or planting opportunity to support robust canopy.
3. The Panel is also concerned by the removal of healthy trees to facilitate garages. Tree identification is inconsistent across the documents, particularly at 263-265, where the architectural and arboricultural documents do not align. Lot 239 and 241 does not include an arborist report, despite survey indicating a number of existing trees. This needs to be corrected so that the extent of tree loss and replacement is properly demonstrated. More broadly, the Panel considers that removal of established trees for the purpose of delivering private parking spaces is difficult to justify, particularly where public parking is also being lost.
4. The Panel notes that private landscape treatment associated with the garage frontage appears to be minimal, relying on a limited and repetitive shrub planting. Additional draping or softening planting should be incorporated to reduce the visual harshness of the proposed walls and garage entries.

Principle 6 – Amenity

1. The proposals generally maintain acceptable residential amenity for the existing dwellings themselves.
2. The Panel considers that public domain amenity is materially affected. The proposals reduce street parking. While private resident convenience may improve; however, the broader amenity of the street and pedestrian realm is reduced.

3. The Panel acknowledges the applicants' email response submitted after the meeting notes that there would be no net loss of parking. It is the opinion of the Panel that public on-street parking and private off-street parking are not directly comparable, as the latter serves only individual properties while the former is a shared public resource available to residents, visitors, service vehicles and the broader community. The replacement of public kerbside parking with private garages therefore does not represent a neutral outcome from a public domain or amenity perspective.

Principle 7 – Safety

1. The proposal includes relocation and reconstruction of public pedestrian stairs. The Panel acknowledges that newly constructed stairs may achieve better compliance with current technical standards than the existing stairs. However, that is not equivalent to delivering a better public domain outcome.
2. The critical issue is that the new stair arrangements do not reduce barriers. At 241 Darley Road, the stair arrangement increases from ~9 steps to ~18 steps in a switchback configuration. At 263-265 Darley Road, stair count increases from ~7 to ~12. In this respect, the proposal does not reduce barriers, but redistributes and increases them. These amendments appear as regressions in pedestrian legibility and accessibility, notwithstanding any improvement in technical compliance.
3. In particular, the switchback stair is of concern due to its reduced sightlines, more complex movement pattern and creates a weaker sense of pedestrian direction / wayfinding. The Panel notes that the applications prioritise private vehicle access over pedestrian clarity and ease of movement.
4. The proposal also creates additional public domain infrastructure in the form of new stairs and retaining structures. These become an ongoing Council maintenance burden. The Panel considers that if such infrastructure is to be reconstructed, it would be better delivered as part of a coordinated public domain response across the full length of the wall rather than piecemeal through individual private applications where the primary driver is the provision of off-street parking.

Principle 8 – Housing Diversity and Social Interaction

1. The proposals do not alter housing diversity and therefore raise no specific concerns under this principle.

Principle 9 – Aesthetics

1. The visual character of this section of Darley Road is strongly influenced by the sandstone wall, the topographic section, and the contrast between the raised dwellings and the public footpath. While the applications attempt to rationalise the intervention and consolidate garage entries, the Panel considers that the long-term aesthetic outcome cannot be assessed by only looking at the four sites in isolation.
2. The key visual risk is that the applications begin to transform a continuous wall and footpath condition into site specific driveway and stair responses. Even if the immediate design treatment is relatively controlled, the long-term visual outcome is likely to depend on how future adjoining properties respond. The Panel considers that the visual and spatial significance of this section of Darley Road depends on the continuity of the sandstone wall, topography and raised pedestrian edge. If Council's broader assessment finds that approval of these applications would increase the likelihood of similar future interventions, the Panel considers that this would be an important design concern, as it would place the long term aesthetic coherence of the streetscape at risk.
3. The Panel acknowledges the applicants' email response submitted after the meeting. The response notes that the panel focused too much on precedent and planning rather than design. In

the Panel's view planning and design matters should be collectively considered in this instance. Precedent, public domain continuity, parking interface, stair and path legibility, wall removal, canopy loss and streetscape character are all core urban design, public domain and landscape architecture issues arising directly from the proposal.

Conclusion

1. Key issues identified by the Panel include:
 - Loss of public on-street parking to facilitate private off-street parking and garages
 - The precedent created by partial removal of the sandstone retaining wall
 - The risk of progressive fragmentation of the streetscape and public domain if similar proposals follow, both along Darley Road and elsewhere in the Randwick LGA
 - Weakening of the public verge amenity, pedestrian accessibility and legibility
2. The Panel acknowledges that the applicants have attempted to present the four applications as a coordinated response and have provided follow-up clarification regarding existing breaks in the wall, prior parking approvals, and the applicant's view that the precedent risk is limited. However, the Panel is not convinced that these matters resolve the broader urban and landscape design concerns. The applications still rely on a private development application to alter what is intrinsically a public domain system, and they do not adequately demonstrate that a desirable long-term streetscape and accessibility outcome can be achieved.
3. The Panel does not support the proposal in its current form and configuration. The Panel recommends that Council carefully consider whether the public domain outcomes of the proposal provide a sufficient public benefit to justify the removal of sections of the sandstone wall, the loss of on-street parking, and the introduction of more complex stair and driveway arrangements.

The Applicant provided the following response to the Panel's comments:

1. *The retaining wall is not a continuous or uniform element. It comprises two modified walls at the eastern and western ends of the raised footpath, separated by a large sandstone outcrop, with existing breaks and access points already established over several decades. The proposal focuses on the degraded bookend segments while retaining the more intact and prominent central portion, delivering a net improvement to overall streetscape quality.*
2. *The relevant precedent is already established. Five properties (273, 271, 269, 267 and 239) have been granted access by Randwick Council and have removed sections of the sandstone wall to install garages over approximately the last forty years. This is not a new condition being introduced by these applications.*
3. *The remaining wall is not susceptible to similar intervention. There are 14 homes along the raised section of the footpath between 239 and 265 Darley Road with 43% of those allotments already benefiting from existing parking facilities and having no need for street front access. The topography and wall configuration through the central section further limit the feasibility of similar interventions elsewhere. Therefore, the 2025 DAs do not establish a new planning precedent and represent site-specific responses unique to the bookends of the wall and not a transferable model.*
4. *The proposal delivers significant public domain benefit. The existing footpath gradient at 241 Darley Road and beyond currently exceeds applicable safety codes, posing a liability risk to Council. The proposed works rectify this condition, providing compliant access, improved stair design, and clearer pedestrian movement, a critical safety upgrade that is a common positive theme across the more than 10 supporting submissions received. This represents a meaningful and measurable improvement to the public domain, not a neutral change. Technical matters raised by the panel regarding excavation, deep soil zones, and garage proportions are being addressed through the assessment process.*
5. *There is no net loss of parking. In the previous Land and Environment Court proceedings, John Flanigan of Randwick Council submitted an expert report dated 29 May 2024 concluding that the proposed garage would result in no net loss of car parking. This conclusion holds true across all four DAs. The existing disabled parking space outside 239–241 Darley Road was*

installed in the late 1990s for a now-deceased resident, is no longer in active use, and is constrained in its current configuration such that it cannot be safely accessed regardless.

6. *The coordinated four-property approach directly addresses piecemeal risk. A consistent and controlled intervention at defined bookend locations, developed collaboratively across four households, is the antithesis of fragmented incremental change.*

These matters are considered in the body of this assessment report.

2. Internal referral comments:

2.1. Heritage Officer

Council's Heritage Officer provided the following comments:

The Site

The subject site is not listed as an individual heritage item either at Local or State level. However, it is located within the North Randwick Heritage Conservation Area (C1) as defined by the Randwick Local Environmental Plan (RLEP) 2012 and Randwick Development Control Plan (RDCP) 2023.

The front aspect of the property demonstrates a unique intersection between the public and private domains, characterised by the stairways, landscaping and the elevated public footpath above a substantial historic sandstone retaining wall. The sandstone wall abuts a natural rock face which is visible to the west of the subject site, retaining the properties along this section of the Darley Road. The State Heritage Inventory sheet noted the significance of the HCA as follow -

The North Randwick heritage conservation area is significant for its persistent, strongly Federation streetscapes. The imposition of a varied subdivision pattern, on the north facing slopes adjoining Centennial Park, has created numerous internal views and vistas of special interest. The combination of street pattern, topography and native and cultural plantings, set off the areas original buildings to good advantage. The heritage value of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings. The mixed building stock adds to the area's interest, ranging from larger Federation houses on Darley Road to small semi-detached on Dangar Street. Whilst many buildings have been substantially altered, there has been very little redevelopment relative to other parts of Randwick. Most buildings and streetscapes retain their essential period character.

It is important to note that the sandstone retaining wall is currently under investigation for its heritage significance and listing.

Proposal

Alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works

Submission

D06000708 – HIS

D06000703 – Architectural drawings

Controls

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

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

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

Comments

The Development Application for the demolition of the retaining wall, the substantial excavation of site for garaging and the driveway crossover (including No.239 as illustrated on the architectural drawings) is not supported from a heritage perspective.

These proposed works at Darley Road would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA) and its immediate context/precinct.

The proposal is inconsistent with the Randwick Local Environmental Plan (RLEP) 2012, as well as the Randwick Development Control Plan (RDCP) 2023 (and draft RDCP 2026 currently on public exhibition).

Particulars:

- (a) *The site of the proposed development is located within the North Randwick Heritage Conservation Area (C1) as defined by the RLEP 2012 and Randwick RDCP 2023*
- (b) *RLEP 2012 Clause 5.10 (1) includes an Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views*
 - *The proposal involves the demolition of substantial historical fabric*
 - *The proposal substantially alters the perceived setting of the dwelling within its precinct*
 - *The proposal will adversely affect the views from the street towards the dwelling itself*
 - *Setting an adverse precedent and its cumulative impact (see proposals submitted for demolition of the sandstone retaining wall along Darley Rd), the proposal poses detrimental (irreversible) adverse impact on the historic sandstone retaining wall*
 - *The sandstone retaining wall is currently under investigation for its heritage significance and listing*
- (c) *RDCP 2023 Part B2, 3 Landscape Elements includes objectives of ensuring that significant individual retaining walls are retained and conserved and that private works including the provision of vehicular access ... do not impact upon the heritage value of landscape elements. Specifically:*
 - *That significant sandstone retaining walls must not be removed or replaced*
 - *That significant sandstone walls or rock faces must not be modified for vehicular access*
- (d) *RDCP 2023 Part B7 3.8 (draft RDCP 2026 Part B7 4.7 currently on public exhibition) Access to Dwelling Elevated Above Retaining Walls in Public Domain*
 - *Provision of vehicular access must minimise demolition, modification, and damage to existing retaining walls in the public domain*
 - *Double width driveway and entry to on-site parking involving full or part removal of retaining walls in the public domain is not permitted*

- *Development must not involve any significant change to the gradients of public footpaths above the retaining walls, except to facilitate equitable access. (It is noted that this proposal is for a total demolition of the public pathway at the front of this residence, resulting in a substantial shortening of the pathway and an increased height in the proposed new stairway to the east of the proposal. This effectively makes the remaining pathway shorter and steeper and therefore less attractive and more difficult for use)*

The Explanation in Part B7 3.8 (draft RDCP 2026 Part B7 4.7 currently on exhibition) notes the likely further compromise of visual integrity, streetscape character and pedestrian access as precedent is established, and successive developments for vehicular access incrementally remove wall sections

2.2. Development Engineer

Councils Development Engineer and Landscape Officer provided the following comments:

General Comments

The application is not supported in its present form. The issues are outlined below.

Parking Issues

Under Australian Standard 2890.1 the minimum internal width for a double garage is 5.4m being twice the width required for a carspace that is enclosed on one side (2.7m).

The submitted architectural plans indicate the proposed garages have an internal width of 6.34m at the location of the waste-bin bay/s however they then narrow to only 5.14m due to the intrusion of the stairs being 260mm below the minimum width required. Furthermore, the intrusion will likely be opposite the rear car door when a vehicle is parked forwards, potentially creating a significant restriction to passengers.

The minimum garage width of 5.14m is therefore not supported and it is noted widening the garage 300mm to achieve compliance will impact on the proposed deep soil zone adjacent.

Vehicle Access Grade Issues

The submitted plans indicate the proposed floor level of the garage will be RL 62.60 AHD while the level of the gutter opposite ranges between RL 61.97 (western side) to RL 62.23 (eastern side)

This is a significant height difference over a short distance on the western side and a calculation of the resulting access grades across the Council verge indicate that it will exceed Council's current maximum allowed grade of 1 in 8 (12.5%) along the western edge of the vehicle crossing.

It is acknowledged the existing driveway at a similar location also likely exceeds this standard however the current DA is for a new garage and is subject to Council's current standards and will allow the opportunity to correct this non-compliance.

The floor level of the proposed garage will have to be lowered by approximately 150mm to RL 62.45 AHD to achieve compliant access grades along the western driveway edge across the Council verge.

Sightline Issues

Sightlines for drivers reversing out of the proposed garage) will be unacceptable unless the neighbouring garage (proposed at 241 Darley Road under DA/79/2026) is also constructed.

If it isn't, the existing raised verge in front of No.241 Darley Road would severely obstruct sightlines for reversing drivers from the proposed garage and reciprocally it would be difficult for drivers travelling west down Darley Road to spot reversing vehicles within acceptable distances. This would potentially create a dangerous situation that is unacceptable to Development Engineering.

Even if the development at No.241 is constructed the proposed on-street carspace located between the respective driveways would also be an obstruction for sightlines and it would be recommended that if the applications are ever approved, both crossings should be widened to eliminate this

carspace

If amended plan are to be requested, then they must address the above issues.

The application is not supported by Development Engineering in its present form. Any enquires on the above matters are to be directed towards Senior Development Engineer Jason Rider on 9093-6881 or at jason.rider@randwick.nsw.gov.au .

Tree Management & Landscape Comments

There is no significant vegetation either on Council's raised public verge, consisting of low value, low growing ground-covers, plants and weeds; or, within the front setback of this development site, comprising a Frangipani adjacent the northeast corner of the existing dwelling and some smaller shrubs across the front boundary which would pose a constraint in any way to the works as shown, so no objections are raised to their removal where needed.

While the total site overall maintains compliance with Council's C1 – Low Residential DCP, Part 2.5 – Deep Soil Permeable Surfaces, Control i), by providing 35%, this new garage will result in a non-compliance with Control iv), which requires that a minimum of 25% of the front setback be dedicated to Deep Soil, and as only 19% is proposed, is deficient.

Further, Part 2.6 – Landscaping & Tree Canopy Cover, Control i) of the C1 DCP requires that new development, or alterations and additions that change the existing site coverage by more than 10%, must demonstrate that a minimum of 25% canopy coverage as a proportion of the site area can be achieved within 10 years from the completion of development based on maturity of trees selected, with Control iii) also specifying that a minimum of 3 x large canopy trees must be provided.

The submitted Landscape Plan indicates only 1 x Magnolia Little Gem in the eastern side planter, together with some lower, decorative type planting, which would not comply with either of the controls discussed above, due both to the quantity of trees provided and its mature dimensions, and while 2 x new street trees have been indicated on the Darley Road verge, these cannot contribute to canopy calculations due to being entirely beyond the site, on public property.

As such, the proposal is non-compliant with the relevant C1 DCP Controls, which raises concerns due to this site's location within the North Randwick Heritage Conservation Area.

Whilst the proposed excavated double garage shows 1200mm wide strips of deep soil being retained along both the eastern and western side boundaries, the Development Engineers comments provided above detail that a widening of the internal dimensions of the garage will be required in order to comply with Australian Standards, which will reduce deep soil in the front setback even further, meaning that a revised Deep Soil calculation will need to be provided once an amended, compliant design has been achieved.

As all works are restricted purely to the front of the site, no comments are required or made for any vegetation within the rear setback of this development site, with the shrubs that are at a lower ground level, in the front setback of the adjoining private property to the west, no. 237, also not to be affected given that they are already physically separated by the western wall of the existing garage, and while a new boundary wall/planter will be constructed on the common boundary, this is in the same location as the existing garage wall, so no impacts are expected.

Based on the Issues raised above, the application cannot be supported.

Appendix 2: DCP Compliance Table

3.1 Part B2: Heritage

RDCP 2023 Part B2, 3 Landscape Elements which has been addressed by Council’s Heritage Officer (refer to the discussion above).

3.2 Part B7: Transport, Traffic, Parking and Access

DCP Clause	Controls	Proposal	Compliance
3.2	Vehicle Parking Rates		
	1. Space per dwelling house with up to 2 bedrooms 2. Spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed.	Two car spaces will be provided.	Yes
3.8	Access to Dwellings Elevated Above Retaining Walls in Public Domain		
	i) Any provision of vehicular access to dwellings must minimise demolition, modification and damage to existing retaining walls within the public domain. ii) Double width driveway and entry to on-site parking involving full or part removal of retaining walls in the public domain must not be provided. iii) Development must not involve any significant change to the existing gradients of public footpaths above the retaining walls, except to facilitate equitable access. iv) The creation of an access driveway must not jeopardise the safety of pedestrians and vehicles. v) Works that require alteration or replacement of landscape elements and structures (such as handrails) adjacent to the public footpaths situated above retaining walls must be compatible with the streetscape character.	The proposal involves removal of a portion of the sandstone retaining wall in Council’s road reserve to make way for private garages.	No

D33/26

3.3 Part C1: Low Density Residential (2023)

D33/26

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R3	
2	Site planning	Site = 370.6m ²	
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)	55%	Yes
2.5	Deep soil permeable surfaces		
	Up to 300 sqm = 30% 301 to 450 sqm = 35% 451 to 600 sqm = 40% 601 sqm or above = 45% i) Deep soil minimum width 900mm ii) Retain existing significant trees iii) Minimum 25% front setback area permeable surfaces *Dual occupancies and semi-detached dwellings: Deep soil area calculated on the overall site area and must be evenly distributed between the pair of dwellings.	36% 19% (front setback)	Yes No
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	1	No
4.6	Colours, Materials and Finishes		
	i) Schedule of materials and finishes. ii) Finishing is durable and non-reflective and uses lighter colours. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climate to withstand natural weathering, ageing and deterioration. vi) Recycle and re-use sandstone	Acceptable	Yes
4.7	Earthworks		
	i) Excavation and backfilling limited to 1m, unless gradient too steep ii) Minimum 900mm side and rear setback iii) Subterranean spaces must not be habitable iv) Step retaining walls. v) If site conditions require setbacks < 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm. vi) sloping sites down to street level must	Excavation depth up to 3.9m	No

DCP Clause	Controls	Proposal	Compliance
	minimise blank retaining walls (use combination of materials, and landscaping) vii) cut and fill for POS is terraced <i>where site has significant slope:</i> viii) adopt a split-level design ix) Minimise height and extent of any exposed under-croft areas.		
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	All dwellings		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m; and - Consistent with pattern in the street; and - Landscaping provided in the front yard. v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces)	Double garage on 9.14m lot	No
6.2	Parking Facilities forward of front façade alignment		
	i) The following may be considered: - An uncovered single car space - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site's frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: - There is no alternative, feasible location for accommodating car parking; - Significant slope down to street level - does not adversely affect the visual amenity of the street and the surrounding areas; - does not pose risk to pedestrian safety and - does not require removal of significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) - Compliments architectural character of dwelling i.e. roof pitch and finishes.	Removal of sandstone retaining walls	No
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where:	900mm	Yes

D33/26

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - Nil side setback on adjoining property; - Streetscape compatibility; - Safe for drivers and pedestrians; - Amalgamated driveway crossing. 		
6.4	Driveway Configuration		
	Maximum driveway width: <ul style="list-style-type: none"> - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	4m	Yes
6.5	Garage Configuration		
	<ul style="list-style-type: none"> i) Recessed behind front of dwelling ii) Maximum garage width (door and piers or columns): <ul style="list-style-type: none"> - Single garage – 3m - Double garage – 6m iii) Min. 5.4m length of garage iv) Max. 2.6m wall height and 3m building height (for pitched roof) for detached garages v) Recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) Minimum clearance 2.2m (AS2890.1) 	1m parapet	No

Responsible officer: Plandev Pty Ltd, Thomas Mithen

File Reference: DA/77/2026

Development Application Report No. D34/26

Subject: 241 Darley Road, Randwick (DA/79/2026)

Executive Summary

Proposal:	Alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works
Ward:	North Ward
Applicant:	M Boman
Owner:	M Boman, K Ryder
Cost of works:	\$242,000
Reason for referral:	The Director City Planning has made a discretionary referral in accordance with the RLPP Guidelines.

Recommendation

That the RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 79/2026 for alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works, at No. 241 Darley Road for the following reasons:

1. The proposal is inconsistent with the R3 Medium Density residential zone objectives under Randwick Local Environmental Plan 2012 in that the removal of the sandstone retaining wall will have an adverse impact on the streetscape and desired future character of the area.
2. The proposal does not comply with Clause 5.10 Heritage Conservation under Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the heritage objectives and controls in Part B2 Section 3 Landscape Elements of Randwick Development Control Plan 2023.
4. The proposal does not comply with the objectives and controls in Part B7 Section 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain of Randwick Development Control Plan 2013.
5. The proposal does not comply with the minimum internal garage width requirements under Australian Standard 2890.1 - Parking facilities – Off-street car parking.
6. The proposal does not comply with the objectives and controls in Part C1 of Randwick Development Control Plan 2023:
 - i. 2.5 Deep Soil and permeable surfaces
 - ii. 2.6 Landscaping and tree canopy cover
 - iii. 4.7 Earthworks
 - iv. 6.1 Location of car parking facilities
 - v. 6.2 Parking facilities forward front facade alignment
 - vi. 6.5 Garage configuration
7. The proposed development would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA).

8. The proposed development will establish an undesirable precedent for other properties, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character.
9. The proposed development will result unacceptable impacts on streetscape character and public domain integrity due to the removal of the sandstone retaining wall to make way for the proposed double garage and is not in the public interest.

Attachment/s:

Nil

D34/26

	
	<p style="text-align: center;">Subject Site</p>
	<p style="text-align: center;">Submissions received</p>
<p>▲ North</p>	
<p style="text-align: center;">Locality Plan</p>	
<p>Note: 5 submissions were received – all in support A submission was received from No. 277 Darley Road, No. 46 Hooper Street and No. 15-17 Park Avenue. All of these properties are not visible on the above aerial map</p>	

1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the Director City Planning has made a discretionary referral in accordance with the RLPP Guidelines.

The development application (DA) seeks consent for alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works.

The DA has been independently assessed by Plandev, an external urban planning consultancy, alongside two concurrent development applications at 263-265 Darley Road (DA/1439/2025) and 239 Darley Road (DA/77/2026). These applications similarly seek consent for the removal of the sandstone retaining wall within Council's road reserve to facilitate the construction of new double garages at the front of the respective dwellings. The concurrent DA at 239 Darley Road relates to the adjoining property at the western boundary of the site.

The DA was publicly notified from 6 February 2026 to the 20 February 2026 in accordance with the Randwick City Council Community Engagement Strategy. Five (5) submissions were received in support as a result of the notification process. The comments received in support were in relation to improved safety and accessibility and positive streetscape and design outcome for the street.

The key assessment issues relate to streetscape character, heritage impacts, public safety, non-compliance with Randwick Development Control Plan (RDCP) 2013 and engineering issues.

The application was referred to the Randwick Design Excellence Advisory Panel (DEAP) for advice in relation to urban design and visual impact of the proposed works. The DEAP does not support the proposal due to the removal of sections of the sandstone retaining wall, and the risk of setting a precedent that would fragment the streetscape and reduce public domain amenity and accessibility. It also found the proposal fails to demonstrate sufficient long-term public benefit or a cohesive urban design outcome to justify these impacts.

Council's Heritage Officer does not support the proposal on heritage grounds due to the unacceptable visual and physical impact on the North Randwick Heritage Conservation Area (HCA). It is also inconsistent with the applicable heritage planning controls under the Randwick Local Environmental Plan 2012 and RDCP.

Although the sandstone retaining wall is in need of some repair and maintenance works, it forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character and appearance of the locality.

The proposed removal of a portion of the sandstone retaining wall to facilitate a double garage and vehicular access in front of the dwelling would result in the fragmentation of a continuous and cohesive landscape feature that contributes positively to the streetscape character. When considered in conjunction with concurrent DAs on the adjoining property to the west and at the opposite eastern end of the retaining wall, the cumulative effect would be the progressive reduction in the integrity and continuity of this landscape feature, resulting in an overall degradation of the streetscape.

Concerns also remain with the undesirable precedent that would be set for other properties without rear access adjacent to the sandstone wall to undertake similar works, which may lead to further ad hoc modifications over time and a continuing loss of the wall's extent and character.

Accordingly, the proposal, in combination with other likely future modifications, would result in unacceptable cumulative impacts on streetscape character and public domain integrity.

The Applicant has raised public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall. These conditions are acknowledged; however, they are not considered to represent a unique or abnormal circumstance within the context of established residential streets.

While it is acknowledged that Council has previously approved similar garage applications involving partial removal of sandstone retaining walls within the LGA, such approvals are not determinative of the current DA.

Having regard to the above, it is considered that the proposal to provide private parking for benefit of the adjacent residences does not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk. Accordingly, the proposal is not supported.

2. Site Description and Locality

The site is situated on the southern side of Darley Road, opposite the eastern end of Queens Park. It comprises a Federation-style dwelling house at 241 Darley Road with a total site area of 370.6m²

The existing dwelling is elevated above Darley Road, separated from the road by a sandstone retaining wall across the site's frontage within the Council road reserve. Refer to **Figure 1**.

The sandstone retaining wall extends for approximately 140m in front of 14 residential properties along Darley Road and does not contain openings for vehicular access.

The site is located within the North Randwick Heritage Conservation Area (Item C1 within Part 2, Schedule 5 of Randwick Local Environmental Plan 2012).



Figure 1: Existing dwelling (Source: Applicant's SEE)

3. Relevant history

Randwick Design Excellence Advisory Panel

On 17 February 2025, Council facilitated a Design Excellence Advisory Panel (DEAP) meeting for property at 263 Darley Road and also 241 Darley Road regrading proposed garages and removal of the sandstone retaining wall. The DEAP was requested to assess three potential options regarding the provision of double garages in the front setback of these properties including (1) do not permit, (2) provision of a pedestrian bridge and (3) demolition of stairs on either side.

The DEAP provided the following recommendation:

The Panels view is that, after careful consideration of the issues and possible alternate solutions, that council should not approve the proposed off-street parking for the two subject properties due to the negative impacts on the streetscape character and public domain accessibility. Approving the applications would likely set a precedent for future similar applications that would fundamentally and irreparably impact upon the character and amenity of this section of Darley Road.

In April 2025, Council Staff conducted a presentation to the Darley Road Residents, with findings from an investigation into whether garages could be supported along the section of Darley Road. There was input from multiple technical experts in Council, such as civil assets and public domain, asset management, development engineering, heritage, integrated transport and transport engineering.

Council advised the Darley Road residents that it could not be guaranteed that a future DA proposing removal of the retaining wall would be supported due to the adverse impact on the streetscape and cumulative impact of other properties without rear lane access pursuing a similar approach.

Relevant DAs

On 25 September 2024 a Development Application (DA) for alterations and additions to existing dwelling, including first floor addition, new basement garage and associated site works was refused by Land and Environment Court (DA/418/2023). The commissioner made the following findings:

59 The RDCP generally does not support partial demolition of public domain retaining walls for vehicular access. The amended DA seeks flexibility to Part B7 control 3.8. I find that the proposed design demolishes a significant proportion of the retaining wall across the site's frontage resulting in an indented garage opening, significantly alters the existing gradient to raise the footpath and proposes balustrade elements that are not consistent with the streetscape character. The proposed development is contrary to the objectives and intent of the controls and has not proposed a reasonable alternate design in an area where there are no breaks in the sandstone retaining wall.

60 I therefore conclude that this issue warrants refusal of the amended DA.

On 21 November 2024, Council approved a DA for alterations and additions to existing dwelling house including first floor addition and associated site works (DA/1035/2024).

Condition 2 of the consent deleted the proposed removal of the garages and works to the sandstone retaining wall in Council road reserve.

4. Proposal

The proposal comprises the following works:

- demolition of the existing sandstone retaining wall within the Council road reserve
- excavation of up to 3.5m into the slope at the front of the site
- construction of:
 - a basement double garage accommodating two car spaces, internal corridor, lift access and a bin storage area
 - a vehicular crossover
 - pedestrian entry stairs from Darley Road to the ground floor of the dwelling
 - public pedestrian stairs within the Council footpath
 - new verandah, steps and storage above the garage
 - landscaped terrace above the garage.

The proposed garage will have a sandstone clad finish and steel frame Colorbond doors.

The Statement of Environmental Effects (SEE) submitted with the DA states that the proposed works are intended to be undertaken in conjunction with 239 Darley Road.

Refer to **Figures 2 to 4**.

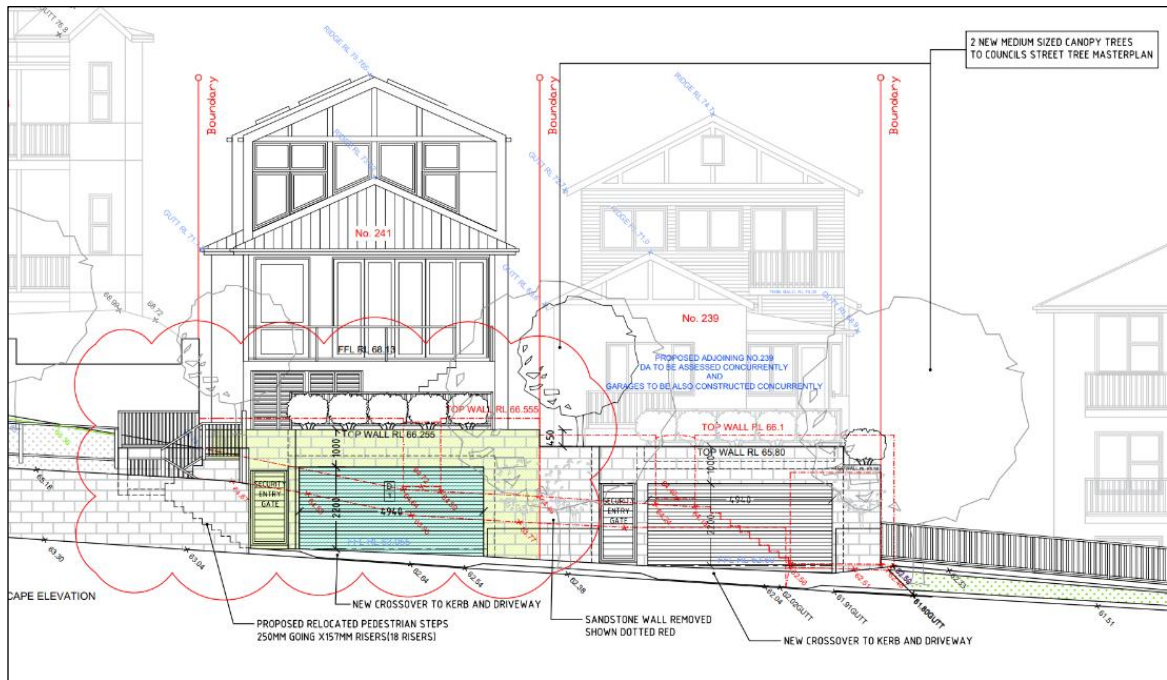


Figure 2: Proposed front elevation

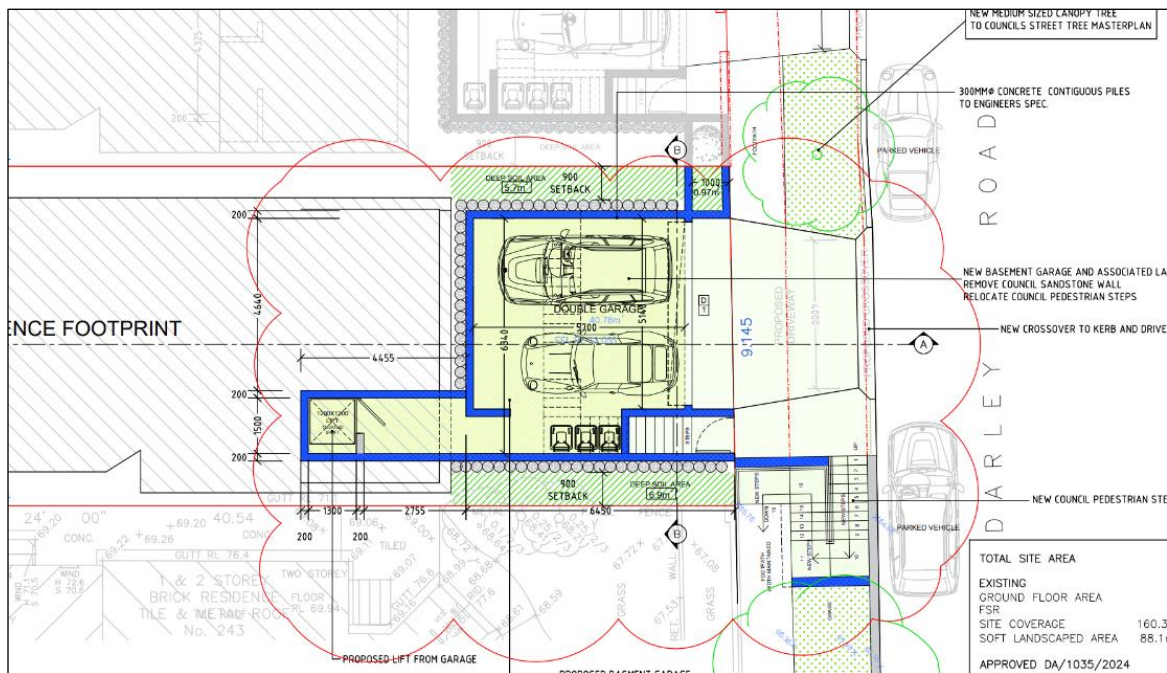


Figure 3: Proposed basement garage plan

D34/26

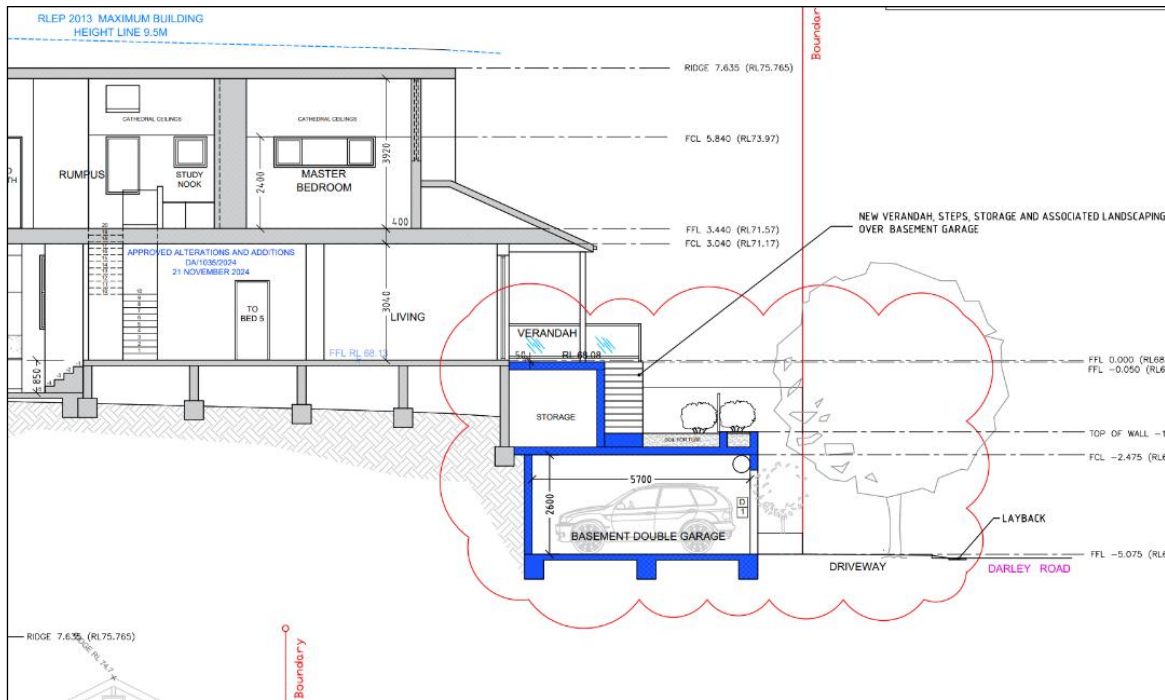


Figure 4: Proposed section

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. Five (5) submissions in support were received as a result of the notification process.

- 243 Darley Road

Issue	Comment
Improved pedestrian access	Council's Development Engineer raised concerns with pedestrian access and sightlines. Whilst the public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall, are acknowledged, the proposed works would not remove risk but would instead reconfigure the interface between vehicles, pedestrians and the road reserve through the introduction of additional and more frequent driveway movements. The application is not supported.
Street trees have been approved for removal on other properties in vicinity of the site	This is not a relevant matter for consideration in the assessment of the DA
Improve streetscape appearance compared existing dilapidated wall	The subject sandstone retaining wall forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character of the locality. The proposed development will have an adverse impact on the streetscape character. The application is not supported.

- 245 & 247 Darley Road (landowner of both properties)

Issue	Comment
Reduce parking congestion	The proposal will remove on-street resulting in no net parking gain.
Improve streetscape and appearance	Refer to comments above
Improve safety	Refer to comments above

- 277 Darley Road

Issue	Comment
improve safety and amenity	Refer to comments above
Precedent already established	The proposal will result in a cumulative precedent risk.

- 46 Hooper Street

Issue	Comment
improve pedestrian safety and footpath	Refer to comments above

- 15-17 Park Avenue

Issue	Comment
Improve safety	Refer to comments above
Enhance visual presentation in the street	Refer to comments above

6. Relevant Environment Planning Instruments

6.1. SEPP (Biodiversity and Conservation) 2021

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

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

The proposed development does not involve the removal of any significant trees on the site. The proposal is acceptable in terms of the biodiversity requirements in Chapter 2 of the SEPP.

6.2. SEPP (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The provisions of the Resilience and Hazards SEPP require Council to consider the likelihood of contamination on the site. The site has previously been used for residential purposes and is unlikely to contain any contamination. The adjoining and adjacent properties are currently used for residential purposes.

On the above basis, the site is considered suitable in its present state for the residential development. No further investigations of contamination are considered necessary.

6.3. Randwick Local Environmental Plan 2012 (LEP)

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

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

The proposal is inconsistent with the specific objectives of the zone in that it will have an adverse impact on the existing sandstone retaining wall within the streetscape and the desired future character of the area.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
Cl 4.4: Floor space ratio (max)	0.75:1	No change	Yes
Cl 4.3: Building height (max)	9.5m	Less than 9.5m	Yes

6.3.1. Clause 5.10 - Heritage conservation

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

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

Council's Heritage Officer is not satisfied that the proposed works comply with clause 5.10 of RLEP 2012. Refer to comments from Council's Heritage Officer at Referrals section of this report.

6.3.2. Clause 6.2 – Earthworks

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

The proposal involves excavation works up to 3.5m in depth to accommodate a basement garage in the front of the existing dwelling. Inadequate information has been submitted to Council as the supporting Geo-technical report accompanying the DA is based on the previous design scheme and does not reflect the current proposed design.

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.

Draft DCP

Council has commenced a comprehensive review of the existing Randwick Development Control Plan 2013. Stage 2 of the Draft Development Control Plan (DCP) was reported to the ordinary

Council meeting of 18 November 2025 and was endorsed to go on public exhibition. The draft DCPs were on exhibition from 22 January until 05 March 2026.

Following the exhibition period, the stage 2 DCP will be finalised, endorsed and brought into effect by mid-2026. Given the imminency of the implementation, consideration has been given to the draft DCP, where applicable.

Following a review of the draft RDCP, it is noted that the relevant provisions, particularly those relating to access to dwellings elevated above retaining walls within the public domain, have been retained without substantive change.

8. Environmental Assessment

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal does not satisfy the relevant parking, landscaping, heritage objectives and controls of the RDCP. See table in Appendix 2 and the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development will have an adverse impact within the streetscape.
Section 4.15(1)(c) – The suitability of the site for the development	The site is constrained by an existing sandstone retaining wall within Council's road reserve, which contributes to the streetscape character of the surrounding area. Accordingly, the site is not 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 will have adverse impact on the existing sandstone retaining wall within the streetscape and the desired future character of the area. The proposal is therefore contrary to the R3 zone objectives. Accordingly, the proposal is not in the public interest.

8.1. Discussion of key issues

Streetscape Character

The proposal involves the removal of a portion of existing sandstone retaining wall in Council's road reserve and the construction of a double garage and associated vehicular crossing in front of the existing dwelling at 241 Darley Road.

The subject retaining wall extends for approximately 140m in front of 14 residential properties along Darley Road opposite Queens Park. The property the subject of this DA is located at the western end of the sandstone retaining wall.

This DA has been assessed concurrently with separate DAs at 239 Darley Road (adjoining to the west) and 263-265 Darley Road (located at the opposite eastern end of the retaining wall), which also seek approval for the construction of a double garage and removal of the sandstone retaining wall in Council's road reserve.

Part B7 Section 3.8 of RDCP regulates off-street parking for dwellings elevated above retaining walls in the public domain and establishes reasons why off-street parking to certain sites is generally not supported, including visual amenity and streetscape impacts to the public domain and pedestrian accessibility.

The Applicant contends that the wall is not a continuous streetscape element as it comprises two modified walls at the eastern and western ends of the raised footpath, separated by a large sandstone outcrop, with existing breaks and access points already established over several decades. The Applicant also contends the proposal focuses on the degraded bookend segments while retaining the more intact and prominent central portion, delivering a net improvement to overall streetscape quality.

Based on a visual inspection of the retaining wall, Plandev notes that the wall remains continuous, with no breaks other than the natural sandstone rock outcrop located within the higher central section. This outcrop, extending approximately 35m across the frontage of Nos. 255, 257 and 259 Darley Road, forms an integral part of the overall retaining wall feature and contributes to the streetscape character of the area.

Although it is recognised that it is in need of some repair and maintenance works, the subject sandstone retaining wall forms part of a continuous and visually cohesive streetscape element that contributes positively to the established character of the locality.

The removal of a portion of this wall to facilitate a double garage would result in a fragmentation of this continuous wall feature. Whilst the coordinated four-property approach at either end of the wall avoids piecemeal penetrations, the cumulative effect would be the progressive reduction in the integrity and continuity of this feature, resulting in an overall degradation of the streetscape.

Of particular concern is the establishment of an undesirable precedent for other properties without rear access adjacent to the wall to undertake similar works, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character

The Applicant notes that, of the 14 dwellings along the raised section of footpath between 239 and 265 Darley Road, 43% of properties already benefit from existing on-site parking facilities and therefore have no requirement for additional street-front access. The Applicant further contends that the topography and configuration of the retaining wall within the central section of the streetscape further limit the feasibility of similar interventions at other locations along the wall.

Plandev notes that of the 14 homes adjacent to the retaining wall, 4 properties currently have access from Pine Street in the form of a ROW and one property has a garage at the rear accessed from Bella Street, which represents 36% of the properties. Plandev considers that the properties without rear parking could pursue a similar approach, resulting in future ad hoc penetrations in the retaining wall. Plandev therefore does not accept the Applicant's premise that there would be no further penetrations in the retaining wall beyond what is currently being sought in the concurrent DAs at the extremities of the wall.

The Applicant also contends that precedent has already been set by removal of the wall in front of the properties at 239, 267, 269, 271 and 273 Darley Road to make way for garages. However, the works were approved by Council between 1989 and 2003 and pre-date the current planning controls. Furthermore, these approvals are not determinative of the subject application and do not establish an entitlement to further alteration of the remaining wall. Each proposal must be considered on its own merits having regard to current planning controls, site context and cumulative impacts. Even if individual openings were previously approved, the aggregate outcome now results in unacceptable fragmentation of a continuous public domain feature. These earlier approvals were assessed in isolation and do not negate the significance of the remaining intact wall, which continues to form a continuous and cohesive streetscape element.

The current proposal would contribute to further incremental erosion of this wall feature, resulting in unacceptable cumulative impacts on streetscape character and public domain integrity. On that basis the proposal is not supported.

Public Safety

The Applicant has raised public safety considerations associated with kerbside parking adjacent to the existing sandstone retaining wall, specifically relating to limited clearance for vehicle door opening and perceived risk of interaction with passing traffic. These conditions are acknowledged; however, they are not considered to represent a unique or abnormal circumstance within the context of established residential streets.

Kerbside parking adjacent to fixed boundary elements such as retaining walls, fences, trees and other public domain infrastructure is a common and accepted condition across established residential streets in the urban area. While such environments require care by vehicle occupants and drivers, they do not in themselves constitute a demonstrated public safety deficiency warranting alteration of public domain assets. Council's Development Engineer has raised no concerns with traffic and pedestrian safety associated with the existing public parking arrangements adjacent to the sandstone retaining wall.

Importantly, the proposed works would not remove risk but would instead reconfigure the interface between vehicles, pedestrians and the road reserve through the introduction of additional and more frequent driveway movements. This includes increased vehicle crossing activity, reversing manoeuvres and pedestrian-vehicle conflict at the driveway threshold.

Having regard to the above, it is considered that the limited and unsubstantiated safety benefits associated with the proposal do not outweigh the adverse and permanent impacts on streetscape character, public domain integrity and cumulative precedent risk. Accordingly, the proposal is not supported.

Heritage

The subject site is located within the Randwick North HCA.

This DA was referred to Council's Heritage Officer for comment. Council's Heritage Officer advises that the proposal is not supported from a heritage perspective for the following reasons:

"These proposed works at Darley Road would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA) and its immediate context/precinct.

The proposal is inconsistent with the Randwick Local Environmental Plan (RLEP) 2012, as well as the Randwick Development Control Plan (RDCP) 2023 (and draft RDCP 2026 currently on public exhibition)."

Council's Heritage Officer advises that the sandstone retaining wall is currently under investigation for its heritage significance and listing.

It is noted that the heritage significance of the subject retaining wall was considered in an appeal to the Land and Environment Court in *Ryder v Randwick City Council* [2024] NSWLEC 1590, brought

by the owners of 241 Darley Road against Council's deemed refusal of a DA seeking approval for a double garage and the removal of a section of the adjacent sandstone retaining wall within Council's road reserve. In September 2024, the Commissioner dismissed the appeal and found that the subject sandstone retaining wall was not of heritage significance.

Non-compliance with the RDCP controls

Part C1, Section 6.1 of the Randwick Development Control Plan (RDCP) establishes a clear hierarchy for the preferred location of parking facilities. Parking is to be provided from rear lanes or secondary street frontages wherever possible. Where this is not feasible, parking structures should be located behind the front façade alignment and integrated with the dwelling, or positioned to the side, to minimise visual intrusion within the streetscape.

Part C1, Section 6.2 of the RDCP allows for garages forward of the dwelling only in limited circumstances—specifically where no alternative feasible location exists and where the site is significantly elevated above street level. In such cases, the garage must demonstrate that it will not adversely impact the visual amenity of the street and must provide strong justification for the removal of any significant landscape features, including sandstone retaining walls.

The Applicant's Statement of Environmental Effects identifies several nearby properties that contain double garages within the front setback. Plandev acknowledges that such development occurs within parts of the broader locality and that double garages form part of the existing development pattern in some areas beyond the retaining wall.

However, the circumstances of the subject site differ materially from those examples. The proposed development requires the removal of a section of the sandstone retaining wall located within Council's road reserve. As outlined earlier in this report, this wall forms part of a continuous and cohesive public-domain element that contributes significantly to the established character of Darley Road. Its removal would result in an adverse impact on the visual integrity of the streetscape. The presence of other double garages in the locality does not justify the loss of this important landscape feature.

In addition, the subject allotment has a frontage of 9.14 metres, which is below the minimum 12-metre frontage recommended in Section 6.1 of the RDCP for accommodating double garages. The controls specify that narrow lots should generally adopt a single-garage width unless it can be demonstrated that a double garage is consistent with the established streetscape pattern and allows for adequate landscaping within the front setback.

While some non-compliant examples exist in the vicinity, these do not establish a prevailing or desirable development pattern. In this instance, the proposed double garage – combined with the required removal of the sandstone retaining wall and the reduced capacity for meaningful landscaping – would result in an over-dominant built form that is inconsistent with the desired future character of the streetscape.

Part B7, Section 3.8 of the RDCP further regulates off-street parking for dwellings elevated above retaining walls in the public domain. It identifies several reasons why off-street parking in these circumstances is generally not supported, including impacts on visual amenity, pedestrian accessibility and the character of the public domain. The proposal is inconsistent with these controls, as it involves substantial demolition of the existing sandstone retaining wall, introduces a double-garage width on a narrow lot, and alters pedestrian access arrangements in a manner that compromises sightlines and pedestrian safety.

Part C1, Section 2.5 (Deep Soil and Permeable Surfaces) requires that 25% of the front setback be provided as deep soil. The proposal provides only 20%, which does not comply with the control. The reduced deep-soil area limits opportunities for canopy planting and natural stormwater infiltration, resulting in adverse environmental and amenity impacts.

Part C1, Section 2.6 (Landscaping and Tree Canopy Cover) requires new development, or alterations that increase site coverage by more than 10%, to achieve a minimum 25% tree-canopy coverage, equating to at least three large canopy trees. Council's Landscape Officer notes that the

submitted landscape plan proposes only one Magnolia ‘Little Gem’ and low-level decorative planting, which does not satisfy the required canopy cover in either quantity or mature size.

The proposed development does not comply with the relevant provisions of the RDCP relating to parking location, streetscape character, deep-soil planting or tree-canopy requirements. The removal of a significant portion of the sandstone retaining wall, combined with the scale and prominence of the proposed double garage, would result in an over-dominant built form and unacceptable impacts on the visual and environmental quality of the site and the broader public domain.

For these reasons, the proposed development is not supported.

Engineering Issues

Council’s Development Engineer has identified the following concerns with the proposal:

- It will exceed Council’s current maximum allowed grade of 1 in 8 (12.5%) along the western edge of the vehicle crossing
- The minimum garage width of 5.14m does not satisfy the Australian Standard 2890.1 and widening the garage 300mm to achieve compliance will impact on the proposed deep soil zone adjacent.
- The existing high-level footpath and proposed stairs would severely obstruct sightlines for reversing drivers from the proposed garage and reciprocally it would be difficult for drivers travelling west down Darley Road to spot reversing vehicles within acceptable distances. This would potentially create a dangerous situation. Furthermore, the on-street carspaces located to the east of the proposed vehicle crossing would if occupied further reduce visibility and exacerbate this issue.

Accordingly, the proposal is not supported on engineering grounds.

9. Conclusion

That DA/79/2026 for “*alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works*” be refused for the following reasons:

1. The proposal is inconsistent with the R3 Medium Density residential zone objectives under Randwick Local Environmental Plan 2012 in that the removal of the sandstone retaining wall will have an adverse impact on the streetscape and desired future character of the area.
2. The proposal does not comply with Clause 5.10 Heritage Conservation under Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the heritage objectives and controls in Part B2 Section 3 Landscape Elements of Randwick Development Control Plan 2023.
4. The proposal does not comply with the objectives and controls in Part B7 Section 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain of Randwick Development Control Plan 2013.
5. The proposal does not comply with the minimum internal garage width requirements under Australian Standard 2890.1 - Parking facilities – Off-street car parking.
6. The proposal does not comply with the objectives and controls in Part C1 of Randwick Development Control Plan 2023:
 - i. 2.5 Deep Soil and permeable surfaces
 - ii. 2.6 Landscaping and tree canopy cover
 - iii. 4.7 Earthworks
 - iv. 6.1 Location of car parking facilities

- v. 6.2 Parking facilities forward front facade alignment
 - vi. 6.5 Garage configuration
7. The proposed development would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA).
 8. The proposed development will establish an undesirable precedent for other properties, which may lead to further ad hoc modifications over time and a continuing loss of the wall's original extent and character.
 9. The proposed development will result unacceptable impacts on streetscape character and public domain integrity due to the removal of the sandstone retaining wall to make way for the proposed double garage and is not in the public interest.

D34/26

Appendix 1: Referrals

1. External referral comments:

1.1. Design Excellence Advisory Panel (DEAP)

Council's DEAP provided the following advice:

Introduction

This document provides a summary of advice and recommendations arising from the Design Excellence Advisory Panel (DEAP) meeting held in relation to the above application.

The DEAP comments are intended to assist Council in their design consideration of an application, including assessment against Chapter 4 of the Housing SEPP and the design principles for residential apartment development (as applicable).

The DEAP is appointed by Randwick City Council as an advisory group, not a decision-making body. The written and verbal comments are the professional opinions of the Panel members and constitute expert design quality advice. The Panel members are suitably qualified persons with expertise in architecture, planning, urban design, heritage, and/or landscape architecture.

To address the DEAP comments, the Applicant may be requested to submit amended plans. Prior to preparing any amended plans, the Applicant must discuss the DEAP comments (and any other matter(s) that may require amendment) with the relevant Council assessing officer. Any amended plans submitted to Council must be accompanied by a written response that details how each of the DEAP comments have been satisfactorily addressed.

Proposal

As described in the applicant's development application description, the proposal is for:

Alterations and additions to existing dwelling houses including tree removal, demolition of sandstone wall, relocation of pedestrian stairs, construction of new driveway crossings, internal driveways and double garages with waste storage, associated ancillary and landscaping works

Panel Comments and Recommendations

Principle 1 – Context and Neighbourhood Character

1. The Panel recognised at the meeting that this section of Darley Road is defined by elevated dwellings, a continuous sandstone retaining wall, a raised public footpath, and a strong topographic relationship between the private lots and the public domain, including an interface with Queens Park. The Panel's view is that significance of the place does not sit only in the individual dwellings, but in the way the wall, stairs, slope and dwellings combine to form a coherent streetscape condition.
2. The Panel's concern is that the current applications do not operate at the streetscape scale. The applications introduce garages, driveways, stair reconfigurations and wall removals on a lot-by-lot basis to achieve private off-street parking. While the applicants describe that the proposal consolidates the intervention at the ends of the wall and avoids a fragmented outcome, the broader issue is that the long term public domain condition depends on what happens across the full length of the wall, not just within these four sites.
3. The Panel acknowledges the applicants' email received after the meeting, including their response that a) the remaining section of wall is not susceptible to similar future interventions, and that b) the wall itself is not a continuous or uniform element. The Panel considers either responses do not address the Panel's broader concern:
 - a. The Panel notes that the current access arrangements of neighbouring properties do not appear to provide a meaningful guarantee against future comparable applications. In particular, properties adjacent to 241 Darley Road do not currently benefit from rear access via Pine Street, and other properties with apparent rear access rely in part on easement arrangements over privately owned land. The Panel therefore remains concerned that these applications may establish or reinforce a potential precedent for similar interventions, both along this section of Darley Road and more broadly for comparable wall and footpath conditions elsewhere in Randwick. From the Panel's perspective, the sandstone wall, topography, footpath and stairs together form a significant and coherent streetscape condition. If similar interventions were to occur progressively over time, that condition would be increasingly vulnerable to erosion.
 - b. The key issue is not whether every part of the wall is identical in construction or condition, but whether this section of Darley Road continues to read as a coherent public domain system made up of wall, topography, footpath and stairs.
4. Accordingly, the Panel considers that the applications risk progressive erosion of the continuous public domain character of this section of Darley Road, even if the immediate works are more consolidated than previous submissions.

Principle 2 – Built Form and Scale

1. The principal built form changes occur below the existing dwellings through the insertion of garages, internal driveways, reconstructed retaining walls and terraces above. The architectural language of sandstone cladding and coloured doors appear suitable within the streetscape context. However, the Panel considers that the fundamental issue is not the treatment of the garage elevations, but the overall extent of intervention required to allow this parking outcome into the constrained sites.
2. The Panel notes that the garages are located forward of the building line, on narrow frontages of approximately 9.1m, and require substantial excavation to be achieved. In this respect, the built

form response is not arising naturally from the site conditions, but seems rather driven by the parking demand. The resulting arrangement places considerable alterations of the public domain edge and appears to weaken the established relationship between the dwellings, retaining wall and the footpath.

3. The Panel also notes that while double garages exist elsewhere in the street, these lots do not comfortably accommodate that typology without its public domain consequences. In this respect, the proposal does not create a cohesive response to its site conditions.

Principle 3 – Density

The proposals do not materially alter residential density and therefore do not raise specific concerns under this principle.

Principle 4 – Sustainability

1. The Panel considers that the removal of established trees within private property to facilitate garages and driveways will reduce canopy performance. The applicants propose only limited replacement private property canopy, which appears inadequate having regard to the extent of excavation, reduced deep soil function in the front setback, and the overall loss of vegetated area.
2. The Panel further notes that the proposal of additional street tree canopy does not offset the loss of privately owned tree canopy.

Principle 5 – Landscape

1. The applications appear to comply with quantitative landscape controls. However, the Panel is concerned with the viability, usability and public domain performance of the resulting landscape rather than numeric compliance alone.
2. The proposals significantly diminishes the landscape role of the privately owned front setback. Deep soil calculations appear to rely in part on narrow residual areas that are unlikely to offer meaningful outcome. In particular, the front setback landscape does not convincingly demonstrate sufficient width, permeability or planting opportunity to support robust canopy.
3. The Panel is also concerned by the removal of healthy trees to facilitate garages. Tree identification is inconsistent across the documents, particularly at 263-265, where the architectural and arboricultural documents do not align. Lot 239 and 241 does not include an arborist report, despite survey indicating a number of existing trees. This needs to be corrected so that the extent of tree loss and replacement is properly demonstrated. More broadly, the Panel considers that removal of established trees for the purpose of delivering private parking spaces is difficult to justify, particularly where public parking is also being lost.
4. The Panel notes that private landscape treatment associated with the garage frontage appears to be minimal, relying on a limited and repetitive shrub planting. Additional draping or softening planting should be incorporated to reduce the visual harshness of the proposed walls and garage entries.

Principle 6 – Amenity

1. The proposals generally maintain acceptable residential amenity for the existing dwellings themselves.
2. The Panel considers that public domain amenity is materially affected. The proposals reduce street parking. While private resident convenience may improve; however, the broader amenity of the street and pedestrian realm is reduced.

3. The Panel acknowledges the applicants' email response submitted after the meeting notes that there would be no net loss of parking. It is the opinion of the Panel that public on-street parking and private off-street parking are not directly comparable, as the latter serves only individual properties while the former is a shared public resource available to residents, visitors, service vehicles and the broader community. The replacement of public kerbside parking with private garages therefore does not represent a neutral outcome from a public domain or amenity perspective.

Principle 7 – Safety

1. The proposal includes relocation and reconstruction of public pedestrian stairs. The Panel acknowledges that newly constructed stairs may achieve better compliance with current technical standards than the existing stairs. However, that is not equivalent to delivering a better public domain outcome.
2. The critical issue is that the new stair arrangements do not reduce barriers. At 241 Darley Road, the stair arrangement increases from ~9 steps to ~18 steps in a switchback configuration. At 263-265 Darley Road, stair count increases from ~7 to ~12. In this respect, the proposal does not reduce barriers, but redistributes and increases them. These amendments appear as regressions in pedestrian legibility and accessibility, notwithstanding any improvement in technical compliance.
3. In particular, the switchback stair is of concern due to its reduced sightlines, more complex movement pattern and creates a weaker sense of pedestrian direction / wayfinding. The Panel notes that the applications prioritise private vehicle access over pedestrian clarity and ease of movement.
4. The proposal also creates additional public domain infrastructure in the form of new stairs and retaining structures. These become an ongoing Council maintenance burden. The Panel considers that if such infrastructure is to be reconstructed, it would be better delivered as part of a coordinated public domain response across the full length of the wall rather than piecemeal through individual private applications where the primary driver is the provision of off-street parking.

Principle 8 – Housing Diversity and Social Interaction

1. The proposals do not alter housing diversity and therefore raise no specific concerns under this principle.

Principle 9 – Aesthetics

1. The visual character of this section of Darley Road is strongly influenced by the sandstone wall, the topographic section, and the contrast between the raised dwellings and the public footpath. While the applications attempt to rationalise the intervention and consolidate garage entries, the Panel considers that the long-term aesthetic outcome cannot be assessed by only looking at the four sites in isolation.
2. The key visual risk is that the applications begin to transform a continuous wall and footpath condition into site specific driveway and stair responses. Even if the immediate design treatment is relatively controlled, the long-term visual outcome is likely to depend on how future adjoining properties respond. The Panel considers that the visual and spatial significance of this section of Darley Road depends on the continuity of the sandstone wall, topography and raised pedestrian edge. If Council's broader assessment finds that approval of these applications would increase the likelihood of similar future interventions, the Panel considers that this would be an important design concern, as it would place the long term aesthetic coherence of the streetscape at risk.
3. The Panel acknowledges the applicants' email response submitted after the meeting. The response notes that the panel focused too much on precedent and planning rather than design. In

the Panel's view planning and design matters should be collectively considered in this instance. Precedent, public domain continuity, parking interface, stair and path legibility, wall removal, canopy loss and streetscape character are all core urban design, public domain and landscape architecture issues arising directly from the proposal.

Conclusion

1. Key issues identified by the Panel include:
 - Loss of public on-street parking to facilitate private off-street parking and garages
 - The precedent created by partial removal of the sandstone retaining wall
 - The risk of progressive fragmentation of the streetscape and public domain if similar proposals follow, both along Darley Road and elsewhere in the Randwick LGA
 - Weakening of the public verge amenity, pedestrian accessibility and legibility
2. The Panel acknowledges that the applicants have attempted to present the four applications as a coordinated response and have provided follow-up clarification regarding existing breaks in the wall, prior parking approvals, and the applicant's view that the precedent risk is limited. However, the Panel is not convinced that these matters resolve the broader urban and landscape design concerns. The applications still rely on a private development application to alter what is intrinsically a public domain system, and they do not adequately demonstrate that a desirable long-term streetscape and accessibility outcome can be achieved.
3. The Panel does not support the proposal in its current form and configuration. The Panel recommends that Council carefully consider whether the public domain outcomes of the proposal provide a sufficient public benefit to justify the removal of sections of the sandstone wall, the loss of on-street parking, and the introduction of more complex stair and driveway arrangements.

The Applicant provided the following response to the Panels comments:

1. *The retaining wall is not a continuous or uniform element. It comprises two modified walls at the eastern and western ends of the raised footpath, separated by a large sandstone outcrop, with existing breaks and access points already established over several decades. The proposal focuses on the degraded bookend segments while retaining the more intact and prominent central portion, delivering a net improvement to overall streetscape quality.*
2. *The relevant precedent is already established. Five properties (273, 271, 269, 267 and 239) have been granted access by Randwick Council and have removed sections of the sandstone wall to install garages over approximately the last forty years. This is not a new condition being introduced by these applications.*
3. *The remaining wall is not susceptible to similar intervention. There are 14 homes along the raised section of the footpath between 239 and 265 Darley Road with 43% of those allotments already benefiting from existing parking facilities and having no need for street front access. The topography and wall configuration through the central section further limit the feasibility of similar interventions elsewhere. Therefore, the 2025 DAs do not establish a new planning precedent and represent site-specific responses unique to the bookends of the wall and not a transferable model.*
4. *The proposal delivers significant public domain benefit. The existing footpath gradient at 241 Darley Road and beyond currently exceeds applicable safety codes, posing a liability risk to Council. The proposed works rectify this condition, providing compliant access, improved stair design, and clearer pedestrian movement, a critical safety upgrade that is a common positive theme across the more than 10 supporting submissions received. This represents a meaningful and measurable improvement to the public domain, not a neutral change. Technical matters raised by the panel regarding excavation, deep soil zones, and garage proportions are being addressed through the assessment process.*
5. *There is no net loss of parking. In the previous Land and Environment Court proceedings, John Flanigan of Randwick Council submitted an expert report dated 29 May 2024 concluding that the proposed garage would result in no net loss of car parking. This conclusion holds true across all four DAs. The existing disabled parking space outside 239–241 Darley Road was*

installed in the late 1990s for a now-deceased resident, is no longer in active use, and is constrained in its current configuration such that it cannot be safely accessed regardless.

6. *The coordinated four-property approach directly addresses piecemeal risk. A consistent and controlled intervention at defined bookend locations, developed collaboratively across four households, is the antithesis of fragmented incremental change.*

These matters are considered in the body of this assessment report.

2. Internal referral comments:

2.1. Heritage Officer

Council's Heritage Officer provided the following comments:

The Site

The subject site is not listed as an individual heritage item either at Local or State level. However, it is located within the North Randwick Heritage Conservation Area (C1) as defined by the Randwick Local Environmental Plan (RLEP) 2012 and Randwick Development Control Plan (RDCP) 2023.

The front aspect of the property demonstrates a unique intersection between the public and private domains, characterised by the stairways, landscaping and the elevated public footpath above a substantial historic sandstone retaining wall. The sandstone wall abuts a natural rock face which is visible to the west of the subject site, retaining the properties along this section of the Darley Road. The State Heritage Inventory sheet noted the significance of the HCA as follow -

The North Randwick heritage conservation area is significant for its persistent, strongly Federation streetscapes. The imposition of a varied subdivision pattern, on the north facing slopes adjoining Centennial Park, has created numerous internal views and vistas of special interest. The combination of street pattern, topography and native and cultural plantings, set off the areas original buildings to good advantage. The heritage value of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings. The mixed building stock adds to the area's interest, ranging from larger Federation houses on Darley Road to small semi-detached on Dangar Street. Whilst many buildings have been substantially altered, there has been, very little redevelopment relative to other parts of Randwick. Most buildings and streetscapes retain their essential period character.

It is important to note that the sandstone retaining wall is currently under investigation for its heritage significance and listing.

Proposal

Alterations and additions to existing dwelling house including partial demolition of Council sandstone wall, relocation of public pedestrian stairs, construction of new driveway crossing, double garage with internal lift access to dwelling and terrace above, associated ancillary and landscaping works

Submission

D06000757 – HIS

D06000748 – Architectural drawings

Controls

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

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

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

Comments

The Development Application for the demolition of the retaining wall, the substantial excavation of site for garaging and the driveway crossover (including No.239 as illustrated on the architectural drawings) is not supported from a heritage perspective.

These proposed works at Darley Road would have an unacceptable and detrimental visual and physical impact upon the North Randwick Heritage Conservation Area (HCA) and its immediate context/precinct.

The proposal is inconsistent with the Randwick Local Environmental Plan (RLEP) 2012, as well as the Randwick Development Control Plan (RDCP) 2023 (and draft RDCP 2026 currently on public exhibition).

Particulars:

(a) *The site of the proposed development is located within the North Randwick Heritage Conservation Area (C1) as defined by the RLEP 2012 and Randwick RDCP 2023*

(b) *RLEP 2012 Clause 5.10 (1) includes an Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views*

- *The proposal involves the demolition of substantial historical fabric*
- *The proposal substantially alters the perceived setting of the dwelling within its precinct*
- *The proposal will adversely affect the views from the street towards the dwelling itself*
- *Setting an adverse precedent and its cumulative impact (see proposals submitted for demolition of the sandstone retaining wall along Darley Rd), the proposal poses detrimental (irreversible) adverse impact on the historic sandstone retaining wall*
- *The sandstone retaining wall is currently under investigation for its heritage significance and listing*

(c) *RDCP 2023 Part B2, 3 Landscape Elements includes objectives of ensuring that significant individual retaining walls are retained and conserved and that private works including the provision of vehicular access ... do not impact upon the heritage value of landscape elements. Specifically:*

- *That significant sandstone retaining walls must not be removed or replaced*
- *That significant sandstone walls or rock faces must not be modified for vehicular access*

(d) *RDCP 2023 Part B7 3.8 (draft RDCP 2026 Part B7 4.7 currently on public exhibition) Access to Dwelling Elevated Above Retaining Walls in Public Domain*

- *Provision of vehicular access must minimise demolition, modification, and damage to existing retaining walls in the public domain*
- *Double width driveway and entry to on-site parking involving full or part removal of retaining walls in the public domain is not permitted*
- *Development must not involve any significant change to the gradients of public footpaths above the retaining walls, except to facilitate equitable access. (It is noted that this proposal is for a total demolition of the public pathway at the front of this*

residence, resulting in a substantial shortening of the pathway and an increased height in the proposed new stairway to the east of the proposal. This effectively makes the remaining pathway shorter and steeper and therefore less attractive and more difficult for use)

- *The Explanation in Part B7 3.8 (draft RDCP 2026 Part B7 4.7 currently on exhibition) notes the likely further compromise of visual integrity, streetscape character and pedestrian access as precedent is established, and successive developments for vehicular access incrementally remove wall sections.*

2.2. Development Engineer

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

General Comments

The application is not supported in its present form. The issues are outlined below.

Parking Issues

Under Australian Standard 2890.1 the minimum internal width for a double garage is 5.4m being twice the width required for a carspace that is enclosed on one side (2.7m).

The submitted architectural plans indicate the proposed garages have an internal width of 6.34m at the location of the waste-bin bay/s however they then narrow to only 5.14m due to the intrusion of the stairs being 260mm below the minimum width required. Furthermore, the intrusion will likely be opposite the rear car door when a vehicle is parked forwards, potentially creating a significant restriction to passengers.

The minimum garage width of 5.14m is therefore not supported and it is noted widening the garage 300mm to achieve compliance will impact on the proposed deep soil zone adjacent.

Vehicle Access Grade Issues

The submitted plans indicate the proposed floor level of the garage will be RL 63.055 AHD while the level of the gutter opposite ranges between RL 62.54 (western side) to RL 62.84 (eastern side)

There is a significant height difference over a short distance on the western side and a calculation of the resulting access grades across the Council verge indicate that it will exceed Council's current maximum allowed grade of 1 in 8 (12.5%) along the western edge of the vehicle crossing.

The floor level of the proposed garage will have to be lowered slightly by approximately 45mm to RL 63.01 AHD to achieve compliant access grades along the western driveway edge across the Council verge.

Sightline Issues

Sightlines for drivers reversing out of the proposed garage) will be unacceptable

The existing high-level footpath and proposed stairs would severely obstruct sightlines for reversing drivers from the proposed garage and reciprocally it would be difficult for drivers travelling west down Darley Road to spot reversing vehicles within acceptable distances. This would potentially create a dangerous situation that is unacceptable to Development Engineering.

Furthermore, the on-street carspaces located to the east of the proposed vehicle crossing would if occupied further reduce visibility and exacerbate this issue.

If amended plan are to be requested, then they must address the above issues.

The application is not supported by Development Engineering in its present form. Any enquires on the above matters are to be directed towards Senior Development Engineer Jason Rider on 9093-6881 or at jason.rider@randwick.nsw.gov.au .

Tree Management & Landscape Comments

There is a complete absence of any significant vegetation either on Council's raised public verge in front of this site or within the front setback that would pose a constraint in any way to the proposed works, so no objections are raised to their removal where needed.

While the total site overall maintains compliance with Council's C1 – Low Residential DCP, Part 2.5 – Deep Soil Permeable Surfaces, Control i), by providing 35%, this new excavated double garage will result in a non-compliance with Control iv), which requires that a minimum of 25% of the front setback be dedicated to Deep Soil, and as only 19.6% is proposed, is deficient.

Further, Part 2.6 – Landscaping & Tree Canopy Cover, Control i) of the C1 DCP requires that new development, or alterations and additions that change the existing site coverage by more than 10%, must demonstrate that a minimum of 25% canopy coverage as a proportion of the site area can be achieved within 10 years from the completion of development based on maturity of trees selected, with Control iii) also specifying that a minimum of 3 x large canopy trees must be provided.

This application is subject to this control, but as the submitted Landscape Plan indicates only 1 x Magnolia Little Gem in the eastern side planter, together with some lower, decorative type planting, would not comply with either of the controls discussed above, due both to the quantity of trees provided as well as its mature dimensions, and while 2 x new street trees have been indicated on the Darley Road verge, these cannot contribute to canopy calculations due to being entirely beyond the site, out on public property.

As such, the proposal is non-compliant with the relevant C1 DCP Controls, which raises concerns due to this site's location within the North Randwick Heritage Conservation Area.

Whilst the proposed garage shows 900mm wide strips of deep soil being retained along both the eastern and western side boundaries, the Development Engineers comments provided above detail that a widening of the internal dimensions of the garage will be required in order to comply with Australian Standards, which will reduce deep soil in the front setback even further, meaning that a revised Deep Soil calculation will need to be provided once an amended, compliant design has been achieved.

As all works are restricted purely to the front setback of the site, no comments are required or made for any vegetation within the rear, with the Frangipani at a lower ground level in the front yard of the adjoining private property to the west, no.239, unlikely to be affected given that piling for the western wall of the new garage will be offset 900mm from the common boundary, so no impacts are expected.

Based on the Issues raised further above, the application cannot be supported.

Appendix 2: DCP Compliance Table

3.1 Part B2: Heritage

RDCP 2023 Part B2, 3 Landscape Elements which has been addressed by Council’s Heritage Officer (refer to the discussion above).

3.2 Part B7: Transport, Traffic, Parking and Access

DCP Clause	Controls	Proposal	Compliance
3.2	Vehicle Parking Rates		
	1. Space per dwelling house with up to 2 bedrooms 2. Spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed.	Two car spaces will be provided.	Yes
3.8	Access to Dwellings Elevated Above Retaining Walls in Public Domain		
	i) Any provision of vehicular access to dwellings must minimise demolition, modification and damage to existing retaining walls within the public domain. ii) Double width driveway and entry to on-site parking involving full or part removal of retaining walls in the public domain must not be provided. iii) Development must not involve any significant change to the existing gradients of public footpaths above the retaining walls, except to facilitate equitable access. iv) The creation of an access driveway must not jeopardise the safety of pedestrians and vehicles. v) Works that require alteration or replacement of landscape elements and structures (such as handrails) adjacent to the public footpaths situated above retaining walls must be compatible with the streetscape character.	The proposal involves removal of a portion of the sandstone retaining wall in Council’s road reserve to make way for private garages.	No

3.3 Part C1: Low Density Residential (2023)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R3	
2	Site planning	Site = 370.6m ²	
2.4	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50%	55%	Yes

DCP Clause	Controls	Proposal	Compliance
	601 sqm or above = 45% *Site area is measured on the overall site area (not proposed allotment areas)		
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.	36% 20% (front setback)	Yes No
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	1	No
4.6	Colours, Materials and Finishes		
	i) Schedule of materials and finishes. ii) Finishing is durable and non-reflective and uses lighter colours. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climate to withstand natural weathering, ageing and deterioration. vi) Recycle and re-use sandstone	Acceptable	Yes
4.7	Earthworks		
	i) Excavation and backfilling limited to 1m, unless gradient too steep ii) Minimum 900mm side and rear setback iii) Subterranean spaces must not be habitable iv) Step retaining walls. v) If site conditions require setbacks < 900mm, retaining walls must be stepped with each stepping not exceeding a maximum height of 2200mm. vi) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vii) cut and fill for POS is terraced <i>where site has significant slope:</i> viii) adopt a split-level design ix) Minimise height and extent of any exposed under-croft areas.	Excavation depth up to 3.5m	No
6	Car Parking and Access		

D34/26

D34/26

DCP Clause	Controls	Proposal	Compliance
6.1	Location of Parking Facilities:		
	All dwellings		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street frontages where available. iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m; and - Consistent with pattern in the street; and - Landscaping provided in the front yard. v) Tandem parking may be considered vi) Avoid long driveways (impermeable surfaces)	Double garage on 9.14m lot	No
6.2	Parking Facilities forward of front façade alignment		
	i) The following may be considered: - An uncovered single car space - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site's frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: - There is no alternative, feasible location for accommodating car parking; - Significant slope down to street level - does not adversely affect the visual amenity of the street and the surrounding areas; - does not pose risk to pedestrian safety and - does not require removal of significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) - Compliments architectural character of dwelling ie roof pitch and finishes.	Removal of sandstone retaining walls	No
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: - Nil side setback on adjoining property; - Streetscape compatibility; - Safe for drivers and pedestrians; - Amalgamated driveway crossing.	900mm	Yes
6.4	Driveway Configuration		
	Maximum driveway width: - Single driveway – 3m - Double driveway – 5m Must taper driveway width at street boundary	4m	Yes

DCP Clause	Controls	Proposal	Compliance
	and at property boundary		
6.5	Garage Configuration		
	i) Recessed behind front of dwelling ii) Maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) Min. 5.4m length of garage iv) Max. 2.6m wall height and 3m building height (for pitched roof) for detached garages v) Recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) Minimum clearance 2.2m (AS2890.1)	1m parapet	No

D34/26

Responsible officer: Plandev Pty Ltd, Thomas Mithen

File Reference: DA/79/2026