

EXHIBIT

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File Number 201350474

Emcon v. K'wick  
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Date

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UCPR [enter UCPR rule]



LAND AND ENVIRONMENT COURT OF NSW FILED ON	
- 6 AUG 2021	
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## RESPONDENTS BUNDLE OF DOCUMENTS

### COURT DETAILS

Court Land and Environment Court of New South Wales  
Class 1  
Case number 2020/350474

### TITLE OF PROCEEDINGS

Applicant **Emcon Group Pty Ltd**  
Respondent **RANDWICK CITY COUNCIL**

### FILING DETAILS

Filed for **Randwick City Council, Respondent**  
Legal representative Victoria McGrath, Randwick City Council  
Legal representative reference DA/465/2020  
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Contact email [Victoria.McGrath@randwick.nsw.gov.au](mailto:Victoria.McGrath@randwick.nsw.gov.au)



EXHIBIT

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File Number

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Eneon P/L v. Blawie  
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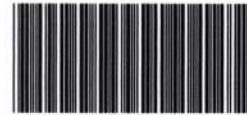
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Date

To be Allocated 9/8/21



Filed: 30 July 2021 8:55 AM



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### Joint Expert Report

#### COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2020/00350474

#### TITLE OF PROCEEDINGS

First Applicant	Emcon Group Pty Ltd
First Respondent	Randwick City Council ABN 77362844121

#### FILING DETAILS

Filed for	Randwick City Council, Respondent 1
Legal representative	Victoria Louise McGrath
Legal representative reference	
Telephone	02 9093 6685

#### ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Joint Expert Report (132 Marine Parade Maroubra - Planning Joint Report.pdf)

[attach.]

# JOINT EXPERTS' REPORT

## PLANNING

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Applicant: Emcon Group Pty Ltd

Respondent: Randwick City Council

Property: 132 Marine Parade, Randwick

LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES  
**CASE NUMBER 2020/350474**

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# Introduction

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This Report has been prepared to address planning matters in LEC Proceeding Number 350474 of 2020 being an appeal against the deemed refusal of DA465/2020 for the demolition of existing improvements and construction of four (4) storey residential flat building comprising 3 units, ground floor parking, landscaping and associated works at 132 Marine Parade, Maroubra ("the site").

## 1.1 Expert Witness Declaration

This Joint Report has been prepared in accordance with the *Uniform Civil Procedures Rule 2005*, and the Expert Witness Code of Conduct and we agree to be bound by those provisions. In the preparation of this report we understand that the expert's primary role is to inform the Court and not be an advocate for either party.

## 1.2 Time and Location of the Conference

The Expert Witness Conference commenced at 10am on 23 July 2021 via Microsoft Teams and continued through email exchange and phone discussions.

## 1.3 Review of Controls and Amended Statement of Facts and Contentions

The experts have reviewed the Randwick Local Environment Plan (RLEP) 2012 and the Randwick Development Control Plan (RDCP) 2013 as it applies to the site and locality. The experts have inspected the property as viewed from various vantage points on separate occasions. The experts have read the Amended Statement of Facts and Contentions and agree with the Facts. Our response to the Contentions is set in this Report.

## 1.4 Plans and Documents Relied Upon

The following documents, in addition to those filed in the appeal, are those relied on:

1. Randwick Local Environmental Plan (RLEP) 2012;
2. Randwick Development Control Plan (RDCP) 2013;
3. Statement of Environmental Effects prepared by Planning Ingenuity Pty Ltd;
4. Architectural Plans prepared by Orosi numbered DA1001-1004, 1101-1104, 1107, 2001-2004, 3001, 6001-6010, 7001, 7011, 7021, 7031 and 7041 all Issue C dated 28 May 2021.

## **1.5 Qualifications**

### **Planning Experts**

#### **For the applicant:**

David Waghorn (DW) is Associate Director of Planning Ingenuity and has the qualifications and experience contained in his Curriculum Vitae (see Annexure A).

#### **For the Respondent:**

Sohail Faridy (SF) is an Executive Planner with Randwick City Council and has the qualifications and experience contained in his Curriculum Vitae (see Annexure A).

## **1.6 Approach to this Report**

The experts have addressed the issues under each Contention where relevant.

Where issues or positions are agreed, they are shown as DW / SF.

Areas of disagreement are addressed individually.

## **1.7 Annexures**

### **Annexure A: Curriculum Vitae**

David Waghorn, Consultant Planner

Sohail Faridy, Executive Planner – Randwick City Council

# Assessment of Contentions

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## CONTENTION 1. R3 Medium density residential zone - objectives

1. *The application should be refused because the proposal is inconsistent with the relevant objectives (bold emphasis added) of the R3 Medium Density Residential Zone pursuant to the RLEP 2012.*

### Particulars

- (a) Clause 2.3(2) of the RLEP 2012 states:

(2) *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.*

- (b) *The objectives for the R3 Medium Density Residential Zone in the Land Use Table in RLEP 2012 are:*

#### *"1 Objectives of zone*

- *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."*

- (c) *The non-compliance with external wall height and habitable roof space; the proposal does not recognise the desirable elements that would positively contribute to the desired future character of the area. The proposal will result in a built form that would adversely impact on the amenity of adjoining neighbours and will be inconsistent with objective point 5 of the R3 zone.*

- (d) *The excessive bulk of the building will significantly impact on the water views currently enjoyed by properties to the rear facing Bond Street. The proposal is inconsistent with objective point 6 of the R3 zone*

## POINTS OF AGREEMENT

- 1.1 The experts agree that the main issues of this appeal relate to the wall height and view loss which are discussed in the contentions below. The objectives of the zone are not pressed.
- 1.2 The experts agree that objective Dot Point 5 is a relevant consideration and this will be considered under Contention 7 – View Loss.

## POINTS OF DISAGREEMENT

- 1.3 None.

## CONTENTION 2. Building Depth

2. *The development application shall be refused as it does not comply with the maximum building depth control under Section 3.3 of RDCP.*

### Particulars

- (a) *The relevant objectives of building depth under Section 3.3 of RDCP are:*



- To facilitate the provision of dwelling units with more than one aspect in order to improve natural lighting and ventilation.
  - To ensure reasonable amenity for occupants of dwellings in terms of solar access and natural ventilation.
- (b) The maximum depth (from glass line to glass line) of a unit in a residential flat building is prescribed to be maximum 14m under Control 3.3(i) of RDCP.
- (c) The proposal has a maximum building depth of 18.69 at each floor which exceeds the maximum building depth by 28.69% and considered excessive.

#### **POINTS OF AGREEMENT**

- 2.1 The experts agree that the main issues of this appeal relate to the wall height and view loss which are discussed in the contentions below. The experts agree that despite the numerical variation the proposal satisfies the objectives of the building depth control.

#### **POINTS OF DISAGREEMENT**

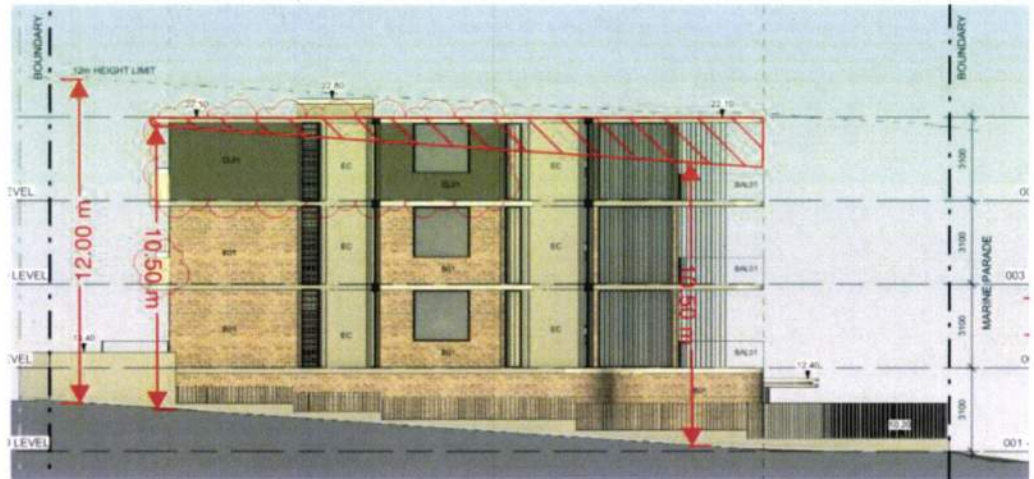
- 2.1 None.

### **CONTENTION 3. External wall height**

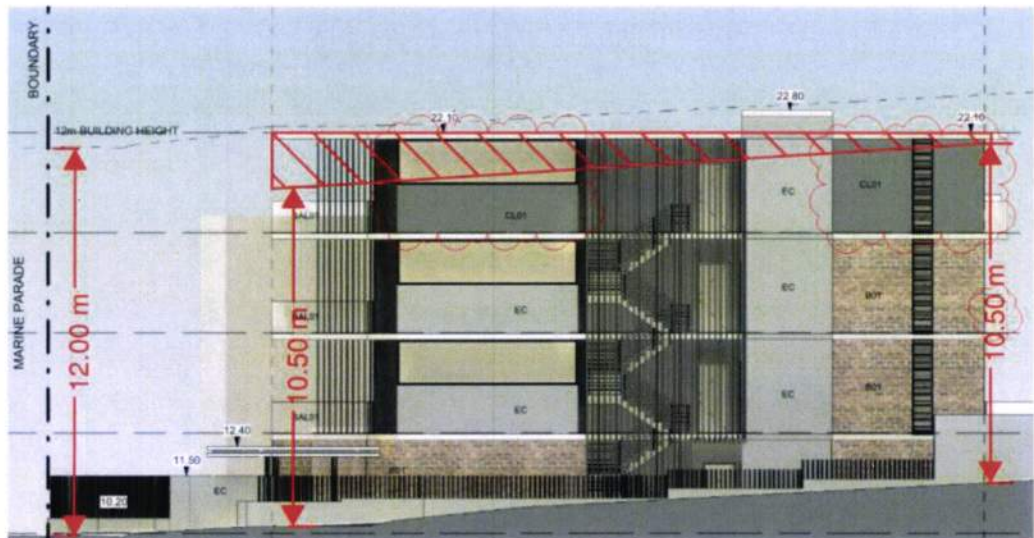
3. The development application shall be refused as it does not comply with the maximum external wall height control under Section 4.4 of RDCP.

#### Particulars

- (a) The objectives of Section 4.4 of Part C2 of Randwick DCP 2013 relating to external wall height controls are relevant to the height standard and are as follows:
- To ensure that the building form provides for interesting roof forms and is compatible with the streetscape.
  - To ensure ceiling heights for all habitable rooms promote light and quality interior spaces.
  - To control the bulk and scale of development and minimise the impacts on the neighbouring properties in terms of overshadowing, privacy and visual amenity.
- (b) Control 4.4(i) states:
- i. Where the site is subject to a 12m building height limit under the RLEP, a maximum external wall height of 10.5m applies.
- (c) The roof of the proposed building sits flush with the external wall without any recession. The external wall height is similar to that of the overall roof height at approximately 12.0m high exceeding the maximum external wall height control by 1.79m maximum to the front elevation and about 1.7m maximum along the side elevations. The extent of breach to the external wall height control is shown in the following images where external wall.

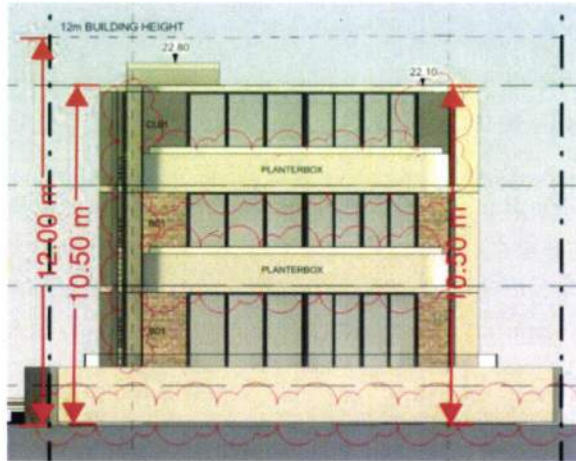


West Elevation (facing 134 Marine Parade) – Hatched Area is the exceedance from external wall height)

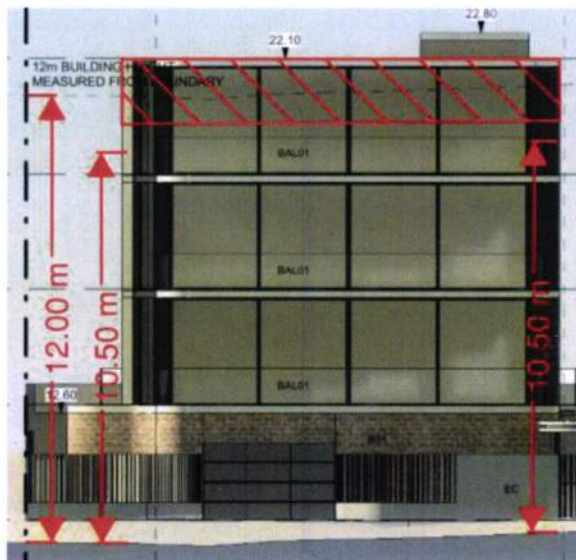


East Elevation (facing 130A Marine Parade) - Hatched Area is the exceedance from external wall height)





Rear Elevation – No exceedance from external wall height



Front Elevation – Hatched area shows the exceedance from external wall height

- (d) The exceedance of the external wall height is substantial when viewed from Marine parade and along the promenade on the opposite side of Marine Parade.
- (e) The Site is within foreshore scenic protection area and this excessive external wall height together with noncompliance with the habitable roof space controls, will give the building a bulkier look which is not considered acceptable.
- (f) As part of the amended package, the proponent also submitted view analysis from properties to the rear facing Bond Street. The analysis demonstrate that the proposal will significantly impact on existing water views currently enjoyed by Units 5/45, 6/45 Bond Street and Units 6/43, 10/43 and 11/43 Bond Street.
- (g) The proposed development has uninterrupted water views and it is considered unreasonable and unjustifiable for it to then takeaway the views of properties to the rear through a noncompliant built form.

### POINTS OF AGREEMENT

- 3.1 The experts agree that the approximate extent of the wall height variation is graphically represented in the figures above. The experts note that the northern (rear elevation) complies with the external wall height and the southern (front) elevation results in a maximum variation of 1.50m when measured to the top of the roof or 1.28m when measured to the underside of the roof. As the proposal results in a variation for either calculation nothing turns on the extent of the variation and the maximum has been considered (1.5m).
- 3.2 The experts noted that the numerical figure of 1.79m in Particular (c) is incorrect and a variation to this extent would put the building over the height limit which is not the case as detailed in the architectural plans.
- 3.3 Experts also agree that the wall height is not detailed on the architectural plans which adds to the difficulty in calculating the wall height requirements.
- 3.4 The extent of the disagreement relates to the application of the objectives which are as follows:
- *To ensure that the building form provides for interesting roof forms and is compatible with the streetscape.*
  - *To ensure ceiling heights for all habitable rooms promote light and quality interior spaces.*
  - *To control the bulk and scale of development and minimise the impacts on the neighbouring properties in terms of overshadowing, privacy and visual amenity.*

### POINTS OF DISAGREEMENT

#### Matters Disagreed – DW

- 3.5 The experts agree that the maximum extent of the variation is located at the front of the site and is a maximum of 1.5m. The particulars note this is substantial and it is unreasonable for the wall height non-compliance to take away views. I do not consider the variation to be substantial and note that views are not an objective of the wall height requirement. The proposal satisfies the objectives of the control for the reasons discussed below.
- 3.6 Dot Point 1 of the objectives requires that the building form provides for interesting roof forms and is compatible with the streetscape. The streetscape of Marine Parade can clearly be characterised as having 3-5 storey residential flat buildings with flat roofs. The existing buildings in the streetscape do not demonstrate compliance with the wall height controls as there are numerous buildings, including some recently approved that breach the wall height requirement. Whilst other buildings that breach the wall height control are not relied upon to justify this variation (i.e the control has been thrown away), the variations of the wall height control for surrounding buildings set a different context for consideration of the control. That is, the streetscape is not characterised by buildings that comply with the wall height control.
- 3.7 Figure 1 below provides an indication of the existing streetscape of Marine Parade.



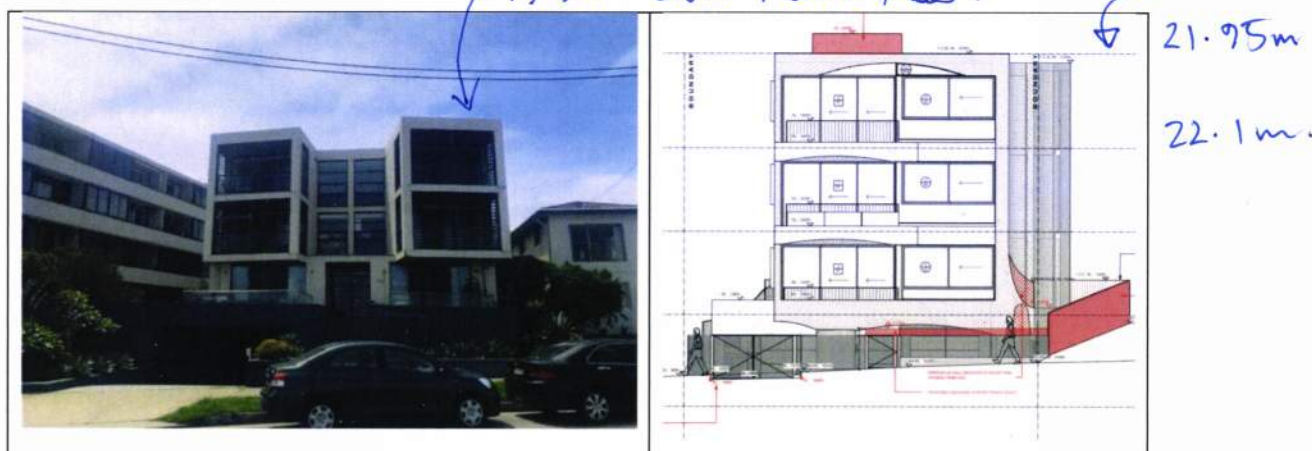
**Figure 1:** Panoramic of Marine Parade



- 3.8 As detailed in Figure 1, the only two buildings that are not 3-5 storey buildings are the subject site and No. 130A Marine Parade. However, No. 130A Marine Parade was approved under DA 198/2017 on 12/7/2018. The approval permits the demolition of the existing building and construction of a 3-4 storey residential flat building including a parking level. Of note the development application assessment report (available on Council's DA tracker) noted that the approved development resulted in a maximum wall height of 10.99m which breached the wall height control. The assessment report stated as follows in relation to Dot Point 1:

*The proposed roof is flat is generally consistent with the predominant roof forms in the area. In terms of streetscape compatibility, the 600mm reduction in height minimises the encroachment above the maximum to 4.6% maximum. This encroachment is minor when considered in the context of the streetscape which contains examples of RFB's whose walls similarly encroach above the maximum wall height provision such as that at No. 126 Marine Parade (shown in an earlier photo).*

- 3.9 As stated above, whilst the justification of No. 130A Marine Parade is not relied upon to justify the breach for the proposal, it is clear that Council have previously reached a state of satisfaction that other RFB's in the streetscape breach the wall height control. As such, the subject site must be considered in a different context to that of development that strictly comply with the wall height development standard.
- 3.10 SF points to Nos. 130A (approved development) and 134 Marine Parade as examples of buildings where the parking levels are substantially below ground level. An analysis of these two properties would indicate that parking is not substantially below ground level and the parking level is (or will be) clearly visible in streetscape. Whilst I accept there are differences between the three buildings in terms of depth below ground level, the objectives require compatibility between the buildings and it is considered that the semi-subterranean parking levels are at the very least, compatible as detailed in Figure 2 below.



**Figure 2:** No. 134 Marine Parade (left) and No. 130A Marine Parade (as approved) with semi-subterranean parking levels similar to the proposal

- 3.11 The experts agree the maximum extent of the variation to the wall height control is 1.5m at the southern (frontage) of the site and reduces to a compliant wall height for the northern (rear) elevation. As such, the variation to the wall height can, in part, be attributed to topography. Furthermore, the variation to the wall height does not result in a building that will appear visually bulky or out of scale with surrounding development. Figure 1 and Council's assessment report for DA198/2017 acknowledge there are numerous buildings on Marine Parade that exceed the wall

height requirement and the proposed development is considered to be “compatible with the streetscape” noting that compatibility does not mean sameness (*Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191).

- 3.12 Dot Point 2 requires that ceiling heights for all habitable rooms promote light and quality interior spaces. With one apartment on each level and floor to floor heights of 3.1m, each apartments will contain at least 2.7m high ceilings and exceptional levels of amenity. There are no contentions to the contrary in the amended SOFAC.
- 3.13 Dot Point 3 requires that bulk and scale of development is controlled and the impacts to neighbouring properties in terms of overshadowing, privacy and visual amenity is minimised. Importantly, the objective for Dot Point 3 does not require views to be considered when assessing wall height. This is contrary to Particulars (f) and (g) which purports that the variation will significantly impact on views from properties to the rear on Bond Street. This is considered in Contention 7.
- 3.14 Dealing with the requirements of Dot Point 3, the proposed building complies with the height, FSR and setback requirements with the only remaining building envelope variation being the wall height. As discussed above, the bulk and scale of the building is considered to be entirely compatible with that of surrounding properties on Marine Parade. The provision of different materials for the upper level with the use of non-combustible metal cladding will differentiate the upper level (where the variation to the wall height is at its greatest) from the lower levels of the building.
- 3.15 In terms of the amenity impacts, the amended SOFAC does not contain any contentions relating to overshadowing and considers that privacy can be dealt with by conditions of consent. However, the “visual amenity” is not defined in RDCP 2013 and is subjective. I do not agree with SF that “visual amenity” relates to views otherwise it would have specifically stated “views” rather than “visual amenity” such as in the objectives for setbacks under Part 3.4 of Chapter C2 of RDCP. I also do not agree that with the construction of a new building you must compare existing and proposed “visual amenity” as this sets an unreasonable standard that may never be able to be achieved. That is, when comparing the existing building (underdeveloped relative to the applicable controls) to the proposed building (complies with the applicable planning controls with the exception of wall height) the interpretation of “visual amenity” by SF and the difference in scale and typology would mean the objective would be more onerous than the wall height control.
- 3.16 In my opinion “visual amenity” when read in conjunction with Objective Dot Point 3 relates to controlling bulk and scale as a result of the wall height, rather than an impact of the development as a whole. The term “visual amenity” therefore relates to the appearance of the building from neighbouring properties. The explanation under Part 4.4 – Wall height of RDCP states that “*external wall height control has been devised to ensure that adequate floor to ceiling height, realistic floor slab and roof construction and basement or semi-basement car parking could be achieved under different topographical conditions*”. The variation to the wall height is towards the front of the property (facing the public domain) and entirely compatible with the scale and wall height of surrounding properties. When considered in the context of the wall height control and that of surrounding buildings, the majority of which breach the wall height control, the impact on the “visual amenity” is minimised and the proposal is not considered to be out of character with surrounding buildings.
- 3.17 Whilst there is no requirement to consider views from properties to the rear in terms of the objectives of wall height, Contention 7 raises view loss as an issue where the variation to the wall height will be considered against the 4 step view loss assessment in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (Tenacity) below.



### Matters Disagreed – SF

- 3.18 I agree that the scale of the built form in the vicinity of the subject site is predominately 3 and 4 storeys but I do not agree that 'flat roof form' is the built character of the area. Refer to Figure 3 below for reference. Regardless; I do not consider flat roof as an unacceptable element from a streetscape perspective but the flat roof is considered to impact on view sharing as discussed under Contention 7.



**Figure 3.** Existing roof form in the vicinity of the subject site – Source Six Map.

- 3.19 I acknowledge that variation to the external wall height control has been supported by Council in the past on merits. Every variation is assessed by Council based on the contextual setting of a site and cumulative impacts on surrounding landscape. Development at 130A Marine Parade has been approved with a maximum variation to the external wall height control of 0.49m under DA/198/2017. The officers report for DA/198/2017 notes the following in describing the external wall height variation:

External wall height

*The proposal complies with the 12m height limit, but as can be seen in the figure below, breaches the 10.5m limit, with the maximum external wall height being 10.99m above ground level (RL21.62-RL10.63) at the front south eastern corner of the development.*

- 3.20 The adjoining building to the west at No 134 Marine Parade was approved as a 3 storey residential flat building over basement parking under DA/326/2004. This building would however be read as part 3, part 4 storey building as the front section of the basement protrudes above 1.2m from natural ground level. The building appears to fully comply with the height standard and external wall height control.
- 3.21 The general topography of the area slopes in a westerly direction along Marine Parade. 130A Marine Parade sits on a higher ground and therefore I do not believe that the variation to the proposed external wall height is unavoidable due to the topography of the area. Both No. 130 A and 134 Marine Parade are designed with their parking level in part substantially below natural ground level such that they read as three storey building when viewed from the rear. I would therefore conclude that the variation to the external wall height control is a result of poor and unskilful design.
- 3.22 I do not see any major concerns with regard to proposal's compatibility with the first two objectives of external wall height control under RDCP. The third objective seeks to minimise impacts on

adjoining neighbours in terms of '.....overshadowing, privacy and visual amenity.' This third objective seeks to control the building envelope in such a way that any overshadowing impacts on adjoining properties are reasonable, any acoustic and visual privacy impacts are manageable and visual amenity of adjoining neighbours is not lost. I agree that any additional overshadowing is acceptable and privacy can be addressed through conditions; however the term 'visual amenity' needs to be looked at in its correct perspective.

- 3.23 My understanding of visual amenity is the view available to adjoining properties just like their solar or privacy amenity. The aim of good planning should be to ensure that such amenities are not diminished or unreasonably impacted as a result of non-complying or poor building design. To fully understand 'visual amenity' I would compare the existing visual amenity and proposed visual amenity of adjoining properties. The existing significant visual amenity of adjoining properties, in particular those facing Bond Street is silhouette of roof of buildings along Marine Parade and water views beyond. This valuable visual amenity will be lost or diminished and replaced by a solid structure and therefore I do not consider the proposed development as compliant with the third objective of External Wall Height control.

Note: The experts have agreed that 'public visual amenity will not be impacted by the proposed development and it is only private visual amenity that is debated.

#### **CONTENTION 4. Habitable Roof Space**

4. *The proposed development should be refused because the proposed third floor level (fourth storey) does not present sufficiently as a habitable roof space, does not create interesting roof form and does not integrate with a human scale of development in the existing and future desired character of medium density development in the area.*

##### Particulars

- (a) *The relevant objectives of Section 4.3 Habitable Roof space of the RDCP are as follows:*
- *To broaden the dwelling mix by creating opportunities for larger sized units on the uppermost storey.*
  - *To promote high amenity apartment design with flexible layout and good natural ventilation.*
  - *To provide opportunities for creating interesting roof forms that contribute to the streetscape and neighbourhood.*
- (b) *Control 4.3 (i) states:*
- (i) *Habitable roof space may be considered, provided it meets the following:*
- *Optimises dwelling mix and layout and assists to achieve dual aspect or cross over units with good natural ventilation.*
  - *Has a maximum floor space of 65% of the storey immediately below.*
  - *Wholly contain habitable areas within the roof space.*
  - *When viewed from the surrounding public and private domain, the roof form (including habitable roof space, associated private open space and plant and machinery) has the appearance of a roof.*
  - *A continuous flat roof with habitable space within it will not satisfy this requirement.*
- (c) *The proposed third floor (fourth storey) has a floor space of 154.14m<sup>2</sup> which is 100% of the storey below significantly exceeding the maximum control.*
- (d) *The larger footprint at the third-floor level predominately presents a vertical extension of the floors below.*
- (e) *The lack of recessed elements and top-heavy bulk dominate the building and does not create visual interest that contributes to the streetscape and neighbourhood.*
- (f) *The associated non-compliances with the external wall height control will visually dominate the street edge and detract from the character of the streetscape.*



- (g) *The excessive footprint of the top floor significantly adds to the view loss.*

**POINTS OF AGREEMENT**

- 4.1 The experts agree that the provision of habitable roof space is not proposed and this contention is not pressed.

**POINTS OF DISAGREEMENT**

- 4.1 None.

**CONTENTION 5. Foreshore scenic protection area**

5. *The development application should be refused because the proposed development is contrary to the requirements for the Foreshore Scenic Protection Area ('FSPA') and will result in an adverse visual impact.*

Particulars

- (a) *The site is located within the FSPA pursuant to Clause 6.7(2) of the RLEP 2012 and the Foreshore Scenic Protection Area Map.*
- (b) *The proposal has not been located and designed to minimise its visual impact on public areas of the coastline, especially the publicly accessible promenade along Marine Parade, and the coastline in general arising from the excessive bulk and scale of the proposal.*
- (c) *The excessive bulk and scale is quantified by noting the noncomplying external wall height and habitable roof space controls.*
- (d) *The proposed side elevations are devoid of any meaningful articulation or visual relief to add visual interest. Straight 4 storey wall with repetitive windows is all that's visible along the side elevations.*

**POINTS OF AGREEMENT**

- 5.1 The experts agree that the main issues of this appeal relate to the wall height and view loss which are discussed in the contentions above and below. The Foreshore Scenic Protection Area requirements are not pressed.

**POINTS OF DISAGREEMENT**

- 5.2 None.

**CONTENTION 6. Car Parking**

6. *The development application should be refused because the amended parking layout is inconsistent with AS 2890.1.*

Particulars

- (a) *Parking space No. 01 does not have adequate aisle width available as required by AS 2890.1 making manoeuvring into the space difficult to achieve. The aisle width opposite is less than the 5.8m. A vehicle would have to go past the space and reverse into it and use the turntable to get out as there doesn't appear to be enough room to immediately turn left out of the space and exit the site in a forward direction.*
- (b) *The motorbike space may be also be an obstruction for vehicles accessing spaces 01 & 02.*

#### POINTS OF AGREEMENT

- 6.1 The experts agree that this is a matter for the traffic experts.

#### POINTS OF DISAGREEMENT

- 6.2 None.

### CONTENTION 7. View Loss

7. The application shall be refused as its overall bulk in particular will result in significant view loss for dwellings to the rear, fronting on Bond Street.

#### Particulars

- (a) The objectives of Section 5.5 of Part C2 of Randwick DCP 2013 in relation to view sharing are as follows:
- (i) To acknowledge the value of views to significant scenic elements, such as ocean, bays, coastlines, watercourses, bushland and parks; as well as recognised icons, such as city skylines, landmark buildings / structures and special natural features.
  - (ii) To protect and enhance views from the public domain, including streets, parks and reserves.
  - (iii) To ensure developments are sensitively and skilfully designed to maintain a reasonable amount of views from the development, neighbouring dwellings and the public domain.
- (b) The subject site is located within Foreshore Scenic Protection area and enjoys uninterrupted views of the ocean and Maroubra Beach. The development application was lodged without any view analysis and this was raised as a contention. The proponent has now submitted detailed view analysis from two of the most affected properties to the rear being No. 43 and No. 45 Bond Street Maroubra.
- (c) A review of view analysis from Units 5/45, 6/45 Bond Street and Units 6/43, 10/43 and 11/43 Bond Street against the proposed building envelope, in particular the top floor, indicates that it is not 'skilfully and sensitively designed to maintain a reasonable amount of views from ..... neighbouring development' as required under the last objective.
- (d) The respondent considers that the proposed building was designed to maximise the gross floor area with little care toward building envelope controls and without any detailed view analysis prior to finalization of the design. While the amended proposal, the subject of this statement, addresses most of the building envelope controls, it is still noncompliant with the external wall height control and inconsistent with the Controls (i), (ii) and (vi) under Section 5.5 of Part C2 of Randwick DCP, reproduced as under:
- (i) The location and design of buildings must reasonably maintain existing view corridors or vistas to significant elements from the streets, public open spaces and neighbouring dwellings.
  - (ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas (such as living room, dining room, lounge and kitchen) should be given a priority over those obtained from the bedrooms and non-habitable rooms.
  - (vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.
- (e) Respondents are unaware of any measures adopted in the design process to mitigate the view loss from the affected dwellings to the rear.

#### POINTS OF AGREEMENT

- 7.1 The experts agree that the View Impact Assessment prepared by AE Design Partnership is accurate and forms the basis for the assessment of views but have provided our opinion on the impact.
- 7.2 The view analysis by AE Design Partnership superimposes the proposed building envelope on the subject site to demonstrate visual impacts. A review of these perspectives indicate that front section



of the existing building is still visible. DW has obtained clarification from AE Design Partnership regarding the accuracy of the images which were verbally confirmed to be accurate. SF is unsure on this aspect and would like this to be clarified by AE Design Partnership during or prior to the hearing.

7.3 The experts agree that the consideration of the principles *Tenacity Consulting v Waringah [2004] NSWLEC 140 (Tenacity)* is the primary consideration and the satisfaction of the *Tenacity* principles will also satisfy the objectives and requirements of Part 5.5 of RDCP.

7.4 The experts agree that the following summary table is provided to address Steps 1-3 of *Tenacity*.

**Table 1**

Address	Location	Boundary for view	DW Impact	SF Impact
5/45 Bond Street	First Floor balcony from master bedroom	Rear	Severe	Severe
6/43 Bond Street	First floor master bedroom	Side	Severe	Severe
6/45 Bond Street	First floor balcony from master bedroom	Rear	Severe*	Severe*
10/43 Bond Street	Second floor living room	Side	Moderate	Moderate-Severe
11/43 Bond Street	Second floor balcony from master bedroom	Side	Moderate	Moderate-Severe

\* The severe rating is provided based on the completion of DA 196/2018 for No. 130A Marine Parade

7.5 Whilst there is a disagreement on the extent of the impact for two properties, the main difference from the experts revolve around Step 4 of *Tenacity* in relation to the reasonableness of the view loss. This is considered below.

7.6 The experts agree that the public views between the buildings result in a minor loss of views but is entirely reasonable in this instance. Public views are not pressed.

#### **POINTS OF DISAGREEMENT**

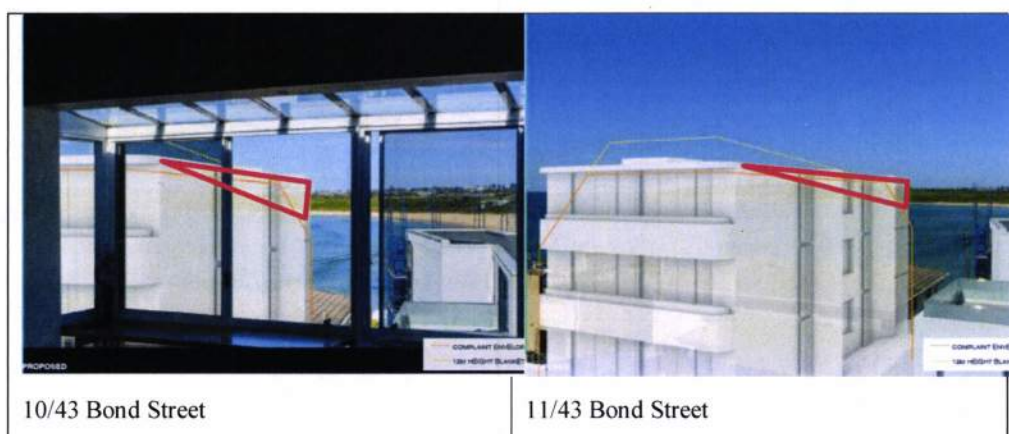
##### **Matters Disagreed – DW**

7.7 The proposed development will invariably result in an impact on views from properties at Nos. 43 and 45 Bond Street to the rear which have benefited from the underdeveloped nature of the two storey dwelling relative to the 12m height of buildings development standard to achieve views over the subject site. The existing building has a maximum height of approximately 7.1m which is well below the 12m height limit and is the last property to be redeveloped in this section of Marine Parade. Importantly, these views are provided to properties behind through the permissible building envelope established by RLEP and RDCP and must be considered accordingly in any assessment of view sharing.

7.8 The first part of Step 4 of *Tenacity* requires consideration on the extent of compliance (or otherwise) with Council's current planning controls in relation to building envelope and scale. In this regard, the following points are noted:

- i. The proposal complies with the FSR requirement;
- ii. The proposal complies with the overall height of buildings requirement; and
- iii. The proposal complies with the front, side and rear setback requirements.

- 7.9 The only non-compliance with the building envelope controls relates to the wall height control which is justified in Contention 3. It is important to distinguish the assessment of view loss from a non-compliance (wall height) differs from the view loss considerations in Table 1. This is because it is the compliant portions of the proposal that are having a moderate-severe impact on the views for properties to the rear. This will be discussed later.
- 7.10 The experts agree there is a non-compliance with the wall height control, but DW considers that even if the proposed development was modified to achieve full compliance with the wall height control (which would result in a fully compliant building envelope), the only properties to benefit would be No. 10 & 11/43 Bond Street which are the least affected by the proposed development in terms of overall views from those assessed. For all other properties to the rear, insistence on compliance with the wall height control would not result in any additional views as the rear elevation is compliant with the wall height and setback requirements or will only improve views towards the sky.
- 7.11 In any event, I considers that the variation to the wall height control is minor and justified in Contention 3 but the resultant impact on views is also minor. As detailed in Figure 4 (below), if the maximum variation to the wall height control (1.5m) is located at the southern (frontage) and the extent of difference between a development with a compliant wall height and non-compliant wall height is detailed in red (approximate).



**Figure 4:** Montages of the proposed development from properties to the rear with approximate variation to wall height in red. Note: The orange line represents an anticipated envelope with a habitable roof form

- 7.12 It should be noted that the applicant did consider the provision of a mansard style roof form that would achieve compliance with the wall height requirement (and result in a fully compliant development) but this would have the same view impact as the current proposal. However, it was concluded that the provision of a Mansard Style roof would be a poorer outcome as it would be different to the character of the existing and approved buildings (all of which contain high sheer walls and flat roofs).
- 7.13 Based on the minor variation to the wall height and the minor view impacts as a result of the non-compliant element, I consider that the proposed development is entirely reasonable with no need to consider a more skilful design for the wall height variation. The proposed development is a height compliant building which is entirely compatible with the scale of existing and approved surrounding buildings. Insistence on compliance with the wall height control would result in a disproportionate reduction to the development potential required to achieve a minor view gain the two properties that are least affected by the proposed development in terms of views from those assessed.



- 7.14 Turning to the second Part of Step 4 relating to compliant parts of the building, the experts agree that the proposal, in its entirety, will have moderate – severe impacts on views as detailed in the montages prepared by AE Design Partnership. As discussed above, the key question in the second part of Step 4 is as follows:

*With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

- 7.15 Importantly, Step 4 of Tenacity questions if *a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours*. In this instance, there is no more skilful design that could provide the applicant with the same development potential and amenity but reduce the impact on views to all properties to the rear.
- 7.16 The most significant control impacting view sharing is Clause 4.3 of RLEP 2012 which anticipates a 12m height of buildings development standard over the site. Whilst I accept that attaining the 12m height limit is not as of right, it does not necessarily follow that Clause 4.3 sets a maximum height as this would ignore the purpose of Clause 4.6 to provide flexibility in the application of development standards.
- 7.17 Rather, Test 4 of Tenacity deals with the reasonableness of the proposal causing the impact. It is reasonable to anticipate that owners of properties to the rear would be aware of the 12m height of buildings standard given their properties are subject to the same 12m height of buildings development standard. Given the scale of existing and approved development fronting Marine Parade is 3-5 storeys (with the exception of the subject site which is the last undeveloped block), there must be reasonable expectation that the subject site would be redeveloped at the expense of views achieved over the existing two storey (7.1m high) dwelling. It would be unreasonable to allow every other site to fulfil (or exceed) their development potential but leave the subject site underdeveloped relative to the controls and incompatible with the scale of surrounding buildings on Marine Parade.
- 7.18 The proposed development is fully compliant with the relevant applicable building envelope controls with the exception of wall height (as discussed above), and any attempts to retain views for all properties to the rear would necessitate the removal 1-2 levels of the proposal which would certainly not provide the applicants with the same level of development potential and amenity and result in a building that is incompatible with the scale of surrounding properties.
- 7.19 SF considers that a more skilful design can be achieved by reducing the height of the building and notes that the ground floor unit is elevated to accommodate semi-subterranean parking. The experts agree that the rear is compliant with the wall height requirement and it is noted that the building is up to 1.4m below the maximum height of buildings standard. A further reduction in height will introduce different issues involved with excavation into sandstone, parking layout and manoeuvrability due to the need to provide ramps not raised in the amended SOFAC and certainly not previously raised during the appeal process.
- 7.20 Importantly, any reduction in height will not bring about any meaningful change to the severe extent of view loss for Nos. 5/45, 6/43 and 6/45 Bond Street as these are all lower level apartments with their views through the permissible building envelope. Whilst I acknowledge that a reduction in height may result in a minor increase in views of the top of the headland for Nos. 10 & 11/43 Bond Street, the view gain is disproportionate to the additional impacts created the reduction in height given these properties are the least affected by the proposed development out of the five properties considered in the view assessment.

- 7.21 Nos. 10 & 11/43 Bond Street currently attain ocean, Maroubra Beach and district views over and above No. 134 Marine Parade which adjoins their rear boundary. Any view gain from a height reduction at No. 132 Marine Parade is achieved over the side boundary (which is harder to protect) and from rooms that will retain unaffected significant views over No. 134 Marine Parade that are greater than views achieved from Nos. 5/45, 6/43 and 6/45 Bond Street. Refer to Figure 5 below.



**Figure 5:** Photo from 10/43 Bond Street (source DA 196/2017 assessment report for 130A Marine Parade)

- 7.22 I consider that the proposed development is a skilful design that nestles into the sloping topography, provides for a fully compliant development with the exception of wall height that is entirely compatible with the character of surrounding properties in Marine Parade. Any built form that retains views for all properties to the rear would result in the reduction of 1-2 levels of the proposal which certainly would not provide the applicant with the same level of development potential and amenity. Furthermore, any reduction in height of the proposal would benefit only Nos. 10 & 11/43 Bond Street which are the least affected in terms of views from those assessed and certainly is of no benefit to the properties at Nos. 5/45, 6/43 and 6/45 Bond Street. In many respects the proposed development represents a skilful design for the following reasons:
- i. the proposal is fully compliant with all the height, FSR, setback and landscaped area requirements
  - ii. the proposal does not have any significant impact on the amenity of adjoining properties in terms of overshadowing and privacy;
  - iii. Will provide excellent amenity for the future occupants; and
  - iv. the proposal will provide much needed additional accommodation in a site that is suitable for the proposed development and entirely compatible with existing and approved development.
- 7.23 SF raises a concern about future intensification of the site through an amending DA. This is irrelevant to this application. In any event, the same could be said about the majority of buildings fronting Marine Parade which comprise of either semi-subterranean parking levels (similar to the proposal, No. 130A and No. 134 Marine Parade) or those fully above existing ground level such as Nos. 126, 128, 136 and 140 Marine Parade).
- 7.24 In relation to Particular (d) which states *the respondent considers that the proposed building was designed to maximise the gross floor area with little care toward building envelope controls and without any detailed view analysis prior to finalization of the design.* This is a subjective opinion



which appears to ignore the fact that the only non-compliance with the building envelope controls relates to the wall height requirement as discussed above. In any event, as access to surrounding properties is not always possible prior to the finalisation of the design, surveys were undertaken which shows the buildings, balconies and window locations of Nos 41, 43 and 45 Bond Street. Based on these levels reasonable estimations were made on impacts to arrive at the proposed building envelope.

- 7.25 Whilst not a planning matter, DW notes that the amended SOFAC only details one objection on view loss from an unknown property with the address redacted from our GIPA Search. Despite this, five properties were required to be inspected to assess view loss. The process of requesting access to undertake a view loss inspection from properties that did not object to the proposal was not apparent for DA 196/2017 for No. 130A Marine Parade which had greater variations to the planning controls (including FSR variation) however only properties that objected to the proposal were considered, including No. 10/43 Bond Street. There is no record of attending other properties that did not object to the proposal and importantly no view loss analysis provided on the Council DA tracker.

#### **Matters Disagreed – SF**

- 7.26 I agree that principles of ‘view sharing’ as established in *Tenacity Consulting v Warringah* is the right tool to carryout view analysis for this particular matter. I also agree that Step 4 of the ‘4 step’ test needs to be discussed here as the other 3 steps are agreed upon by the experts. The 4<sup>th</sup> step of the view sharing principles is reproduced as under:

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

- 7.27 I consider the proposed development fails the 4<sup>th</sup> step for the reasons outlined as under:
- 7.28 The experts agree that the proposal does not comply with the external wall height control and the maximum variation is 1.5m over the control or 14% exceedance. Due to this noncompliance I consider even the moderate impact on view loss as unreasonable.
- 7.29 The view analysis by AE Design Partnership has provided a compliant building envelope to demonstrate the impacts on view loss, but I am not aware of any skilful design attempts that would ensure better view sharing from adjoining properties to the rear. In the absence of such evidence (of more skilful design) I cannot say if the impacts on view sharing is acceptable.
- 7.30 It is my understanding that a more skill full design would see the parking level sunken deeper into the ground that will improve the view sharing for rear properties without compromising the development potential or amenity of future occupants of proposed development. Parking at ground level is poor utilisation of prime land at a prestigious location. I am suggesting that the architects should consider what is the maximum reduction in height can be introduced by taking the parking level deeper into the ground; without compromising the amenity of future residents of proposed building by ensuring no part of the habitable floor is in a subterranean location.
- 7.31 The external wall height of the adjoining approved development at 130A Marine Parade has been approved with a minor breach of external wall height (about 500mm maximum) but it is important

to note that a) it is almost 1m below the maximum height standard of 12m at its highest point and b) its parking level is substantially below the natural ground level.

7.32 I don't consider that sinking the building deeper into the ground will raise other issues like deeper excavation into rocks; or any additional impacts on adjoining neighbours. Both adjoining developments at 130 A Marine Parade and 134 Marine Parade appear to be on the same rock formation, in the same contextual setting and 134 Marine Parade has already been constructed.

7.33 Throughout this joint report, DW argued that the proposal complies with the maximum building height standard of 12m and external wall height control to the rear therefore the proposed building envelope should be considered acceptable. I would like to draw the attention of court that maximum height standard or external wall height control is not a development right and for that reference can be made to paragraph 31 of Senior Commissioner Roseth in the same proceedings of Tenacity Consulting v Warringah as under:

*31 I turn to the reasonableness of the proposal. It breaches one of only two development standards, namely the requirement not to exceed two storeys. I note that it complies with the height limit of 8.5m. However, that height limit is a maximum. It does not entitle the applicant to a building envelope 8.5m high over the whole site.*

7.34 Lastly, I consider the proposed design lends itself to future intensification through an amending development application. If the development in its current form is approved with building footprint and view sharing found as acceptable; the amending DA will seek approval for a basement thereby converting the ground level to an additional unit and parking shifted into a traditional basement. The excessive GFA will be justified through Clause 4.6 statement that there will be no changes to the building footprint or additional impacts on any of the adjoining neighbours.

7.35 A more skilful design should be a part 3 part 4 storey residential flat building over basement parking that will ensure same development yield as proposed and will improve view sharing from rear properties. In this regard I consider views for Units 10/43 and 11/43 will reasonably improve and perhaps several other units where access was not offered by the owners. Unlike DW, I do not consider these units as 'least affected' as their view loss is moderate to severe. Even if we can preserve the views for just one unit or improve its view sharing by skilful design, it is worth trying in my view.

7.36 Alternatively a compliant external wall height with a pitched roof in an 'attic style' top floor can also improve the view sharing but this will significantly reduce the footprint of the top floor, a reduced yield and perhaps an alien element for the existing streetscape.

## **CONTENTION 8. Insufficient Information**

### **(a) Survey Plan**

*The current submitted survey plan identifies the site as being lot 100 in Deposited Plan 1267550. Council's internal mapping system (Geocortex) as well as the NSW Planning Portal identifies the site as being Lot 15 in Deposited Plan 5463. Furthermore, it is considered that the relative levels between the subject property and the residence to the north-east should be included as part of the Development Application to get a better understanding of the proposal and its impact on the adjoining neighbours.*

### **(b) Airconditioning Units**

*No details are provided on location and extent of any air-conditioning units. In view of limited setbacks and proximity of adjoining neighbours, this needs to be considered as an integral part of the design.*



#### **POINTS OF AGREEMENT**

- 8.1 The experts agree that the survey provided with the application is satisfactory for the purposes of assessment. The fact that it does not correlate with the Lot and DP number on Council's system is noted but nothing turns on this consideration and is not pressed.
- 8.2 The experts agree that a condition can be imposed to locate the air conditioning units within the car parking level.

#### **POINTS OF DISAGREEMENT**

- 8.3 None.

#### **CONTENTION 9. Contentions that may be Resolved by Conditions of Consent**

- (a) **Visual Privacy**  
*The proposal includes extensive windows at all levels along the rear (north) elevation. To address the privacy of adjoining neighbours; these windows are to be treated for visual privacy. While this solution may resolve the visual privacy issues; it offers a boring and repetitive façade when viewed from adjoining buildings; other privacy options must be explored like a combination of high light windows, windows with fixed obscure glazing, etc.*
- (b) **Visual Amenity**  
*It is considered that the proposal could cause unnecessary glare to the developments to the north of the site, due to the significant amount of glazing on the northern elevation. As demonstrated on the submitted solar access diagrams, it is considered that the orientation of the site as well as the sun will cause an undesirable glare and amenity impacts on 43 and 45 Bond Street Maroubra. It is considered that privacy solutions may mitigate the impact of the glare produced from the glazing.*
- (c) **Fire Safety**  
*It is considered that the proposed windows on the western elevation may be located within 3m of the western boundary. No fire protection statement has been submitted; it is considered that standard BCA conditions may suffice in this instance.*
- (d) **Flooding**  
*It appears that a boundary wall is proposed across the rear boundary which is not considered acceptable due to impacts on overland flow. This needs to be replaced by a fence with a 150mm gap under the fence to allow passage of overland flow.*

#### **POINTS OF AGREEMENT**

- 9.1 The experts agree that matters (b)-(d) can be resolved by conditions of development consent. In relation to (a), the experts agree that due to the building to building separation distance of more than 13.5m between the rear elevation and No. 45 Bond Street, no additional privacy screening is required.

#### **POINTS OF DISAGREEMENT**

- 9.2 None.

For Applicant

A handwritten signature in black ink, appearing to be 'D. Waghorn', written in a cursive style.

Mr David Waghorn

Consultant Planner

For Respondent

A handwritten signature in blue ink, appearing to be 'Sohail Faridy', written in a cursive style.

Sohail Faridy

Executive Planner – Randwick City Council



# **ANNEXURE A**

## **Curriculum Vitaes**

# CURRICULUM VITAE



DAVID ANTHONY WYNDHAM WAGHORN

## BUSINESS ADDRESS

Suite 210, 531-533 Kingsway  
MIRANDA NSW 2226  
Ph. (02) 9531 2555  
Fax: (02) 9531 2599  
Email: david@planningingenuity.com.au

## EDUCATION

University of New South Wales  
*Graduated B Plan 2003 with honours*

NSW TAFE  
*Advanced Diploma of Management*

## EXPERIENCE – POSITIONS HELD AND SIGNIFICANT RESPONSIBILITIES:

**2019 TO PRESENT – ASSOCIATE DIRECTOR, PLANNING INGENUITY**

**2018 TO 2019 – PRINCIPAL PLANNER, PLANNING INGENUITY**

Provision of consultancy services to a wide range of private and public sector clients; Preparation of statements of environmental effects for medium to large scale developments; Development advice; Assessment and preparation of major Development Applications for various Council's; Preparation of planning proposals; Project management; Expert planning evidence for numerous cases in the NSW Land & Environment Court; Management and supervision of staff members.

**2008 TO 2018 – TEAM LEADER, CENTRAL, WOOLLAHRA COUNCIL**

Delegation to determine applications within the Team Central area up to \$2million. Peer review of all reports within the Team Central area

**2004 TO 2008 – SENIOR ASSESSMENT OFFICER, WOOLLAHRA COUNCIL**

Assessment of complex Development Allocations and Pre-DA consultation and advice.

**2003 TO 2004 – ASSESSMENT OFFICER, WOOLLAHRA COUNCIL**

Assessment of complex Development Allocations and Pre-DA consultation and advice.

**2002 TO 2003 – STRATEGIC PLANNER, MARRICKVILLE MUNICIPAL COUNCIL**

Preparation of Local Environmental Plans and Reports to Development and Environmental Services Committee

## **Curriculum Vitae**

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### **SOHAIL FARIDY**

Phone 0410 528 443

#### **Experience**

#### **RANDWICK CITY COUNCIL – SEPTEMBER 2021 – PRESENT**

##### **EXECUTIVE TOWN PLANNER (JANUARY 2021 – PRESENT)**

- Assessment of complex development applications;
- Managing Class 1 appeals;
- Presentation of development applications to Design Excellence Panels;
- Policies and system improvement.

##### **SENIOR TOWN PLANNER (SEPTEMBER 2020 – JANUARY 2021)**

- Assessment of complex development applications;
- Managing Class 1 appeals;
- Presentation of development applications to Design Excellence Panels;

#### **HOLROYD/CUMBERLAND CITY COUNCIL - SEPTEMBER 2010 July 2020**

##### **COORDINATOR DEVELOPMENT ASSESSMENT – (2013 – 2020)**

- Leading the team of development assessment unit and management of Class 1 appeals.

##### **SENIOR DEVELOPMENT ASSESSMENT PLANNER (2010 – 2013)**

- Assessment of complex development applications;
- Pre lodgement planning advice;
- Class 1 appeals.

## **MARRICKVILLE COUNCIL AUGUST 2003 SEPTEMBER 2010**

### **EXECUTIVE PLANNER, PLANNING PROJECTS (2008 – 2010)**

- Preparation of new Local Environmental Plan (Standard Instrument) and Development Control Plan.

### **SENIOR DEVELOPMENT ASSESSMENT PLANNER (2005 – 2008)**

- Assessment of complex development applications;
- Pre lodgement planning advice;
- Class 1 appeals.

### **TOWN PLANNER DEVELOPMENT ASSESSMENT (2003 – 2005)**

- Assessment of rezoning and other small to medium scale development applications;
- Pre lodgement advisory services;
- Day to day planning enquiries.

## **WAVERLEY COUNCIL OCTOBER 2000 TO AUGUST 2003**

### **TOWN PLANNER DEVELOPMENT ASSESSMENT (2001 – 2003)**

- Assessment of rezoning and other small to medium scale development applications;
- Pre lodgement advisory services;
- Day to day planning enquiries.

### **STUDENT PLANNER – WORK EXPERIENCE (2000 – 2001)**

- Assessment of rezoning applications;
- Review of LEP and DCPs;
- Research Studies.

Randwick City Council

Ats

Emcon Group Pty Ltd

132 Marine Parade, Maroubra

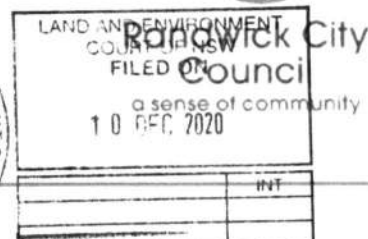
LEC Proceedings No. 2020/350474

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# Development Application Form

Made under Section 4.12 of the Environmental Planning and Assessment Act 1979



APPLICATION/REFERENCE NUMBER: DA/465/2020

DATE:

## ABOUT THIS FORM

Use this form to apply for development consent to:

- erect, alter or demolish a building or structure
- change the use of land or a building
- carry out earthworks or similar
- subdivide land
- strata subdivide a building
- erect or display advertising

## WHAT YOU'LL NEED

- ☐ DA Form
- ☐ DA Checklist
- ☐ Cost Report
- ☐ Statement of Environmental Effects
- ☐ Plans
- ☐ Supporting documents.

## APPLICANT'S NAME

Title: ☒ Mr ☐ Mrs ☐ Ms ☐ Other: \_\_\_\_\_

Applicant's Name: Elliot Malouf

## PROPERTY/LOCATION DESCRIPTION

Unit/Street No: 132 Street: Marine Parade

Suburb: Maroubra Post Code: 2035 Lot / DP/SP No(s): DP1267550

## CURRENT/EXISTING USE OF SITE

2 Story Residential dwelling.

RECEIVED

11 SEP 2020

CUSTOMER SERVICE  
RANDWICK CITY COUNCIL

## TYPE OF DEVELOPMENT PROPOSED

(Please select all that apply)

- ☒ Building or structure
- ☐ Demolition
- ☐ Subdivision
- ☐ Other (please specify) \_\_\_\_\_
- ☐ Change of use
- ☐ Sign or advertisement
- ☐ Earthworks

Are you applying for a Staged Development Consent?

☐ Yes ☐ No

## GET IN CONTACT

Randwick City Council  
30 Frances Street  
Randwick NSW 2031  
ABN: 77 362 844 121

Phone 1300 722 542  
Fax (02) 9319 1510  
[council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)  
[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)



**DESCRIPTION OF PROPOSAL***(If demolition is proposed please specify what is being demolished)*

Demolition of existing house and then construction of a part 3, part 4 storey residential flat building comprising of 3 residential apartments.

**ESTIMATED COST OF WORKS**

*The cost of works is subject to a check by Council before acceptance. For development costs <\$500,000, a detailed cost report is required. For development costs ≥\$500,000, a Registered Quantity Surveyor's detailed cost report is required. Templates are available from Council's website.*

Estimated cost of works (including GST):   \$ \$2,602,948.70

**INTEGRATED DEVELOPMENT**

*Integrated development is development that requires licences or approvals from other Government Departments. If your application is integrated you must attach a \$320.00 cheque made payable to the relevant approval body along with an additional fee to Council for processing*

Is this application for integrated development?

☐ Yes   ☒ No

If yes, please select which of the following apply:

- ☐ Item or place listed on the State Heritage Register
- ☐ Works within 40 metres of a watercourse
- ☐ Penetration of an aquifer or extraction of groundwater
- ☐ An EPA licensed activity
- ☐ Dredging or reclamation of any waters
- ☐ Removal or damage to marine vegetation
- ☐ Destruction or damage to an Aboriginal relic
- ☐ Other (please specify): \_\_\_\_\_

**CONCURRENCE AUTHORITIES**

*If your application requires the concurrence of another authority, you must attach a \$320.00 cheque made payable to the relevant authority along with an additional fee to Council for processing*

Does this application require the concurrence of another authority?

☐ Yes   ☒ No

If yes, please select which authorities are required to give their concurrence:

- ☐ Office of Environment & Heritage (threatened species)
- ☐ Roads and Maritime Services (works on classified roads, some advertisements)
- ☐ Transport for NSW: Sydney Trains (works near rail corridors)
- ☐ Other (please specify): \_\_\_\_\_

## ADDITIONAL DETAILS

Does your proposal involve any of the following?

(please select all that apply)

- ☐ Development that relies on a clause 4.6 exception to a development standard under the RLEP 2012
- ☐ Development relating to a site over 10,000 sqm or identified as 'DCP required' on the Key Sites Map of the RLEP 2012
- ☐ Regional development (as defined in Schedule 7 of the SEPP (State and Regional Development) 2011)
- ☐ Designated development (as defined in Schedule 3 of the EP&A Regulation)
- ☐ Development on land that is, or is part of, critical habitat
- ☐ Development likely to affect threatened species, populations or ecological communities
- ☐ Alterations, additions, change of use, demolition or strata subdivision of a low rental residential building under Part 3 of the SEPP(Affordable Rental Housing) 2009
- ☐ Housing for seniors or people with a disability under the SEPP(Housing for seniors or people with a disability) 2004

## POLITICAL DONATIONS

*In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, the applicant (or any other person with a financial interest in the application) must disclose any reportable political donations or gifts they have made in the two years before the application is made. The disclosure requirements continue to apply until the application is determined. Reportable political donations include donations of \$1000 or more.*

*If you (or any other person with a financial interest in the application) have made a reportable political donation or gift within the period of two years, please complete a [Political Donations and gifts Disclosure Statement](#). These are available from Council's website.*

Have you or an associate made a reportable political donation or gift within the previous two years?

☐ Yes ☒ No

## CONFLICT OF INTEREST

Are you an employee of Council or do you have an affiliation with a Council Officer or Councillor by way of family, close personal friendship or business interest?

☐ Yes ☒ No

If yes, please provide details \_\_\_\_\_

## NOTICE UNDER SECTION 10 OF THE PRIVACY & PERSONAL INFORMATION PROTECTION ACT 1998

*The information collected on this application form (and in any document submitted with the application) is for the purpose of assessing and determining your application under the provisions of the Environmental Planning and Assessment Act 1979. This may require making the application form, submitted documents and documents relating to the determination publicly available for inspection on the Council's website and in other ways that the Council considers appropriate. The intended recipients of the information include any parties involved in the assessment or with an interest in the application*

*If the requested information is not provided, the Council may be unable to process your application. Randwick City Council ('Council') is the name of the agency that is collecting and holding the personal information. Please advise Council if the information you have provided either changes or is incorrect or if you require your address to be withheld for personal or family safety.*

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*The Government Information (Public Access) Act (GIPA) provides that anyone may inspect and obtain copies of certain documents held by a council, including (among others) development applications and associated documents. A council complying with its obligation under GIPA does not breach copyright law. However, a person who through this process obtains a copy of plans subject to copyright would be in breach of copyright law if those plans were later used in a way adverse to the interest of the holder of the copyright.*

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## Notice of Proposed Development Application

**Development Application No.:** DA/465/2020

**Property Address:** 132 Marine Parade, MAROUBRA NSW 2035

**Description of Development:** Demolition of existing structures and construction of a part 3 and part 4 storey residential flat building containing 3 apartments, basement parking, landscaping and associated works.

**Applicant:** Mr E Malouf

**Notification expiry-date:** 8 October 2020

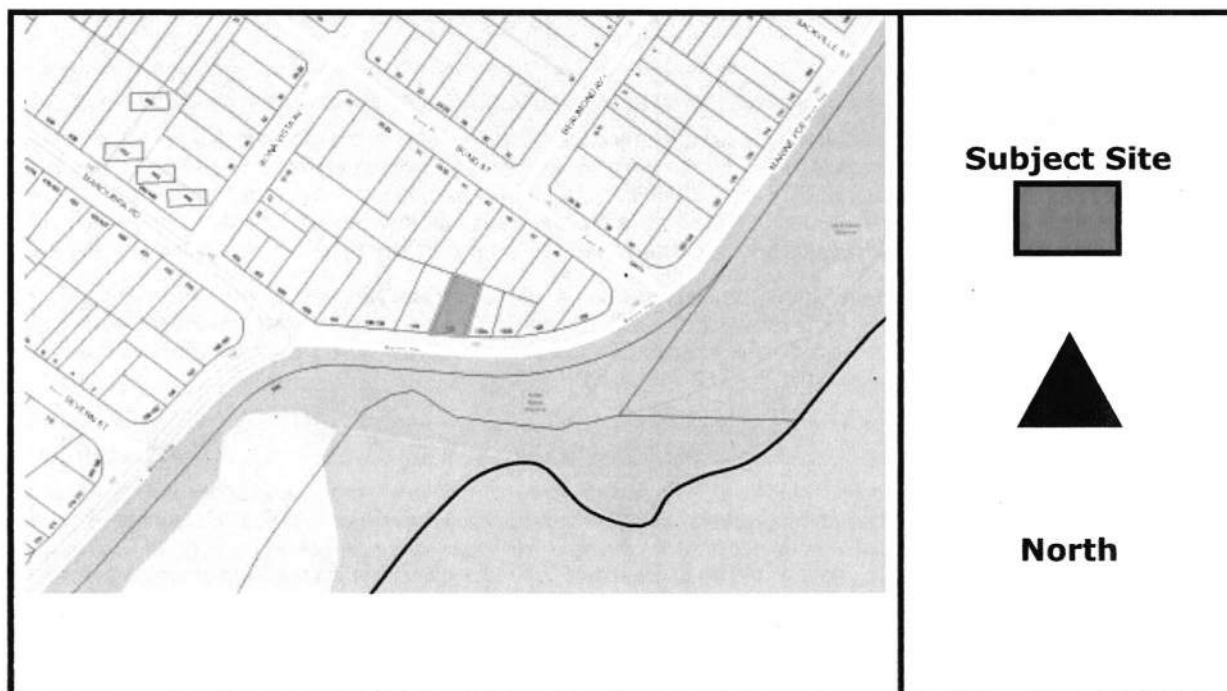
Randwick City Council is the consent authority for the application. The application and any plans and specifications relating to the proposed development to which this notice refers are available for inspection at Councils Customer Service Centre.

Any person may inspect the application and make written submissions to the Council about the proposed development. Submissions must be in writing and received during the notification period. If you object to the proposed development, the reasons for your objection must be included in your submission.

All public submissions on proposed developments will be considered in each Assessment Report prepared by Council. Summaries of submissions, names and addresses of people making submissions may be included in the Assessment Report. Submissions are kept on file & may be accessed by other members of the public under The Government Information (Public Access) Act 2009.

If you have any questions about this notice please ring Sohail Faridy between the hours of 9.00am to 12.00noon Monday to Friday on ph: 9093 6628.

### Sketch Plan of Site



To remove this sign after expiry date, please contact Council on 9093 6000

Item	5	Date of report	October 2020
Address	132 Marine Parade, Maroubra	Application no.	DA/465/2020
Date of meeting	12 <sup>th</sup> October 2020		
Panel members	Richard Nugent, Jonathan Knapp & Jon Johannsen		
Council staff	Terry Papaioannou		
Applicant's name	Orosi		

## INTRODUCTION

Attached is a copy of the minutes relating to this SEPP 65 meeting.

The Panel's comments are intended to assist Council in their design consideration of an application against the SEPP 65 principles. The absence of a comment under a head of consideration does not imply that particular matter to be satisfactorily addressed, more likely the changes are suggested elsewhere to generate a desirable change.

Your attention is drawn to the following;

- SEPP 65, including the 9 Design Quality Principles and the requirements for a Qualified Designer (a Registered Architect) to provide Design Verification Statements throughout the design, documentation and construction phases of the project.
- The Apartment Design Guide, as published by Planning NSW (July 2015), which provides guidance on all the issues addressed below.

Both documents are available from the NSW Department of Planning.

### **Note:**

*The Design Review Panel is appointed by the NSW Minister for Planning, on the recommendation of Council. The Panel's written and verbal comments are their professional opinions and constitute expert design quality advice to Waverley Council, the architect and the applicant.*

1. *To address the Panel's comments, the applicant may need to submit amended plans. **Prior to preparing any amended plans or attending additional Panel presentations, the applicant MUST discuss the Panel's comments and any other matter that may require amendment with Council's assessing Planning Officer.***
2. *When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements. In these instances it is unlikely the scheme will be referred back to the Panel for further review.*

## **SEPP 65 DESIGN REVIEW PANEL COMMENTS AND RECOMMENDATIONS**

This is the first time the panel has reviewed a proposal for this property. The panel is familiar with the local context and the challenges/opportunities associated with development along this stretch of Marine Parade, having reviewed a number of properties in the immediate vicinity.

The proposal includes three 3-bed units that seek to maximise their outlook and amenity at this highly value coastal location. The built form is largely within the existing controls, with a number of small non-compliances with setbacks. Car parking is provided at-grade to form a four storey building with landscaped setbacks and raised rear garden for Unit 1.

The panel is particularly focused on the contribution of this site to the local streetscape, pedestrian experience, and mitigation of impacts to surrounding properties.

### **1. Context and Neighbourhood Character**

The proposal sits within a highly sensitive and valued coastal setting, a short walk from the Maroubra Beach centre, local bus services, and immediately opposite Maroubra Beach. Given this location, the panel is particularly interested in the impacts to the amenity (views) of surrounding properties, particularly where impacts are as a result of minor incursions into the boundary setbacks along the eastern and western boundaries. The panel doesn't see these potential impacts being a major challenge, but additional view analysis from No. 43 and 45 Bond Street across the site to the beach should be included in the analysis section of the DA documentation.

The panel was also concerned about the relative levels between the subject property and the residence to the north-east, and further detail should be included in the DA.

Clarity of accurate elevation descriptions should be addressed to avoid any confusion in future communications on façade treatments (ie. north elevation is actually west etc.)

### **2. Built Form and Scale**

The three south-facing balconies protrude into the 5.5m DCP setback to Marine Parade. Despite no justification provided for this non-compliance, the panel can appreciate the rationale for this design approach given the limited environmental impacts (i.e. Overshadowing) that may result, and that these form the primary POS with significant views. However, the purpose of the street setback is to maintain a consistent streetscape character and maintain an appropriate sense of enclosure to the pedestrian environment.

On that basis the panel seeks the removal of the entrance canopy to the pedestrian access in the south-eastern corner of the site, and a reduced scale and increased visual permeability to the street fencing. The existing character along Marine Parade is low-walls, elevated ground floor accommodation, and landscaping that all contribute to the highly visible, robust and pedestrianised streetscape. Further commentary is provided in the landscape section.

Encroachments into the side setbacks are primarily the result of the blinker windows to the west and vertical circulation to the east (see comments below relating to the northern balconies). The impact of these encroachments need to be analysed in terms of view affectation.

The panel also suggests the location of the blinker windows should correlate with the internal layout; providing blinker windows to the Bed 2 and 3, and a full-height window to the kitchen to improve daylight amenity.

The solidity of the northern elevation should reflect the relationship to adjoining properties and the amenity/privacy of the master bedroom, and more specifically the master en-suite. The glass balustrade could be replaced with a solid upstand and potentially reduce balcony length at Levels 2 and 3, and at Level 1 where a private space is provided, show increased landscaping or privacy screening to the bathroom. The panel also suggests the bedroom and ensuite to the master be flipped, so that the vanity unit isn't directly visible from the units hallway.

### **3. Density**

The panel supports the provision of three family-sized units (3-beds) in this location given its high amenity and access to services. The proposal appears to be in line with the FSR and Building Height controls.

### **4. Sustainability**

A number of amendments to the design could improve the sustainability and environmental performance of the project. These include;

- Rainwater harvesting, storage, treatment and re-use, for garden irrigation, toilets and laundry. This is particularly important given the steps taken to manage stormwater run-off.
- Photovoltaics should be included on roofs to mitigate energy usage. A solar photovoltaic system could power common areas with any excess energy feeding into the grid.
- Ceiling fans should be used where possible, particularly in the bedrooms. If A/C is proposed, then further information should be provided on the location of condenser units (balconies, roof or service room?) and suitable screening.
- Operable skylights to the top floor unit to improve natural ventilation during high-wind conditions, and for the lower levels, the use of trickle-vents or high-louvre windows

### **5. Landscape**

One of the key opportunities presented by the site is the 50% landscape area, which is numerically achieved in the current proposal, but the panel believes the full scope of the ground plane hasn't been entirely captured in the design. Comments provided above address the street frontage and the potential to reduce the defensiveness of this edge by removing the high-fence, increasing the landscaping and visual permeability, and pedestrian interface. The extent and width of the pedestrian access along the eastern boundary should be reduced to allow greater expanses of deep soil planting.

A new awning above the entrance could be considered as part of a revised approach to this part of the site, which may be extended to include an outdoor shower, bike parking and additional soft landscaping to screen the concrete retaining wall that separates the rear garden (to unit 1) from the side setbacks. The panel suggests additional pedestrian access (steps) and terracing (landscaping) to replace the abrupt change in levels and improve the visual character of the site when viewed from the street.

As noted above there needs to be consideration of the shared aspect along the boundary to the property to the north-east and appropriate screening by fence or landscape.

#### **6.     Amenity**

The points noted above will improve the amenity for the future residents on the site, and relationship with the neighbouring properties. The panel is also particularly interested in the pedestrian experience along Marine Parade and the treatment of the fence detail, landscaping and visual interest at ground level.

#### **7.     Safety**

The implications of a revised street frontage design, including reduced fence heights, greater visual permeability and removal of the entrance canopy will push the main security line back to the building's eastern elevation. Safety is mediated by a greater visual connection between the eastern setback and the streetscape, and can be enhanced through lighting and passive surveillance from the units (on site and surrounding). Given the public interface of this building and volumes of traffic moving past the site the panel feels this is an appropriate response that mediates safety and streetscape.

#### **8.     Housing diversity and Social Interaction**

Comments noted above will improve opportunities for social interaction. No comments in relation to housing diversity.

#### **9.     Aesthetics**

The overall approach to the building's form and materiality is supported and with the recommended changes to the treatment of balconies, the street frontage, and the location of openings along the western elevation will make a positive contribution to the area. The panel also notes the drawings don't currently show the location of A/C units or down-pipes – both of which can have a significant impact on the appearance of the building. The southern elevation and the detailing of the balconies will be critical to the success of the architecture and should be addressed by detailed sections (1:20) to illustrate how drainage will be managed within the thin profiles.

As there are circumstances where the curved glazing intention is compromised by cost, the proponent should consider if this can be followed through as a faceted corner would not be an acceptable outcome. If an alternative is necessary, this needs to be included in the DA.

### **SUMMARY AND RECOMMENDATIONS**

The Panel appreciates the clarity of the proposal and with some minor amendments to the built form, and a revised landscape concept, there is no need for a further review.

**From:** "Mark" <86mslewis@gmail.com>  
**Sent:** 6/10/2020 9:29 AM  
**To:** "Randwick City Council" <council@randwick.nsw.gov.au>  
**Subject:** Respond to DA/465/2020  
**Attachments:** DA 465 2020 Response (sent 2020-10-06).pdf, DA 465 2020 Response (sent 2020-10-06).pdf

**ATTN: Mr Frank Ko**

Dear Frank,

Please find attached a response to DA application DA/465/2020.

If you have any questions, please do not hesitate to contact me.

Thanks,

Mark



Mr Mark Lewis  
1/24 Canberra Street  
RANDWICK NSW 2031

Email: [86mslewis@gmail.com](mailto:86mslewis@gmail.com)  
Phone: 0412 366 850

Attn: Mr Frank Ko  
Your ref: DA/465/2020

Randwick City Council  
30 Frances Street  
RANDWICK NSW 2031

By email: [council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)

6 October 2020

Dear Frank,

**RESPONSE TO DEVELOPMENT APPLICATION DA/465/2020  
132 MARINE PARADE, MAROUBRA NSW 2035**

I write to you in response to your *Notice of Development Application* for DA/465/2020 as a lot owner within Strata Plan No. 8684 located at the neighbouring property 43 Bond Street, Maroubra.

The concerns that I have in relation to the *Application* as it currently stands are as follows:

**Randwick Development Control Plan 2013 – 3.4.3 Rear Setbacks**

***“3.4.3 Rear setback Controls***

- i) *For residential flat buildings and multi-dwelling housing, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.*
- ii) *For attached dwellings, provide a minimum rear setback of 25% of the allotment depth or 8m, whichever is the lesser. Any garages fronting rear lanes may encroach upon the rear setback areas.*
- iii) *The required rear setback may be varied in the following scenarios:*
  - *Allotments with an irregular shape.*
  - *Allotments with the longest boundary abutting the street or the rear adjoining neighbour (that is, the frontage width being longer than the site depth).*
  - *Allotments with the rear boundary abutting a laneway.*
  - *A central courtyard is provided in the development.”*

The Applicant is not currently complying with this control with a proposed rear setback of 4.7-5.3m exceeding this control.

Whilst the DCP contemplates instances where allotments are an irregular shape, the application currently proposed with a non-compliant rear setback exacerbates the concerns raised below – visual privacy and material selection producing excessive glare.

## **Randwick Development Control Plan 2013 – 4.9 Colours, Materials and Finishes**

### *“4.9 Colours, Materials and Finishes Objectives*

- *To ensure colour and material schemes contribute to the articulation of the building and enhance the streetscape character.*
- *To ensure surface materials and finishes are durable and fit for their purpose.*
- *To ensure the retention or recycling of existing sandstone block works.*

### *Controls*

- i) *Provide a schedule detailing the materials and finishes in the development application documentation and plans.*
- ii) *The selection of colour and material palette must complement the character and style of the building.*
- iii) *In Foreshore Scenic Protection Areas, the exterior colour scheme must complement the natural elements in the coastal locations. The colour palette must predominantly consist of light toned neutral hues.*
- iv) *Use the following measures to complement façade articulation:*
  - *Changes of colours and surface texture*
  - *Inclusion of lightweight materials to contrast with solid masonry surfaces*
  - *The use of natural stones is encouraged.*
- v) *Avoid the following materials or treatment:*
  - *Reflective wall cladding, panels and tiles and roof sheeting*
  - *High reflective or mirror glass*
  - *Large expanses of glass or curtain wall that is not protected by sun shade devices*
  - *Large expanses of rendered masonry*
  - *Light colours or finishes where they may cause adverse glare or reflectivity impacts*
- vi) *Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration.*
- vii) *Sandstone blocks in existing buildings or fences on the site must be recycled and reused.”*

The Applicant is not currently complying with these controls, specifically *control v)* for the composition of materials for the rear of the property to avoid large expanses of glass and highly reflective materials. According to the Architectural Set, the rear balcony is to be constructed of clear glass balustrade (BAL01), in front of floor to ceiling glazing.

This material composition as it currently stands, combined with the absence of sufficient sun shade will produce excessive glare detrimental to the rear neighbouring properties. This is confirmed by the solar access study completed by the Applicant. This problem is exacerbated by the non-compliant rear setback.

The design of the three rear balconies as it currently stands would not meet the DCP objective, as the excessive glare created by the material selection would be to the detriment of the character and amenity of neighbouring properties.

## **Randwick Development Control Plan 2013 – 5.3 Visual Privacy**

### *“5.3 Visual Privacy*

#### *Explanation*

*Sensitive design of buildings can optimise visual privacy by minimising cross viewing and overlooking to adjoining dwellings.*

#### *Objectives*

- *To ensure a high level of amenity by providing for reasonable level of visual privacy for dwellings and neighbouring properties*
- *To ensure new development is designed so that its occupants enjoy visual and acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.*

#### *Controls*

- i) *Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings (whether part of the development or on adjoining properties). Refer to the figure above on techniques to protect privacy.*
- ii) *Orient balconies to the front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences.*
- iii) *Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.*
- iv) *Locate and design areas of private open to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.*
- v) *Incorporate materials and design of privacy screens including (but not limited to):*
  - *Translucent or obscured glazing*
  - *Fixed timber or metal slats mounted horizontally or vertically*
  - *Fixed vertical louvers with the individual blades oriented away from the private open space or windows of the adjacent dwellings*
  - *Screen planting and planter boxes may be used as a supplementary device for reinforcing privacy protection. However, they must not be used as the sole privacy protection measure."*

The Applicant is not currently complying with these controls for the rear balconies of the property, specifically *control v*) where no materials or design considerations have included to protect visual privacy as the application currently stands. The excessive use of floor to ceiling glass and a clear glass balustrade (BAL01) do not offer any visual privacy for the rear neighbouring properties. This issue is exacerbated by the non-compliant rear setback.

The design of the three rear balconies as it currently stands would not meet the DCP objective of providing a reasonable level of visual privacy for neighbouring properties.

The Applicant should be required to apply DCP controls for all three rear balconies to ensure visual privacy for neighbouring properties. DCP controls that should be incorporated into the design include fixed vertical louvers with individual blades, or fixed timber or metal slats mounted vertically.

Enhancing the *Application* to include the DCP controls of fixed vertical louvers or fixed mounted slates would assist visual privacy, and would also be a positive design enhancement that would mitigate earlier raised issues of the non-compliant rear setback and excessive glare created by the three rear balconies.

## Conclusion

Randwick City Council should require the Applicant makes reasonable adjustments to the design of all three rear balconies to include controls outlined in the DCP, being fixed vertical louvres or fixed mounted slates, to ensure visual privacy for neighbouring properties.

Moreover the inclusion of fixed vertical louvres or fixed mounted slates outlined in the DCP would assist in mitigating the negative impacts of the non-compliant rear-setback, and the excessive glare created by the floor to ceiling glazing and clear glass balustrade.

Yours sincerely,

Mark Lewis  
Lot Owner  
Strata Plan No. 8684



Mr Mark Lewis  
1/24 Canberra Street  
RANDWICK NSW 2031

Email: [86mslewis@gmail.com](mailto:86mslewis@gmail.com)  
Phone: 0412 366 850

Attn: Mr Frank Ko  
Your ref: DA/465/2020

Randwick City Council  
30 Frances Street  
RANDWICK NSW 2031

By email: [council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)

6 October 2020

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132 MARINE PARADE, MAROUBRA NSW 2035**

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The Applicant is not currently complying with this control with a proposed rear setback of 4.7-5.3m exceeding this control.

Whilst the DCP contemplates instances where allotments are an irregular shape, the application currently proposed with a non-compliant rear setback exacerbates the concerns raised below – visual privacy and material selection producing excessive glare.

## **Randwick Development Control Plan 2013 – 4.9 Colours, Materials and Finishes**

### *“4.9 Colours, Materials and Finishes Objectives*

- *To ensure colour and material schemes contribute to the articulation of the building and enhance the streetscape character.*
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- *To ensure the retention or recycling of existing sandstone block works.*

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  - *Large expanses of glass or curtain wall that is not protected by sun shade devices*
  - *Large expanses of rendered masonry*
  - *Light colours or finishes where they may cause adverse glare or reflectivity impacts*
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- vii) *Sandstone blocks in existing buildings or fences on the site must be recycled and reused.”*

The Applicant is not currently complying with these controls, specifically *control v)* for the composition of materials for the rear of the property to avoid large expanses of glass and highly reflective materials. According to the Architectural Set, the rear balcony is to be constructed of clear glass balustrade (BAL01), in front of floor to ceiling glazing.

This material composition as it currently stands, combined with the absence of sufficient sun shade will produce excessive glare detrimental to the rear neighbouring properties. This is confirmed by the solar access study completed by the Applicant. This problem is exacerbated by the non-compliant rear setback.

The design of the three rear balconies as it currently stands would not meet the DCP objective, as the excessive glare created by the material selection would be to the detriment of the character and amenity of neighbouring properties.

## **Randwick Development Control Plan 2013 – 5.3 Visual Privacy**

### *“5.3 Visual Privacy*

#### *Explanation*

*Sensitive design of buildings can optimise visual privacy by minimising cross viewing and overlooking to adjoining dwellings.*

#### *Objectives*

- *To ensure a high level of amenity by providing for reasonable level of visual privacy for dwellings and neighbouring properties*
- *To ensure new development is designed so that its occupants enjoy visual and acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.*

#### *Controls*

- i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings (whether part of the development or on adjoining properties). Refer to the figure above on techniques to protect privacy.*
- ii) Orient balconies to the front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences.*
- iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.*
- iv) Locate and design areas of private open to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.*
- v) Incorporate materials and design of privacy screens including (but not limited to):*
  - Translucent or obscured glazing*
  - Fixed timber or metal slats mounted horizontally or vertically*
  - Fixed vertical louvers with the individual blades oriented away from the private open space or windows of the adjacent dwellings*
  - Screen planting and planter boxes may be used as a supplementary device for reinforcing privacy protection. However, they must not be used as the sole privacy protection measure."*

The Applicant is not currently complying with these controls for the rear balconies of the property, specifically *control v*) where no materials or design considerations have included to protect visual privacy as the application currently stands. The excessive use of floor to ceiling glass and a clear glass balustrade (BAL01) do not offer any visual privacy for the rear neighbouring properties. This issue is exacerbated by the non-compliant rear setback.

The design of the three rear balconies as it currently stands would not meet the DCP objective of providing a reasonable level of visual privacy for neighbouring properties.

The Applicant should be required to apply DCP controls for all three rear balconies to ensure visual privacy for neighbouring properties. DCP controls that should be incorporated into the design include fixed vertical louvers with individual blades, or fixed timber or metal slats mounted vertically.

Enhancing the *Application* to include the DCP controls of fixed vertical louvers or fixed mounted slates would assist visual privacy, and would also be a positive design enhancement that would mitigate earlier raised issues of the non-compliant rear setback and excessive glare created by the three rear balconies.

### Conclusion

Randwick City Council should require the Applicant makes reasonable adjustments to the design of all three rear balconies to include controls outlined in the DCP, being fixed vertical louvres or fixed mounted slates, to ensure visual privacy for neighbouring properties.

Moreover the inclusion of fixed vertical louvres or fixed mounted slates outlined in the DCP would assist in mitigating the negative impacts of the non-compliant rear-setback, and the excessive glare created by the floor to ceiling glazing and clear glass balustrade.

Yours sincerely,

Mark Lewis  
Lot Owner  
Strata Plan No. 8684



**From:** "Allan Collins" <Allan.Collins@dominos.com.au>  
**Sent:** 21/09/2020 3:25 PM  
**To:** "Randwick City Council" <council@randwick.nsw.gov.au>  
**Cc:** "Jenny Dias" <JennyD@morton.com.au>  
**Subject:** Reference Da /465 of 2020

Hi. I wish to ask how tall is this building going to be

This building is in front of me and if it's going to block or take away some of my ocean view I wish to object

Thanks

Allan Collins | Chief Marketing Officer ANZ  
Direct | +61 7 3633 3333  
Mobile | +61 (0) 408 721 816

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# Memorandum

**TO: MANAGER, DEVELOPMENT ASSESSMENTS**

**FROM: DEVELOPMENT ENGINEER**

**DATE: 4<sup>th</sup> JANUARY 2021**

**FILE NO: DA/465/2020**

<b>DA NO: 465/2020</b> <b>PREMISES: 132 MARINE PARADE MAROUBRA</b>
---

An application has been received for the demolition of existing structures and the construction of a part 3 and part 4 storey residential flat building containing 3 apartments, basement parking, landscaping and associated works at the above site.

This report is based on the following plans and documentation:

- Architectural Plans by Orosi architects dated 11/09/2020;
- Statement of Environmental Effects by
- Detail & Level Survey by Total surveying Solutions dated 4/09/2020
- Traffic and Parking Assessment by TTPA Pty Ltd dated September 2020

## **General Comments**

The application is not supported in its present form due to flooding issues.

## **Flooding Issues**

The site lies within the catchment for the Council Commissioned and adopted Maroubra Bay Flood Study which predicts a minor overland flow path north to south through the subject site. Predicted flood depths are generally less than 100mm for the 1% AEP (1 in 100yr) flood, which is very minor and not sufficient to trigger the tagging of the property as a flood control lot.

Notwithstanding the proposed construction of a basement carpark and raising of ground levels at the rear necessitates this issue to be considered further and in this regard it is noted the basement floor level will be above the adjacent gutter, hence any surface inflows into the garage will be able to continue on grade out to the street gutter thereby minimising any potential for flooding of the basement.

The proposed raising off natural surface levels of over a metre at the rear of the site however is not supported as this would effectively make the proposed retaining wall on the rear boundary act as a dam and potentially increase flood levels within properties at the rear of the site.

**The applicant will have to demonstrate by suitable post development flood study that the raising of the natural ground surface at the rear of the site will not affect flood levels upstream of the development site. Alternatively this aspect of the application shall be deleted from the application.**

## **Parking Comments (for information)**

Parking Requirements for the future development will be assessed as per the following applicable parking rates specified in Part B7 of Randwick Council's Development Control Plan 2013.

- 1.5 spaces per 3 bedroom unit
- Visitor parking not required for developments under 4 units

Parking required under DCP =  $(3 \times 1.5)$   
= 4.5  
= say 5 spaces

Parking proposed = 4 spaces

Parking Shortfall = 1 space

#### Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

Motorbike Parking Required =  $0.05 \times 5$   
= 0.25  
= None Required as less than 0.5 spaces

Motorbike Parking proposed = 1 space

#### Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units.

Bicycle Parking Required =  $3/2 + 3/10$   
= 1.8  
= say 2 spaces

Bicycle Parking proposed = Min 3 spaces can be provided (complies)

#### Discussion on Parking Shortfall

The proposed parking provision is technically 0.5 spaces (or 1 space when rounded) short of the DCP requirements. In recognition of;

- the sites proximity to public transport (buses)
- the sites proximity to Maroubra Beach Town Centre
- the sites proximity to care share pods
- the provision of motorbike and bicycle parking above the DCP requirements

Development Engineering will raise no objection to the small deviation from the DCP requirements in this instance. The site is relatively well situated to reduce dependence on private vehicle use.

#### Carpark Layout

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

In this regard the parking aisle width opposite carspaces 1 & 2 fails to meet the minimum 5.8m required by AS 2890.1. with only approximately 5m available. This has been acknowledged in the accompanying traffic report and in compensation the parking spaces have been widened to 3m from the minimum 2.4m permissible under the standard. The accompanying sweeping paths provided in appendix B also satisfactorily demonstrate that access is achievable into the carspaces.

It would be Development Engineering's preference however that the basement be widened in order to achieve the minimum aisle width without relying on non-standard design solutions to achieve compliance.

Mechanical turntable

The application proposes use of a mechanical turntable to improve access to some of the carspaces and ensure vehicles are able to exit the site in a forward direction as required by Council's DCP. No objections are raised by Development Engineering as only the rear spaces (3 & 4) would require the use of the turntable, which minimises their use and is consistent with the DCP. The turntable shall be fully installed prior to the issuing of the Occupation Certificate.

**Landscape Comments**

Council's Landscape Development Officer has advised that there are no tree or landscape issues of concern. Conditions will be provided upon receipt of any amended plans.

.....  
DEVELOPMENT ENGINEER  
JASON RIDER/

.....  
LANDSCAPE DEVELOPMENT OFFICER  
DAVID MEREDITH



# Randwick Local Environmental Plan 2012



New South Wales

## Status information

### Currency of version

Current version for 14 July 2021 to date (accessed 20 July 2021 at 15:44)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See Historical Notes

### See also—

*Planning Legislation Amendment Bill 2019*

### About this Plan

This Plan is a standard instrument local environmental plan under the Environmental Planning and Assessment Act 1979.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 14 July 2021.

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## Randwick Local Environmental Plan 2012



### Part 1 Preliminary

#### 1.1 Name of Plan

This Plan is *Randwick Local Environmental Plan 2012*.

#### 1.1AA Commencement

This Plan commences 14 days after it is published on the NSW legislation website.

#### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Randwick in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to foster a liveable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres,
  - (b) to support a diverse local economy and business and employment opportunities for the community,
  - (c) to support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses,
  - (d) to achieve a high standard of design in the private and public domain that enhances the quality of life of the community,
  - (e) to promote sustainable transport, public transport use, walking and cycling,
  - (f) to facilitate sustainable population and housing growth,
  - (g) to encourage the provision of housing mix and tenure choice, including affordable and adaptable housing, that meets the needs of people of different ages and abilities in Randwick,
  - (h) to promote the importance of ecological sustainability in the planning and development process,

- (i) to protect, enhance and promote the environmental qualities of Randwick,
- (j) to ensure the conservation of the environmental heritage, aesthetic and coastal character of Randwick,
- (k) to acknowledge and recognise the connection of Aboriginal people to the area and to protect, promote and facilitate the Aboriginal culture and heritage of Randwick,
- (l) to promote an equitable and inclusive social environment,
- (m) to promote opportunities for social, cultural and community activities.

### **1.3 Land to which Plan applies**

This Plan applies to the land identified on the Land Application Map.

### **1.4 Definitions**

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### **1.5 Notes**

Notes in this Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(1AA) (Repealed)

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

### 1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note.** The following local environmental plans are repealed under this provision—

*Randwick Local Environmental Plan 1998 (Consolidation)*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

### 1.8A Savings provision relating to development applications

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note.** However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

- (2) Despite subclause (1), a development application made before the commencement of this Plan in relation to land at the Royal Randwick Racecourse, being part of Lot 2009, DP 1169042 as shown coloured pink and identified as “Area A” on the Additional Permitted Uses Map, may be determined in accordance with this Plan.

### 1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

*State Environmental Planning Policy No 1—Development Standards*

### 1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act*



1974, or

- (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

RU4 Primary Production Small Lots

#### **Residential Zones**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

#### **Industrial Zones**

IN2 Light Industrial

#### **Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

### **Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

## **2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

## **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) 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.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

### **Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

## **2.4 Unzoned land**

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes.

**1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

**2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,

and

- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)*

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems*

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 64—Advertising and Signage*

*State Environmental Planning Policy (Primary Production and Rural Development) 2019*

## Zone RU4 Primary Production Small Lots

### 1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect the Phillip Bay Chinese Market Garden and its significant heritage, cultural, ecological, aesthetic and agricultural values as a valuable community resource.



## **2 Permitted without consent**

Environmental protection works; Home occupations; Horticulture

## **3 Permitted with consent**

Agricultural produce industries; Aquaculture; Building identification signs; Business identification signs; Dwelling houses; Extensive agriculture; Farm buildings; Flood mitigation works; Home businesses; Home industries; Intensive plant agriculture; Plant nurseries; Roads; Roadside stalls

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R1 General Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow the comprehensive redevelopment of land for primarily residential and open space purposes.
- To protect the amenity of residents.
- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

#### **2 Permitted without consent**

Home occupations; Recreation areas

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Pond-based aquaculture; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shops; Shop top housing; Tank-based aquaculture

#### **4 Prohibited**

Funeral homes; Any other development not specified in item 2 or 3

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home occupations; Recreation areas

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Pond-based aquaculture; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Shops; Tank-based aquaculture

### **4 Prohibited**

Funeral homes; Any other development not specified in item 2 or 3

## **Zone R3 Medium Density Residential**

### **1 Objectives of zone**

- 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.

## **2 Permitted without consent**

Home occupations; Recreation areas

## **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home businesses; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shops; Tank-based aquaculture

## **4 Prohibited**

Funeral homes; Pond-based aquaculture Any other development not specified in item 2 or 3

### **Zone B1 Neighbourhood Centre**

#### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To enable residential development that is well-integrated with, and supports the primary business function of, the zone.
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.

#### **2 Permitted without consent**

Home occupations; Recreation areas

#### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Home industries; Hotel or motel accommodation; Kiosks; Markets; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Residential flat buildings; Respite day care centres; Roads; Shops; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads;

Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone B2 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enable residential development that is well-integrated with, and supports the primary business function of, the zone.
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.
- To facilitate a safe public domain.

### **2 Permitted without consent**

Home occupations; Recreation areas

### **3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential care facilities; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads;



Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone IN2 Light Industrial**

### **1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

### **2 Permitted without consent**

Home occupations; Recreation areas

### **3 Permitted with consent**

Depots; Garden centres; Hardware and building supplies; Horticulture; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Food and drink premises; Forestry; Freight transport facilities; Function centres; General industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Information and education facilities; Jetties; Marinas; Markets; Mooring pens; Moorings; Mortuaries; Office premises; Open cut mining; Pond-based aquaculture Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roadside stalls; Rural industries; Shops; Specialised retail premises; Tourist and visitor accommodation; Transport depots; Vehicle sales or hire premises; Water recreation structures; Wharf or boating facilities

### **Zone SP1 Special Activities**

#### **1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

#### **2 Permitted without consent**

Recreation areas

#### **3 Permitted with consent**

Aquaculture; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

#### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To facilitate development that will not adversely affect the amenity of nearby and adjoining development.
- To protect and provide for land used for community purposes.

#### **2 Permitted without consent**

Recreation areas

#### **3 Permitted with consent**

Aquaculture; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE1 Public Recreation**

### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.

### **2 Permitted without consent**

Environmental facilities; Environmental protection works; Flood mitigation works; Roads

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Heliports; Horticulture; Information and education facilities; Jetties; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE2 Private Recreation**

### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Environmental facilities; Flood mitigation works; Helipads; Horticulture; Information and education facilities; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink

premises

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E1 National Parks and Nature Reserves**

#### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

#### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

#### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To provide for uses that are compatible with the high ecological, scientific, cultural or aesthetic values of the zone.
- To provide for buffer areas and to protect habitat corridors.

#### **2 Permitted without consent**

Environmental protection works

#### **3 Permitted with consent**

Building identification signs; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Oyster aquaculture Recreation areas; Roads

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based



aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if—
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must—
  - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note.** See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
  - (a) the development standards specified in relation to that development, and

(b) the requirements of this Part,

is complying development.

**Note.** See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must—
- (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—

*environmentally sensitive area for exempt or complying development* means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,

- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*,
- (ja) land identified as “Biodiversity” on the Terrestrial Biodiversity Map.

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—
  - (a) to minimise any likely adverse impact of subdivision and development on the amenity of neighbouring properties,
  - (b) to ensure that lot sizes allow development to be sited to protect natural or cultural features, including heritage items, and to retain special features such as trees and views,
  - (c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
  - (b) by any kind of subdivision under the *Community Land Development Act 1989*.

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones—
  - (a) Zone R2 Low Density Residential,but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), if the subdivision is of a lot on which there is a dual occupancy (attached)—

- (a) the size of each lot resulting from the subdivision is not to be less than 400 square metres, and
  - (b) 1 dwelling must be situated on each lot resulting from the subdivision.
- (4) This clause applies despite clause 4.1.

#### **4.1A Minimum subdivision lot size for strata plan schemes in Zone R2**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in Zone R2 Low Density Residential.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

- (4) Despite subclause (3), if the subdivision is of a lot on which there is a dual occupancy (attached)—
  - (a) the size of each lot resulting from the subdivision is not to be less than 400 square metres, and
  - (b) 1 dwelling must be situated on each lot resulting from the subdivision.

#### **4.1B Exceptions to minimum subdivision lot size in Zone R3**

- (1) The objective of this clause is to enable medium density housing on a range of lot sizes enabling development to respond to the site and surrounding locality.
- (2) The minimum subdivision lot size for any lot resulting from the subdivision of a lot in Zone R3 Medium Density Residential that is being used, or is proposed to be used, for the purpose of a dwelling house or for a purpose other than residential accommodation is 325 square metres.

**Note.** A dwelling house is the only type of residential accommodation that the minimum subdivision lot size of 325 square metres applies to.

#### **4.1C Minimum lot size for dual occupancies (attached)**

- (1) The objective of this clause is to provide for housing diversity and affordability in residential zones.
- (2) Development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purpose of a dual occupancy (attached), if the area of the lot is at least 450 square metres.

#### **4.1D Subdivision of dual occupancies (attached) in Zone R2**

- (1) This clause applies to a dual occupancy (attached) on land in Zone R2 Low Density Residential for which development consent was granted before 6 July 2018.



- (2) Despite any other provision in this Plan, development consent may be granted for the subdivision of a dual occupancy to which this clause applies if the development meets the standards specified in the following provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*—

- (a) for strata subdivision—clause 6.2, or
- (b) for Torrens title subdivision—clause 6.4.

**Note.** Development consent may be granted under clause 4.6 for development that would contravene a standard specified in this clause.

#### 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU6 Transition.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### 4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to ensure that the size and scale of development is compatible with the desired future character of the locality,
  - (b) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,
  - (c) to ensure that development does not adversely impact on the amenity of adjoining and

neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), the maximum height of a dwelling house or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.

#### **4.3A Exceptions to height of buildings in Matraville and Kensington**

- (1) The objectives of this clause are as follows—
  - (a) to provide for building heights that establish the appropriate height for street frontages, buildings or groups of buildings,
  - (b) to achieve well-proportioned buildings with articulated design and massing,
  - (c) to achieve a transition between higher buildings in town centres and the height of buildings behind the centres on local streets,
  - (d) to ensure that development can occur on a variety of lot sizes,
  - (e) to achieve design excellence.
- (2) The maximum height of a building in the Matraville Commercial Centre on land identified as “Area 1” on the Height of Buildings Map, and where all of the building that is higher than 16 metres is set back at least 4 metres from the street frontage, is—
  - (a) if the land has a street frontage greater than 7 metres but less than 12 metres—16 metres, or
  - (b) if the land has a street frontage greater than 12 metres—19 metres.
- (3) The maximum height of a building in the Matraville Commercial Centre on land identified as “Area 2” on the Height of Buildings Map is 22 metres if—
  - (a) the land has a street frontage greater than 12 metres, and
  - (b) all of the building that is higher than 16 metres is set back at least 4 metres from the street frontage, and
  - (c) the building incorporates a supermarket.
- (4) The maximum height of a building in the Matraville Commercial Centre on land identified as “Area 3” on the Height of Buildings Map is 22 metres if—
  - (a) the land has a street frontage greater than 12 metres, and
  - (b) the development incorporates a pedestrian connection through the site, and
  - (c) all of the building higher than 16 metres is set back at least 4 metres from the street frontage.
- (5) The maximum height of a building in the Kensington Commercial Centre on land identified as “Area 4” on the Height of Buildings Map is 17 metres if the development includes—
  - (a) the redevelopment of all land identified as “Area 4” and “Area 5” on the Height of Buildings

Map, and

- (b) redevelopment for the purpose of retail premises that comprises either a supermarket or speciality retail shop, and
  - (c) a pedestrian connection through the site.
- (6) In this clause—

*speciality retail shop* means a shop that has a gross floor area of more than 500 square metres but only sells or hires 1 type of merchandise, or predominately only 1 type of merchandise.

*supermarket* means a shop that has a gross floor area of more than 1,000 square metres.

#### **4.3B Exceptions to height of buildings on land within Maroubra Beach Commercial Centre**

- (1) The objective of this clause is to allow greater building heights on land within the Maroubra Beach Commercial Centre if lot consolidation is achieved and public open space and through-site links are provided.
- (2) If all of the land identified as “Area 6” on the Height of Buildings Map is consolidated into a single lot, the maximum height of a building on that land is the maximum height shown for that land on the Alternative Building Heights Map.
- (3) If all of the land identified as “Area 7” on the Height of Buildings Map is consolidated into a single lot, the maximum height of a building on that land is the maximum height shown for that land on the Alternative Building Heights Map.

#### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the size and scale of development is compatible with the desired future character of the locality,
  - (b) to ensure that buildings are well articulated and respond to environmental and energy needs,
  - (c) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,
  - (d) to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the maximum floor space ratio for a dwelling house or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential is not to exceed—
  - (a) if the lot is more than 300 square metres but not more than 450 square metres—0.75:1, or
  - (b) if the lot is more than 450 square metres but not more than 600 square metres—0.65:1, or

(c) if the lot is more than 600 square metres—0.6:1.

(2B) Despite subclause (2), there is no maximum floor space ratio for a dwelling house or semi-detached dwelling on a lot that has an area of 300 square metres or less.

#### 4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area

must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent "double dipping"** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

#### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.



- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made, it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

- (c) clause 5.4,
- (ca) clause 6.16(3)(b).

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified Transport for NSW road"	
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

### 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*.

Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note.** In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is—
  - (a) for land in a residential zone or Zone SP2 Infrastructure—4 metres from any boundary with land in a business zone only, or
  - (b) for land in a residential zone, a business zone or Zone IN2 Light Industrial—4 metres from any boundary with land in Zone SP1 Special Activities or Zone SP2 Infrastructure only.
- (3) This clause does not apply to—
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (a1) land in Zone RU4 Primary Production Small Lots or Zone RE2 Private Recreation, or

- (b) land within the coastal zone, or
- (c) land proposed to be developed for the purpose of sex services or restricted premises.

**Note.** When this Plan was made, it did not include Zone E3 Environmental Management or Zone W1 Natural Waterways.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.
- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
  - (a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
- (a) 60 square metres,
  - (b) 10% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 25% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

## **5.5 Controls relating to secondary dwellings on land in a rural zone**

[Not adopted]

## **5.6 Architectural roof features**

- (1) The objectives of this clause are as follows—
- (a) to allow minor architectural roof features of visual interest or that form an integral part of a building's design to exceed height limits,
  - (b) to ensure that architectural roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
- (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and



- (ii) is not an advertising structure, and
  - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

#### **5.7 Development below mean high water mark**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

#### **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

***private service provider*** means a person or body that has entered into an agreement that is in

force with Fire and Rescue NSW to monitor fire alarm systems.

#### **5.9, 5.9AA (Repealed)**

#### **5.10 Heritage conservation**

**Note.** Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Randwick,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

- (3) **When consent not required** However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

#### 5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

#### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

#### **5.13 Eco-tourist facilities**

[Not applicable]

#### **5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

#### **5.15 Defence communications facility**

[Not adopted]

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

[Not applicable]

#### **5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

#### **5.18 Intensive livestock agriculture**

[Not applicable]

#### **5.19 Pond-based, tank-based and oyster aquaculture**

- (1) **Objectives** The objectives of this clause are as follows—
  - (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—



- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
  - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones** Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
  - (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
  - (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
  - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—
  - (a) on land that is wholly within a priority oyster aquaculture area, or
  - (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

**5.20 Standards that cannot be used to refuse consent—playing and performing music**

(1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—

(a) the playing or performance of music, including the following—

- (i) the genre of music played or performed, or
- (ii) whether the music played or performed is live or amplified, or
- (iii) whether the music played or performed is original music, or
- (iv) the number of musicians or live entertainment acts playing or performing, or
- (v) the type of instruments played,

(b) whether dancing occurs,

(c) the presence or use of a dance floor or another area ordinarily used for dancing,

(d) the direction in which a stage for players or performers faces,

(e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.

(2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the *Liquor Act 2007*.

**5.21 Flood planning**

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

- (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) 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,
  - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
  - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the Floodplain Development Manual.

***Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

## 5.22 Special flood considerations

[Not adopted]

## Part 6 Additional local provisions

### 6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—
  - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
- (a) the works involve the disturbance of less than 1 tonne of soil, and
  - (b) the works are not likely to lower the watertable.

## 6.2 Earthworks

- (1) 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.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.



### **6.3 (Repealed)**

### **6.4 Stormwater management**

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.
- (2) This clause applies to all land in residential, business and industrial zones.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) 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, and
  - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
  - (c) 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.

### **6.5 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **6.6 Foreshore building line**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that—
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion or generate conflicts between people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and

- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered.

#### **6.7 Foreshore scenic protection area**

- (1) The objectives of this clause are as follows—
  - (a) to recognise, protect and enhance the natural, visual and environmental qualities of the scenic areas of the coastline,
  - (b) to protect and improve visually prominent areas adjoining the coastal foreshore,
  - (c) to protect significant public views to and from the coast,
  - (d) to ensure development in these areas is appropriate for the location and does not detract from the scenic qualities of the coast.
- (2) This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is located and designed to minimise its visual impact on public areas of the coastline, including views to and from the coast, foreshore reserves, open space and public areas, and
  - (b) contributes to the scenic quality of the coastal foreshore.

#### **6.8 Airspace operations**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.

- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.

- (5) In this clause—

**Limitation or Operations Surface** means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the *Obstacle Limitation Surface Map* or the *Procedures for Air Navigation Services Operations Surface Map* for the Sydney (Kingsford Smith) Airport.

**relevant Commonwealth body** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Sydney (Kingsford Smith) Airport.

## 6.9 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—

- (a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths,
- (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

- (2) This clause applies to development that—

- (a) is on land that—
  - (i) is near the Sydney (Kingsford Smith) Airport, and
  - (ii) is in an ANEF contour of 20 or greater, and
- (b) the consent authority considers is likely to be adversely affected by aircraft noise.

- (3) Before determining a development application for development to which this clause applies, the consent authority—

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

- (4) In this clause—

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the *Noise*

*Exposure Forecast Contour Map* for the Sydney (Kingsford Smith) Airport prepared by the Department of the Commonwealth responsible for airports.

*AS 2021—2000* means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

#### **6.10 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

#### **6.11 Design excellence**

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building—
  - (a) on a site that has an area of 10,000 square metres or greater, or
  - (b) on land for which a development control plan is required to be prepared under clause 6.12, or
  - (c) that is, or will be, at least 15 metres in height.
- (3) 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.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (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,
  - (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource,



energy and water efficiency,

- (e) whether the proposed development detrimentally impacts on view corridors and landmarks.

**6.12 Development requiring the preparation of a development control plan**

- (1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.
- (2) This clause applies to development on land—
  - (a) that has a site area of at least 10,000 square metres, or
  - (b) identified as “DCP required” on the Key Sites Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless—
  - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or
  - (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or
  - (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (4) The development control plan must provide for all of the following—
  - (a) design principles drawn from an analysis of the site and its context,
  - (b) phasing of development and how it will provide for the social and recreational needs of a new community,
  - (c) distribution of land uses, including open space (its function and landscaping) and environment protection areas,
  - (d) subdivision pattern and provision of services,
  - (e) building envelopes and built form controls,
  - (f) housing mixes and tenure choices, including affordable and adaptable housing,
  - (g) heritage conservation, including both Aboriginal and European heritage,
  - (h) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,
  - (i) impact on, and improvements to, the public domain,
  - (j) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,
  - (k) the application of the principles of ecologically sustainable development,

- (l) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,
- (m) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,
- (n) opportunities to apply integrated natural water-cycle design and integrated renewable energy design.

#### **6.13 Business premises, office premises, restaurants or cafes and shops in residential zones**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the establishment and continued operation of small-scale business development in residential zones, used in conjunction with dwellings or otherwise,
  - (b) to enable the use of existing commercial buildings for office premises, business premises, restaurants or cafes and shops in residential zones,
  - (c) to provide neighbourhood-scale commercial development to encourage walking and cycling as preferred modes of access.
- (2) This clause applies to the following—
  - (a) in Zone R2 Low Density Residential and Zone R3 Medium Density Residential—development for the purposes of business premises, office premises, restaurants or cafes or shops,
  - (b) in Zone R1 General Residential—development for the purposes of business premises, office premises or shops.
- (3) Development consent must not be granted to development to which this clause applies unless—
  - (a) the development relates to a building that existed when this Plan commenced and was designed or constructed for the purpose of commercial premises, and
  - (b) the consent authority is satisfied that—
    - (i) the development will not adversely affect the amenity of any residential component of the development and the surrounding locality, and
    - (ii) the intensity of development is suitable for the building, and
    - (iii) the degree of modification of the footprint and facade of the building is consistent with the scale and desired attributes of surrounding development.

#### **6.14 Certain residential accommodation in business zones**

- (1) The objective of this clause is to enable the use of an existing dwelling house or residential flat building in certain business zones.
- (2) This clause applies to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre.
- (3) Development consent must not be granted to a dwelling house or a residential flat building on

land to which this clause applies unless—

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

#### **6.15 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—
    - (i) that adjoins the proposed development, or
    - (ii) that can be viewed from the proposed development, or
    - (iii) from which a person can view the proposed development.

#### **6.16 Special provision—land at Young Street Randwick**

- (1) This clause applies to land at Young Street, Randwick, shown as Area 1 on the Key Sites Map.
- (2) Despite clause 4.5(3), but subject to the other provisions of clause 4.5, the land to which this clause applies is taken to be a single site area for the purposes of applying a floor space ratio.
- (3) The consent authority may approve development with a floor space ratio of up to 1.3:1 on the land to which this clause applies but only if the consent authority is satisfied that—
  - (a) a part of the land will be used for recreational purposes, and
  - (b) that part will be contiguous and will have an area of at least 5,000m<sup>2</sup>, and

- (c) the configuration and location of that part will be appropriate for those recreational purposes.

#### **6.17 Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres**

- (1) The objectives of this clause are as follows—
  - (a) to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,
  - (b) to ensure that those greater building heights and densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,
  - (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
- (2) Despite clauses 4.3 and 4.4, the consent authority may consent to development on a site that results in additional building height or additional floor space, or both, in accordance with subclause (4) if the development includes community infrastructure on the site.
- (3) In deciding whether to grant development consent, the consent authority must—
  - (a) be satisfied that the development is consistent with the objectives of this clause, and
  - (b) be satisfied that the community infrastructure is reasonably necessary at Kensington and Kingsford town centres, and
  - (c) take into account the nature of the community infrastructure and its value to the Kensington and Kingsford town centres community.
- (4) Under subclause (2), a building on land in any of the areas identified on—
  - (a) the Alternative Building Heights Map—is eligible for an amount of additional building height determined by the consent authority but no more than that which may be achieved by applying the maximum height specified in relation to that area, and
  - (b) the Alternative Floor Space Ratio Map—is eligible for an amount of additional floor space determined by the consent authority but no more than that which may be achieved by applying the maximum floor space ratio specified in relation to that area.
- (5) In this clause—

**community infrastructure** means development for the purposes of community facilities, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads or drainage.

#### **6.18 Affordable housing at Kensington and Kingsford town centres**

- (1) This clause applies to land identified as “Area 1” on the Special Provisions Area Map known as Kensington and Kingsford town centres.
- (2) The consent authority may, when granting consent to the carrying out of development (other than

development that is excluded development) impose a condition requiring a contribution equivalent to the **affordable housing levy contribution**, being—

- (a) for a development application lodged from 13 August 2020 and up to and including 13 August 2022—3% of so much (if any) of the total floor area of the development that is intended to be used for residential purposes, and
  - (b) for a development application lodged after 13 August 2022—5% of so much (if any) of the total floor area of the development that is intended to be used for residential purposes.
- (3) The floor area of any excluded development is not to be included as part of the total floor area of a development for the purposes of calculating the applicable affordable housing levy contribution.
- (4) A condition imposed under this clause must satisfy the affordable housing levy contribution—
- (a) by way of a dedication in favour of the Council of land comprising 1 or more dwellings (each having a total gross floor area of no less than 50 square metres) with any remainder being paid as a monetary contribution to the Council, or
  - (b) by way of a monetary contribution to the Council, but only for the purposes of boarding houses and serviced apartments.
- (5) The rate at which monetary contribution is taken to be equivalent to floor area for the purposes of this clause is to be calculated in accordance with the *Kensington and Kingsford Town Centres Affordable Housing Plan* adopted by the Council on 10 December 2019.
- Note.** The plan is made available by the Council on its website ([www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)).
- (6) To avoid doubt—
- (a) it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether or not the floor area concerned replaces a previously existing area, and
  - (b) the demolition of a building, or a change in the use of the land, does not give rise to a claim for a refund of any contribution.
- (7) In this clause—

**excluded development** means development for the following purposes—

- (a) residential accommodation that will result in the creation of less than 100 square metres of total floor area,
- (b) residential accommodation (excluding boarding houses) that is to be used to provide affordable housing, public housing or group homes.

**total floor area** means the total of the areas of each floor of a building within the outer face of the external enclosing walls and including balconies, but excluding the following—

- (a) columns, fins, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls,



- (b) any area of a balcony that is more than the minimum area required by the consent authority in respect of the balcony,
- (c) the maximum ancillary car parking permitted by the consent authority and any associated internal vehicular and pedestrian access to that car parking,
- (d) space for the loading and unloading of goods.

#### **6.19 Non-residential floor space ratios at Kensington and Kingsford town centres**

- (1) The objective of this clause is to ensure that a suitable level of non-residential floor space is provided to promote commercial and retail activity within the Kensington and Kingsford town centres.
- (2) Despite clause 4.4, development consent must not be granted for development on land in any area identified on the Non-Residential Floor Space Ratio Map unless the non-residential floor space ratio is at least the non-residential floor space ratio shown on the map in relation to that area.
- (3) In this clause, *non-residential floor space ratio* means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose other than a residential purpose in a building on the site to the site area.

#### **6.20 Active street frontages at Kensington and Kingsford town centres**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages within the Kensington and Kingsford town centres.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that all premises on the ground floor of the building facing the street are to be used for the purposes of commercial premises after the erection of the building.
- (4) Development consent must not be granted to a change of use of premises on the ground floor of a building on land to which this clause applies unless the new use is for the purposes of commercial premises.

#### **6.21 Design excellence at Kensington and Kingsford town centres**

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Kensington and Kingsford town centres.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as “Y1” or “Y2” on the Alternative Building Heights Map.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors and landmarks,
  - (d) how the development addresses the following matters—
    - (i) the suitability of the land for development,
    - (ii) existing and proposed uses and use mix,
    - (iii) heritage issues and streetscape constraints,
    - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
    - (v) bulk, massing and modulation of buildings,
    - (vi) street frontage heights,
    - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
    - (viii) the achievement of the principles of ecologically sustainable development,
    - (ix) pedestrian, cycle, vehicular and service access and circulation requirements,
    - (x) the impact on, and any proposed improvements to, the public domain,
    - (xi) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity and resource, energy and water efficiency,
    - (xii) visual and acoustic privacy and safety and security of the building.
- (5) Development consent must not be granted to the development to which this clause applies unless a competitive design process has been held in relation to the proposed development.
- (6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances of that development.
- (7) Despite clause 4.3, if—
- (a) the design of a new building, or an external alteration to an existing building, is the winner of a competitive design process, and
  - (b) the consent authority is satisfied that the building or alteration exhibits design excellence,

the consent authority may grant development consent for development to which this clause applies with a building height that exceeds the maximum height shown for the land identified as “Y1” or “Y2” on the Alternative Building Heights Map by up to 6 metres.

- (8) Despite clause 4.4, if the consent authority considers the development exhibits design excellence and the proposed development includes community infrastructure, the amount of floor space of the community infrastructure is to be excluded from the total gross floor area of the development.

- (9) In this clause—

*community infrastructure* means development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) and community facilities.

*competitive design process* means an architectural design competition carried out in accordance with procedures approved by the Planning Secretary.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of land at 58–64 Carr Street, Coogee**

- (1) This clause applies to land at 58–64 Carr Street, Coogee being SP 2004, Lot 1, DP 219220 and Lot B, DP 386645.
- (2) Development for the purpose of restaurants or cafes is permitted with development consent.

### **2 Use of land at 4B Neptune Street, Coogee**

- (1) This clause applies to Wylies Baths at 4B Neptune Street, Coogee being Lots 1798 and 1799, DP 822244.
- (2) Development for the purpose of a function centre related to Wylies Baths is permitted with development consent.

### **3 Use of certain land bounded by Fenton Avenue, Marine Parade, McKeon Street and Mons Avenue, Maroubra, (Maroubra Beach Commercial Centre)**

- (1) This clause applies to land that is in Zone B1 Neighbourhood Centre and is bounded by Fenton Avenue, Marine Parade, McKeon Street and Mons Avenue, Maroubra (the Maroubra Beach Commercial Centre).
- (2) Development for the purpose of serviced apartments is permitted with development consent, but only as part of a mixed use development.

### **4 Use of land at 158–162 and 164–174 Barker Street, 181 Botany Street, 1–7 Jane Street and 8–12, 14–20 and 28–42 Young Street, Randwick**

- (1) This clause applies to land at the following—
- 158–162 Barker Street, Randwick being Lot 1, DP 1041725,
- 164–174 Barker Street, Randwick being Lot A, DP 330407,

181 Botany Street, Randwick being Lot 3, DP 1102370,  
1–7 Jane Street, Randwick being Lot B, DP 344447,  
8–12 Young Street, Randwick being Lot 2, DP 1041725 and Lot 1, DP 87614,  
14–20 Young Street, Randwick being Lot 3, DP 1041725,  
28 and 30 Young Street, Randwick being Lot 1, DP 541576,  
29–39 Young Street, Randwick being Lot B, DP 330407,  
32–42 Young Street, Randwick being Lots 1–6, DP 1102864.

- (2) Development for the purposes of an animal boarding or training establishment, a stock and sale yard, a veterinary hospital and a function centre is permitted with development consent.

**5 Use of land at 6 Aeolia Street and 49–55 St Pauls Street, Randwick**

- (1) This clause applies to land at 6 Aeolia Street, Randwick and 49–55 St Pauls Street, Randwick being Lot 21, DP 1134767.
- (2) Development for the purposes of business premises, a car park, food and drink premises, shops and signage is permitted with development consent.
- (3) Development consent under subclause (2) must only be granted in relation to buildings with a frontage to St Pauls Street.

**6 Use of certain land at Kingsford, Maroubra Junction and Randwick Junction**

- (1) This clause applies to land in Kingsford, Maroubra Junction and Randwick Junction commercial centres that is in Zone B2 Local Centre.
- (2) Development for the purpose of sex services premises is permitted with development consent.

**7 Use of certain land for registered clubs**

- (1) This clause applies to the following land at the addresses and for the clubs with the property descriptions indicated opposite—

Name	Address	Property description
Australian Turf Club	69–75 and 77–97 Alison Road, Randwick	Lot 2009, DP 1169042; Lot 1588 and 1642, DP 752011
Clovelly Bowling and Recreation Club	1–11 Ocean Street, Clovelly	Part of Lot 7088, DP 1060705
Coast Golf and Recreation Club	1 Coast Hospital Road, Little Bay	Lot 70, DP 270427
Coogee Bowling Club	51–61 Dolphin Street, Coogee	Lots 486–491 DP 752011; Part of Lot 492, DP 752011; Part of Lot 7063, DP 93865
Coogee Diggers	2 Byron Street, Randwick	Lot 1482, DP 752011

Eastern Suburbs Tennis Club	54B Bream Street, Coogee	Lot 1502, DP 752011
Kensington Bowling Club	1 Day Lane, Kensington	Lot 7112, DP 94001
New South Wales Golf Club	1528 Anzac Parade, La Perouse	Part of Lot 4, DP 1110408
South Coogee Bowling Club	5–7R Henning Avenue, South Coogee	Part of Lot 7020, DP 1058523
St Michael's Golf Club	9–9A Jennifer Street, Little Bay	Lot 1, DP 208553; Part of Lot 3126, DP 752015
Yarra Bay 16Ft Skiff Sailing Club	67–73 Yarra Road, Philip Bay	Lot 3945, DP 752015; Lots 4684–4686, DP 752015

- (2) Development for the purpose of a registered club is permitted with development consent.

#### **8 Use of land at Royal Randwick Racecourse**

- (1) This clause applies to certain land at the Royal Randwick Racecourse, being part of Lot 2009, DP 1169042, as shown coloured pink and identified as “Area A” on the Additional Permitted Uses Map.
- (2) Development for the purposes of hotel or motel accommodation, serviced apartments and function centres is permitted with development consent.
- (3) Development consent under subclause (2) may only be granted by the consent authority if the consent authority is satisfied that the development will not result in the erection of more than one building on the land to which this clause applies.

#### **9 Use of land at 270 Malabar Road, Maroubra**

- (1) This clause applies to land at 270 Malabar Road, Maroubra, being Lot 3821, DP 752015.
- (2) Development for the purpose of a centre-based child care facility is permitted with development consent.

### **Schedule 2 Exempt development**

(Clause 3.1)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

#### **External lighting and security systems**

- (1) Must not be for the lighting of sports fields or tennis courts.
- (2) Must be installed and maintained so that light spill is contained within the site.
- (3) Must be used for normal recreational or security purposes only and must not be used for any



advertising purposes or the floodlighting or illumination of buildings or premises.

- (4) Must not cause a public nuisance.
- (5) Must not be attached to a heritage item.
- (6) If undertaken in a heritage conservation area, must be to the rear of the building and not visible from any public road or place (other than a rear laneway) and must not result in any damage to the building fabric.

**Fencing (in heritage conservation areas)**

- (1) Applies only to timber paling or timber lapped and capped fences for side (behind the building line) and rear boundary fences.
- (2) Maximum height above ground level (existing)—1.8m.
- (3) Must not prevent or impede the natural flow of stormwater drainage or runoff, or redirect the flow onto adjoining properties.

**Repair of building work or structures damaged by storm, flood, fire, accident, structural failure or other similar events to which clause 2.30AA of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply**

- (1) Must only be to weatherproof the building and make it fit to live in or make it safe or structurally adequate to maintain public safety.
- (2) Must not involve changes in the configuration of the building or result in any increase in floor area.
- (3) If a heritage item or within a heritage conservation area—must match the external finishes of the building immediately before the damage or be of a temporary nature (maximum 6 months from the date of the emergency, incident or event).

**Road banners**

- (1) Must be approved under the *Local Government Act 1993* and installed for a temporary period only.
- (2) Public liability, indemnity insurance and fees must be paid before installation.

**Signage—advertising structures and displays generally**

- (1) Must relate to the premises on which it is situated.
- (2) Must relate to a lawful use carried out on the premises.
- (3) Must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.
- (4) Must not cover mechanical ventilation inlet or outlet vents.
- (5) Must not be flashing, illuminated (unless otherwise permitted in this Schedule) or animated.
- (6) Must not contain offensive or sexually explicit material.

- (7) Must not interfere with, or confuse interpretation or reading of, traffic signals.
- (8) Must not be on a heritage item or in a heritage conservation area (except for real estate signs and under awning signs as provided for particular types of sign specified below).

**Signage—business zones or business premises in other zones**

**(1) A-frame**

- (a) only 1 sign per commercial premises, and
- (b) must not be located on a footpath adjacent to a classified road, and
- (c) must not be located in a residential zone unless it relates to an existing purpose-built shop, and
- (d) must be removed from the footpath outside of the approved operating hours of the related business.

**(2) Fascia signs** Signs attached to the fascia or return of the awning must not project above, below or beyond the fascia of the awning by more than 15mm.

**(3) Flush wall signs** Signs attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 100mm—

- (a) only 1 sign per premises, and
- (b) maximum area— $1.2\text{m}^2$ , and
- (c) must not encroach over any public road or footpath, and
- (d) must not be located above the awning or above ground floor.

**(4) Shop windows** Signs attached to a shop window—

- (a) only 1 sign per shop or premises, and
- (b) must be behind the glass shopfront or behind the front alignment of the shopfront, and
- (c) if at ground floor level—may be illuminated.

**(5) Top hamper signs** Signs attached to the transom of a doorway or above a display window of a building and not projecting more than 100mm—

- (a) only 1 sign per shop or premises if less than 30m frontage, or 1 sign per 30m of frontage, and
- (b) maximum area if not illuminated— $10\text{m}^2$ , and
- (c) maximum area if illuminated— $5\text{m}^2$ .

**(6) Under awning signs** Signs attached to the underside of an awning other than a fascia—

- (a) only 1 sign per shop or premises if less than 20m frontage, or 1 sign per 20m of frontage, and

- (b) maximum area— $1.2\text{m}^2$ , and
- (c) may be internally illuminated, and
- (d) must be at least 2.6m above ground or pavement level, and
- (e) must be at least 600mm from the edge of the road.

**Signage—industrial zones**

- (1) Only 1 flush wall sign per premises if less than 30m frontage, or 1 sign per 30m of frontage.
- (2) Maximum area— $4\text{m}^2$ .
- (3) Maximum height above ground level (existing)—3m.

**Signage—residential zones**

- (1) Only 1 per residence.
- (2) Maximum area— $0.75\text{m}^2$ .
- (3) Must be located on the ground floor.
- (4) Must not overhang a public road or footpath.

**Signage—real estate (advertising premises or land for sale or lease)**

- (1) Only 1 sign per shop or premises if less than 30m frontage, or 1 sign per 30m of frontage.
- (2) Maximum area in a residential zone— $2.5\text{m}^2$ .
- (3) Maximum area in a business, industrial or special purpose zone— $4.5\text{m}^2$ .
- (4) Must be located on the ground floor.
- (5) Must be located wholly within the property to be sold or leased or currently under construction, unless located on the awning of the building.
- (6) If affixed on the awning of a building over a public road in a business or industrial zone, must be less than  $1.5\text{m}^2$ .
- (7) Must be removed within 14 days of the completion of the sale or granting of the lease, or 6 months after erection of the building, whichever is the sooner.

**Signage—temporary**

- (1) Must not be a nuisance or inconvenience to the public.
- (2) Maximum area— $5\text{m}^2$ .
- (3) Maximum period of display, if on private land—72 hours.
- (4) Maximum displays per year—4.

- (5) If in a public place and not a road banner—must have the prior written approval of relevant authority and fees must be paid before installation.

**Special events and temporary use of land (including erection of associated temporary structures such as stalls, shade structures, marquees, stages, etc)**

- (1) Must be a community activity, event or function.
- (2) Must take place on a road, or the grounds of a school, place of public worship, hospital or other public land or land that is in a recreation zone or a special purpose zone.
- (3) Maximum area of temporary structures—200m<sup>2</sup>.
- (4) Must provide sufficient sanitary facilities for patrons and staff.
- (5) Operator must have made arrangements for the collection, by an authorised trade waste contractor, of waste and recyclable materials that are generated by the event or use.
- (6) Each stall and vendor must be registered with the Council before the event starts.
- (7) Must have obtained any necessary approval to stage the event.

**Note.** The proposed event or temporary use may require approvals under the *Local Government Act 1993*. Such activities include: closure of public roads, temporary structures, food stalls, mobile food vendors, activities on community land, certain amusement devices and public entertainment. Consultation with the Council will assist in identifying any requirements before organising the activity. Other legislation relating to matters such as fire safety, other safety standards and noise generated by the event must be complied with.

- (8) If on Crown land or land under the care and control of the Council, golf courses, Randwick Racecourse or the University of New South Wales on an occasional basis, may be up to 10 days and with a maximum of 5,000 patrons at any one time and consistent with any plan of management that may apply to the land.
- (9) If not on land referred to in subclause (8), may be up to 3 days only, between 7.00 am and 10.00 pm, with a maximum of 2,000 patrons at any one time, except with the prior written approval of the Council.

**Temporary use of buildings for a public meeting, function or entertainment**

- (1) Must be a public activity, event or function.
- (2) Must take place in an assembly building (being a class 9b building under the *Building Code of Australia*) on the grounds of a school, place of public worship or other public land or land that is in a recreation zone or a special purpose zone.
- (3) Maximum events or activities each calendar year—10.
- (4) Event or activity must end by 11 pm or such earlier time specified in an existing consent applying to the building.

**Note.** Legislation relating to matters such as fire safety, other safety standards and noise generated by the event must be complied with.

## Schedule 3 Complying development

(Clause 3.2)

**Note.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### Part 1 Types of development

#### **Awning and shopfront replacements to existing shops (in a heritage conservation area)**

- (1) Applies only to replacement of an existing awning or non-original shopfront.
- (2) Does not apply to existing shopfront or awnings on a commercial building that is a heritage item.
- (3) Must be consistent with any development control plan or conservation plan applying to the area or building.
- (4) Must not involve replacing or installing roller shutters, grilles or similar to shopfronts or windows or doors.
- (5) Must not involve glazed awnings or awnings with an angle or fall of greater than 10 degrees.
- (6) Must not be inconsistent with any relevant development consent and must not contravene any specific condition of consent.
- (7) Must not alter existing goods loading and unloading or parking facilities.
- (8) The height and dimensions of awnings must be consistent with the awnings on adjoining premises and not be less than 3m or greater than 5m above the footpath level at any point.
- (9) Awnings must be at least 600mm from the edge of the footpath adjoining the road.
- (10) A certificate of adequacy must be obtained from a professional engineer certifying the structural adequacy of the awning. The certificate must be forwarded to Council and the principal certifying authority before issuing an occupation certificate.
- (11) Must not result in an increase in the gross floor area of the building.
- (12) Design, materials and colours must maintain the architectural integrity, design, appearance and amenity of the building and streetscape.
- (13) Glazing to shopfronts must be non-reflective.
- (14) Public safety must be maintained at all times during construction.
- (15) Replacement shopfronts must not reduce or affect existing levels of access for people with a disability, and if the shopfront is being replaced in conjunction with internal alterations, access for disabled persons must be provided as required during alterations.
- (16) Written approval of the strata plan owners corporation must be obtained before approval (where relevant).
- (17) Stormwater must be connected to an existing approved stormwater system or the street gutter.



- (18) Written approval must be obtained to carry out works on or over a road or footpath in accordance with the *Roads Act 1993*.

**New or enlarged external door or window openings to the rear of a building (in heritage conservation areas)**

- (1) Applies only to the rear of single dwellings, dual occupancies and to ancillary class 10a buildings under the *Building Code of Australia* in heritage conservation areas where the works are not readily visible from any public road or place (other than a rear laneway or similar).
- (2) Does not apply to heritage items.
- (3) Design, materials, construction, colour scheme and external finish must be compatible and integrate with the existing building adjacent development and must maintain the visual amenity of the area and streetscape and be consistent with its heritage attributes.
- (4) Must not be inconsistent with any relevant development consent conditions.
- (5) Opening must be located at the rear of the building (and not located on the front elevation or street elevation of the building), and the design and architectural integrity and amenity of the dwelling and streetscape must be fully maintained.
- (6) Opening at the rear of the building must be located at ground floor level and the floor level of the room (in which the new or enlarged window or door is provided) must not be more than 1.2m above ground level.
- (7) Windows must be located 900mm or more from property boundaries or be of fixed and fire rated glazing.

**Part 2 Complying development certificate conditions**

**Note.** Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

**General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

**Part 1 Land classified, or reclassified, as operational land—no interests changed**

**Column 1**

**Locality**

13–21 Rainbow Street, Kingsford

**Column 2**

**Description**

Lot 1, DP 408111; Lot 1, DP 188265; Lot 1, DP 1135723

## Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

## Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Centennial Park	Centennial Park, including Federation monument, Superintendent's residence, park gates, 2 Corinthian columns, 2 statues	1R Oxford Street; 2R Darley Road; 1 Martin Road	Lots 1723 and 1730, DP 45644	State	I01
Centennial Park	Centennial Park Reservoir WS001	3R Oxford Street	Part of Lot 1, DP 582822	State	I02
Centennial Park	Woollahra Reservoir WS022	5R Oxford Street	Lot 1729, DP 45644	State	I03
Clovelly	St Luke's Anglican Church	26 Arden Street	Lot 1, DP 2214	Local	I04
Clovelly	St Anthony's Catholic Church, Primary School and Presbytery	58–60 Arden Street	Lot 7, DP 71081; Lot 1, DP 71082; Lot 2, DP 85963; Lot 1, DP 76693	Local	I05
Clovelly	"Boherbue"	6 Barry Street	Lot 9, DP 1069	Local	I06
Clovelly	Federation house	16 Barry Street	Lot 113, DP 1035102	Local	I07
Clovelly	Federation house	18 Barry Street	Lot 2, DP 942879	Local	I08
Clovelly	Late Victorian stone cottage	23 Campbell Street	Lot 47, DP 2598	Local	I09
Clovelly	Old timber cottage	4 Clifton Road	Lot 15, DP 979309	Local	I10

Clovelly	Bungalow	55 Clifton Road	Lot 9, Section B, DP 6512	Local	I11
Clovelly	1930s shopfront	221–223 Clovelly Road	Lot 101, DP 1061955 (SP 71660)	Local	I12
Clovelly	Clovelly RSL and Air Force Club (formerly Kings Theatre)	263–269 Clovelly Road	Lots 18 and 19, Section 3, DP 719	Local	I13
Clovelly	“Warrah Flats”	298 Clovelly Road	SP 19923	Local	I14
Clovelly	“Pohills Corner”	317 Clovelly Road	Lot 1, DP 10532	Local	I15
Clovelly	Commercial/residential group, “Walders Corner”	319–325 Clovelly Road	Lots 1–4, DP 70321	Local	I16
Clovelly	Clovelly Hotel	379–401 Clovelly Road	Lot 1, DP 105854	Local	I17
Clovelly	Early timber cottage	16 Douglas Street	Lot 23, Section A, DP 1827	Local	I18
Clovelly	Clovelly Bay enclosure, including baths	3–25R Eastbourne Avenue	Part of Lot 7011, DP 1112993; Lot D, DP 316077; Lot 7128, DP 1113902; Lot 7010, DP 1113071 and unknown lot and DPs	Local	I20
Clovelly	James Bundock fountain	11M Eastbourne Avenue	Part of Lot 7011, DP 1112993	Local	I19
Clovelly	Victorian Italianate two storey house (pair to 67)	65 Fern Street	Lot 6, Section B, DP 1827; Lot 1, DP 114441	Local	I21
Clovelly	Victorian Italianate two storey house (pair to 65)	67 Fern Street	Lot 7, DP 662267	Local	I22
Clovelly	Electricity Substation No. 300	21S Flood Street	Lot 1, DP 323046	Local	I23
Clovelly	Two storey semi-detached pair	5–7 Greville Street	Lots A and B, DP 176223	Local	I24
Clovelly	“Clara”, mid-Victorian house	6 Greville Street	Lot 2, DP 1069	Local	I25
Clovelly	Symmetrical bungalow	20 Greville Street	Lot 1, Section 2, DP 719	Local	I26
Clovelly	Georgian sandstone cottage	2 Nolan Avenue	Lot 8, Section A, DP 1827	Local	I27
Clovelly	Attached cottage group	3–7 Nolan Avenue	Lots 1–3, DP 815775	Local	I28

Clovelly	Shark Point, Burrows Park	31R and 33R Ocean Street	Lots 1–3, DP 90410 and unknown lot and DP—Burrows Park—Shark Point Coastal Reserve	Local	I29
Clovelly	Victorian cottage	7 Pacific Street	Lot 22, DP 976620	Local	I30
Clovelly	Seaview Street sandstone drain	10–12LH Seaview Street	Road reserve	Local	L31
Clovelly	Bungalow	32 Shackel Avenue	Lot A, DP 300298	Local	I32
Clovelly	Victory Street sandstone retaining wall	2–14LH Victory Street	Road reserve	Local	L33
Clovelly	“Peace”, early bungalow	39 Winchester Road	Lot 7, Section C, DP 6512	Local	I34
Coogee	Abbott Street sandstone retaining walls	9–23LH Abbott Street	Road reserve	Local	L35
Coogee	Bungalow	296 Alison Road	Lot 2, DP 300482	Local	I36
Coogee	Alison Road sandstone retaining walls and embankment	329–347LH and 340–356LH Alison Road	Road reserve	Local	L37
Coogee	“Ocean View”, Edwardian mansion	370 Alison Road	Lot 21, DP 1136133	Local	I38
Coogee	Arcadia Street sandstone retaining wall	26–30LH Arcadia Street	Road reserve	Local	L39
Coogee	“Roslyn”, Victorian residence	29 Arcadia Street	Lot B, DP 101510	Local	I40
Coogee	“Ballamac”, Victorian villa	39 Arcadia Street	SP 13296, SP 37904 and SP 57370	Local	I41
Coogee	Spanish Mission residential flat building	109 Arden Street	SP 9161	Local	I42
Coogee	Spanish Mission style house	143 Arden Street	Lot C, DP 320743	Local	I43
Coogee	Arden Street sandstone retaining walls	158–176LH and 149–165LH Arden Street	Road reserve	Local	L44
Coogee	“Juvina”, Art Deco residential flat building	182 Arden Street	SP 23085	Local	I45
Coogee	“Beach Court”, Neo-classical residential flat building	184 Arden Street	SP 54713	Local	I46

Coogee	James Robertson Fountain	201M Arden Street	Unknown Lot and DP	Local	147
Coogee	Coogee Bay Hotel	212 Arden Street	Lot 1, DP 872553	Local	148
Coogee	3 storey Neo-classical residential flat building	286–290 Arden Street	SP 14074	Local	149
Coogee	“Tudor Hall”, Neo-Romanesque residential flat building	291 Arden Street	SP 46227	Local	150
Coogee	Art Deco residential flat building	321 Arden Street	SP 8512	Local	151
Coogee	“Verona”, Federation Queen Anne corner house	340 Arden Street	Lot 1, DP 799790	Local	152
Coogee	“Cliffbrook”, Edwardian villa	45–51 Beach Street	Lot 1, DP 8162; Part of Lot 1, DP 109530	State	153
Coogee	“Warimoo”, Bungalow style house	69 Beach Street	Lot 24, DP 9552	Local	154
Coogee	“San Antonio”, Federation house	75 Beach Street	Lot 21, DP 9552; Lot 1, DP 322784	Local	155
Coogee	Giles Baths	105–109R Beach Street	Lot 1745, DP 727310; Lot 1580, DP 752011	Local	156
Coogee	Sandstone wall	111–131R Beach Street	Unknown Lot and DP, Coogee Beach	Local	157
Coogee	Ross Jones Memorial Pool	133R Beach Street	Unknown Lot and DP	Local	158
Coogee	McIver Women’s Baths	145–149R Beach Street	Lot 1492 and Part of Lot 1304, DP 752011	State	159
Coogee	“The Warwick”, 4 storey residential flat building	154–156 Beach Street	SP 55031; SP 64894	Local	160
Coogee	Weatherboard cottage	26 Bream Street	Lot 1, DP 414536	Local	161
Coogee	“Smithfield Grange”, Victorian mansion	88 Brook Street	Lot 3, DP 15808	Local	162
Coogee	2 storey semi-detached group	90–100 Brook Street	Lots 1–2, DP 531000; Lots 1–4, DP 531082	Local	163
Coogee	Residential flat building	101 Brook Street	SP 1274	Local	164
Coogee	“Catley’s Wall”, sandstone retaining wall	108 Brook Street	SP 12764; SP 16301	Local	165
Coogee	Inter-war residential flat building	108 Brook Street	SP 12764; SP 16301	Local	166



Coogee	Federation house	113 Brook Street	Lot B, DP 364506	Local	167
Coogee	St Nicolas Rectory	123–123A Brook Street	Lots 1 and 2, DP 1059940	Local	168
Coogee	St Nicolas Anglican Church	125 Brook Street	Lots 3–6, DP 1230	Local	169
Coogee	St Brigids Catholic Church	135B Brook Street	Lots 1–4 and Part of Lot 24, Section 3, DP 976802	Local	170
Coogee	3 storey Art Deco residential flat building	142A Brook Street	SP 13844	Local	171
Coogee	Inter-war bungalow	148 Brook Street	Lot B, DP 305284	Local	1473
Coogee	“Brooklyn Flats”	152 Brook Street	Lot 1, DP 195960	Local	172
Coogee	“Byron Lodge”	25 Byron Street	Lot 1, DP 780573	Local	173
Coogee	Federation house	15 Carr Street	Lots 1 and 2, DP 129892	Local	174
Coogee	Late Victorian house	21 Carr Street	Lot 1, DP 900107	Local	175
Coogee	Grand Pacific Hotel	64 Carr Street	Lot B, DP 386645	Local	176
Coogee	Spanish Mission residential flat building	117 Carrington Road	SP 21030	Local	177
Coogee	Spanish Mission residential flat building	127 Carrington Road	SP 52684	Local	178
Coogee	Victorian Gothic house	86 Coogee Bay Road	Lot C, DP 323037	Local	179
Coogee	Federation residence	87 Coogee Bay Road	Lots 1 and 2, DP 1100355	Local	180
Coogee	Inter-war residential flat buildings (pair to 94)	92 Coogee Bay Road	SP 15817	Local	181
Coogee	Inter-war residential flat buildings (pair to 92)	94 Coogee Bay Road	SP 8691	Local	182
Coogee	Coogee Public School	107–121E Coogee Bay Road	Lots 569 and 570, DP 752011; Lot 1, DP 119120; Lot 1, DP 524199	Local	183
Coogee	Federation semi-detached pair	165–167 Coogee Bay Road	Lots 1 and 2, DP 232179	Local	184
Coogee	Art Deco residential flat buildings	201–203 Coogee Bay Road	SP 9395	Local	185
Coogee	1920s house	78 Dolphin Street	Lot 1, DP 302000	Local	186

Coogee	Coogee Palace, replica of original building	169–181 Dolphin Street	Lot 1, DP 792311	Local	187
Coogee	Inter-war bungalow	38 Dudley Street	Lot 17, DP 6489	Local	1467
Coogee	Inter-war bungalow	39 Dudley Street	Lot B, DP 301192	Local	1471
Coogee	Inter-war bungalow	41 Dudley Street	Lot C, DP 301192	Local	1472
Coogee	Late Federation house	42 Dudley Street	Lot 19, DP 6489	Local	1468
Coogee	Late Federation house	44 Dudley Street	Lot 20, DP 6489; Lot 1, DP 952229	Local	1469
Coogee	2 storey arts and crafts house	2 Gordon Avenue	Lot 4, Section 2, DP 11754	Local	188
Coogee	Electricity Substation No 280	15S Higgs Street	Lot 1, DP 181656	Local	189
Coogee	Spanish Mission house	1 Hill Street	Lot 10, Section D, DP 619	Local	190
Coogee	Bungalow	31 Melody Street	Lot 1, DP 150309	Local	191
Coogee	Art Deco residential flat building	1A Mount Street (222–226 Clovelly Road)	SP 9826; SP 15254	Local	192
Coogee	Bungalow	14 Mount Street	Lot 79, DP 13810	Local	193
Coogee	Late Federation house	122 Mount Street	Lot 22, DP 6489	Local	1470
Coogee	Wylies Baths	4B Neptune Street	Lots 1798 and 1799, DP 822244; R35160	State	194
Coogee	Edwardian bungalow	153 Oberon Street	Lot 38, DP 6489	Local	195
Coogee	Electricity Substation No 362	245S Oberon Street	Lot 2, DP 553153	Local	196
Coogee	“Catley’s Wall”, sandstone retaining wall	6–8 Ormond Gardens	SP 13043	Local	165
Coogee	“Belle”, Federation house	28 Powell Street	Lot 1, DP 983623	Local	197
Coogee	Edwardian cottage	3 Quail Street	Lot 1, DP 83175	Local	198
Coogee	1950s house	9 Ritchard Avenue	Lot 112, DP 14523	Local	199
Coogee	Large bungalow	7 Thomas Street	Lot X, DP 387111	Local	1100
Coogee	“Maidston”, late Victorian mansion	1A Waltham Street	Lot 1, DP 166742; Lot 1, DP 1107144	Local	1101
Kensington	“Parkside”, Federation semi-detached pair	5–5A Abbotford Street	Lots 1 and 2, DP 847803	Local	1102
Kensington	Tay Reserve	1R Alison Road	Unknown lot and DP; road closure	Local	1103

Kensington	"The Legers", Federation dwelling	29 Alison Road	Lot 19, DP 658546	Local	I104
Kensington	2 storey Federation duplex	31 Alison Road	Lot 20, Section 28, DP 4601	Local	I105
Kensington	Masonic Temple	199–201 Anzac Parade	Lot 63, Section 14, DP 7698	Local	I106
Kensington	Doncaster Hotel	268–270 Anzac Parade	Lot 202, DP 1092019	Local	I107
Kensington	Late Federation house	6 Balfour Road	Lot 1, DP 938193	Local	I108
Kensington	Late nineteenth century cottage	25 Balfour Road	Lot 20, Section 5A, DP 4745	Local	I109
Kensington	Late nineteenth century cottage	31 Balfour Road	Lot 23, Section 5A, DP 4745	Local	I110
Kensington	Semi-detached pair	49–51 Boronia Street	Lots 1 and 2, DP 538834	Local	I111
Kensington	"T'olle Goes", Federation house	2–4 Carlton Street	Lot B, DP 324590	Local	I112
Kensington	Bungalow	25 Cottenham Avenue	Lot 123, DP 7698	Local	I113
Kensington	Single storey terrace group	1–27 Darling Street	Lots A–N and P, DP 32991	Local	I114
Kensington	Bungalow (1 of 3)	1 Day Avenue	Lot 245, DP 13208	Local	I115
Kensington	Bungalow (2 of 3)	3 Day Avenue	Lot 244, DP 13208	Local	I116
Kensington	Bungalow (3 of 3)	5 Day Avenue	Lot 243, DP 13208	Local	I117
Kensington	Bungalow (1 of 3)	6 Day Avenue	Lot 248, DP 13208	Local	I118
Kensington	Bungalow (2 of 3)	8 Day Avenue	Lot 249, DP 13208	Local	I119
Kensington	Bungalow (3 of 3)	10 Day Avenue	Lot 250, DP 13208	Local	I120
Kensington	Bungalow	24 Day Avenue	Lot 128, Section 14, DP 7698	Local	I121
Kensington	2 storey terraced pair	10–12 Doncaster Avenue	Lot 1, DP 1033442; Lot 1, DP 981704; Lot 51, DP 2905	Local	I122
Kensington	"Walsworth", Victorian cottage	25 Doncaster Avenue	SP 50146	Local	I123
Kensington	"Creswell", Victorian terrace house	58 Doncaster Avenue	Lot 66, DP 2905	Local	I124
Kensington	Detached cottage group	68–82 Doncaster Avenue	Lots 1–8, DP 11419	Local	I125
Kensington	Kensington Public School buildings	77–79E Doncaster Avenue	Lot 1, DP 914422	Local	I126
Kensington	Victorian mansion	86–92 Doncaster Avenue	Lot 1, SP 83561	Local	I127

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Kensington	Edwardian house	127 Doncaster Avenue	Lot 54, Section 14, DP 7698	Local	I128
Kensington	Corner bungalow	167 Doncaster Avenue	Lot 34, DP 7698	Local	I129
Kensington	Bungalow	202 Doncaster Avenue	Lot 18, Section 14, DP 7698	Local	I130
Kensington	1920s house	23 Duke Street	Lot B, DP 341780	Local	I131
Kensington	Edwardian cottage	16 Grosvenor Street	Lot 1, DP 171849	Local	I132
Kensington	Our Lady of the Rosary Church	1 Kensington Road	Part of Lot 1, DP 936804	Local	I133
Kensington	Our Lady of the Sacred Heart Convent	2 Kensington Road	Lot 1, DP 923373; Lots 102, 103, 112 and 113 Section 3, DP 3292; Lot 1, DP 380326	Local	I134
Kensington	"Hastings", Federation dwelling	25 Lenthall Street	Lot 58, Section 10, DP 5759	Local	I135
Kensington	Late Federation house	42 Lenthall Street	Lot 10, Section 10, DP 5759	Local	I136
Kensington	Federation house	7 McDougall Street	Lot 4, Section 11, DP 5759	Local	I137
Kensington	Federation house	10 McDougall Street	Lot 86, DP 5081	Local	I138
Kensington	"Marathon", Federation dwelling	55 Milroy Avenue	Lot 66, Section 9, DP 5081	Local	I139
Kensington	Sacred Heart Monastery and Chapel	1 Roma Avenue	Lot 12, DP 776835; Lot 272, DP 13208; Lot 1, DP 177912	Local	I140
Kensington	Group of Art Deco flat buildings (part of 1–21 Todman Avenue)	1 and 3 Samuel Terry Avenue	SP 1104; SP 1107	Local	I141
Kensington	Edwardian house	57 Samuel Terry Avenue	Lot 47, Section 12, DP 5759	Local	I142
Kensington	Corner bungalow	67 Samuel Terry Avenue	Lot 42, Section 12, DP 5759	Local	I143
Kensington	Group of Art Deco residential flat buildings	1–27 Todman Avenue	SP 2275; SP 1103; SP 1105; SPs 733–739	Local	I144
Kensington	Former Administration building for WD and HO Wills, Raleigh Park	12 Todman Avenue	Lot 17, DP 270003	Local	I145
Kensington	"Carthona", Federation style house	85 Todman Avenue	Lot 8, DP 5081	State	I146
Kensington	St. Martin's Church	101–105 Todman Avenue	Lots 46 and 47, DP 5081	Local	I147

Kensington	Semi-detached pair	117–119 Todman Avenue	Lots 1 and 2, DP 510903	Local	I148
Kensington	“Cooma”, Edwardian mansion	161 Todman Avenue	SP 57028	Local	I149
Kensington	“Avalon”, bungalow	4 Villiers Street	Lot 2, DP 306713	Local	I150
Kensington	Semi-detached pair	14–16 Villiers Street	Lot A and B, DP 445620	Local	I151
Kingsford	Commercial/ residential group, “O’Dea’s Corner”	424–436 Anzac Parade	Lots A–E, DP 436786; Local Part of Lot 1, DP 814016		I152
Kingsford	Edwardian bungalow	487 Anzac Parade	Lot 3, DP 1137712	Local	I153
Kingsford	Edwardian timber cottage	24 Borrodale Road	Lot 1, DP 947543	Local	I154
Kingsford	St. Spyridon Church	78–88 Gardeners Road	Lot 1, DP 1149256	Local	I155
Kingsford	1950s brick house	69 Meeks Street	Lot A, DP 377722	Local	I156
Kingsford	“Lanor”, Edwardian house	9 Middle Street	Lot 1234, DP 668058	Local	I157
Kingsford	Late 1920s house	79 Middle Street	Lot 1, DP 306041	Local	I158
Kingsford	1930s bungalow	22 Shaw Avenue	Lot 434, DP 10752	Local	I159
Kingsford	Spanish Mission dwelling	47 Tunstall Avenue	Lot 463, DP 10752	Local	I160
Kingsford	Late modern house	42 Wallace Street	Lot B, DP 322938	Local	I161
Kingsford	Late 1920s residential flat building	44 Wallace Street	Lot 2, DP 314644	Local	I162
Kingsford	Inter-war mansion	53–53A Willis Street	Part of Lot 822, DP 752011	Local	I163
La Perouse	Mission Church	46 Adina Avenue	Part of Lot 5195, DP 752015	Local	I164
La Perouse	Henry Head Fort	1530R Anzac Parade	Part of Lot 5, DP 1110408	Local	I165
La Perouse	Macquarie Watchtower	1538 Anzac Parade	Part of Lot 3, DP 232077	Local	I166
La Perouse	Tomb of Pere le Receveur	1540 Anzac Parade	Part of Lot 3, DP 232077	Local	I167
La Perouse	La Perouse Museum (former Cable Station)	1542 Anzac Parade	Part of Lot 3, DP 232077	Local	I168
La Perouse	La Perouse Memorial	1544 Anzac Parade	Part of Lot 3, DP 232077	Local	I169
La Perouse	Jessie Stuart Broomfield Fountain	1597A Anzac Parade	Lot 2, DP 776343	Local	I170



La Perouse	Bare Island Fort	1617R Anzac Parade	Part of Lot 3, DP 232077	State	I171
La Perouse	"Yarra Bay House"	1 Elaroo Avenue	Lot 2, DP 777908	Local	I172
La Perouse	1920s bungalow	27 Goorawahl Avenue	Lot 126, DP 752015	Local	I173
Little Bay	Entrance gates to former CEO's residence	1420 Anzac Parade	Part of Lot 48, DP 27042	State	I178
Little Bay	Prince Henry Site and Coast Hospital Heritage Conservation Area and their settings, significant built and landscape components, including historic precinct (comprising significant buildings, structures and landscape features such as ornamental plantings, retaining walls, kerbs and significant road alignments)	2-6, 5R and 8 Brodie Avenue; 2 and 2R Coast Hospital Road; 2-6 and 8 Curie Street; 2-4 and 6-10 Darwin Avenue; 2 Ewing Avenue; 1 Fleming Street; 30-36 Harvey Street; 18-32, 18-32R and 50 Jenner Street; 1-17 Lister Avenue; 16 Murra Murra Place; 1 Pavilion Drive; 1-5, 10R, 11-13R, 12-40, 15, 17R, 19, 21R, 23R, 42-46 and 50 Pine Avenue	Lots 13, 25, 31, 34, 39-41, 43-47, 52-55, 57-59, 73, 79, 82, 91 and 99-101, DP 270427; Lots 1-9, DP 286146; DP 1096554	State	I175
Little Bay	Former Prince Henry Hospital—Coast Golf and Recreation Club clubhouse (former Coast Hospital steam laundry)	1 Coast Hospital Road	Lot 70, DP 270427	State	I176
Little Bay	Former Prince Henry Hospital—Alignments of Lister Avenue, Coast Hospital Road and Cemetery Road	1 Coast Hospital Road	Lot 70, DP 270427	State	I182
Little Bay	Former Prince Henry Hospital—The Dam	5R Coast Hospital Road	Lot 98, DP 270427	State	I179
Little Bay	Former Prince Henry Hospital—Former Male Lazaret site	5R Coast Hospital Road	Lot 98, DP 270427	State	I180
Little Bay	Former Prince Henry Hospital—Former Coast Hospital Services Area retaining walls	5R Coast Hospital Road	Lot 98, DP 270427	State	I181
Little Bay	Former Prince Henry Hospital—Former Coast Hospital water tower	7R Coast Hospital Road	Lot 71, DP 270427	State	I177

Little Bay	Townhouse complex	45–59 Mirrabooka Crescent	Lot 1, DP 231930	Local	I183
Malabar	“C Levitt”, commercial building	1212 Anzac Parade	Lot 7, DP 23513	Local	I184
Malabar	Edwardian cottage	1234–1236 Anzac Parade	Lot 1, DP 113091	Local	I185
Malabar	Long Bay Gaol Gatehouses —Long Bay Correctional Centre	1250–1300 Anzac Parade	Lots 132 and 133, DP 1142190	State	I186
Malabar	Long Bay Correctional Centre	1250–1300 Anzac Parade	Lots 132 and 133, DP 1142190	State	I187
Malabar	Weatherboard cottage	18 Austral Street	Lot 1, DP 1043888	Local	I188
Malabar	Group of semi-detached cottages	20–26 Austral Street	Lots 5279–5282, DP 824057	Local	I189
Malabar	John Mewburn Reserve	28–32R Austral Street	Part of Lot 133, DP 1142190	State	I190
Malabar	Cromwell Park fountain	4R Dacre Street	Part of Lot 7300, DP 1145253	Local	I191
Malabar	Malabar Headland	7R and 9R Fishermans Road; 3R Brown Street	Lot 2, DP 809094; Part of Lot 102, DP 1162245; Unknown lot and DP	State	I192
Malabar	Malabar Public School	231–239E Franklin Street	Lot 5238, DP 729683	Local	I193
Malabar	Late 19th Century house	39 Napier Street	Lot 3A, DP 365283	Local	I194
Malabar	St. Andrew’s Church	2–8 Prince Edward Street	Lot 301, DP 807604	Local	I195
Malabar	Stella Maris Convent	10–14 Prince Edward Street	Lot 202, DP 717359	Local	I196
Malabar	Prince Edward Street sandstone retaining wall and road cutting	68–96LH Prince Edward Street	Road reserve	Local	L197
Malabar	“Sunnyside”, Edwardian cottage	66 Victoria Street	Lot 2, DP 975744	Local	I198
Maroubra	“Yarrum”, Edwardian bungalow	653 Anzac Parade	Lot 1, DP 9394	Local	I199
Maroubra	Residential/commercial building	730–732 Anzac Parade	Lot 2971, DP 752015	Local	I200
Maroubra	Art Deco residential flat building	817 Anzac Parade	Lot 100, DP 1139005 (SP 84775)	Local	I201
Maroubra	“Corio House”	829 Anzac Parade	Lot A, DP 321064	Local	I202

Maroubra	"Dudleys Emporium"	892–906 Anzac Parade; 5–17 Green Street	SP 75825; SP 84761; Part SP 75824	Local	I203
Maroubra	Edwardian house	953 Anzac Parade	Lot 1, DP 860501	Local	I204
Maroubra	Bond Street sandstone retaining wall	6–8LH Bond Street	Road reserve	Local	I205
Maroubra	Post-war cottage	3 Bridges Street	Lot 1535, DP 752015	Local	I206
Maroubra	Inter-war house	379 Bunnerong Road	Lot 2318, DP 752015	Local	I207
Maroubra	"Quarry Reserve"	2–4R Cantrill Avenue	Lot 5190, DP 752015; unknown Lot and DP; road closure	Local	I208
Maroubra	Californian bungalow	23 Chichester Street	Lot 2573, DP 752015	Local	I209
Maroubra	Brick bungalow	12 Cobham Street	Lot 2279, DP 752015	Local	I210
Maroubra	Neo-romanesque house	21 Cobham Street	Lot 2306, DP 752015	Local	I211
Maroubra	Cooper Street brick retaining wall	77–85LH Cooper Street	Road reserve	Local	I212
Maroubra	1930s bungalow	6 Duncan Street	Lot 3, DP 13363	Local	I213
Maroubra	Californian bungalow	28 Everett Street	Lot 12, DP 8156	Local	I214
Maroubra	The Causeway sandstone retaining walls	32–34LH First Avenue	Road reserve	Local	I215
Maroubra	Stone bungalow	152 Gale Road	Lot 52, DP 556901	Local	I216
Maroubra	Row of Art Deco style residential flat buildings	8–14 Hereward Street	SP 50331; SP 21464	Local	I217
Maroubra	Post-war bungalow	84 Loch Maree Street	Lot 11, DP 9393	Local	I218
Maroubra	Mahon Pool	15R Marine Parade	Part of Lot 1, Section 3, DP 758649; unknown Lot and DP	Local	I219
Maroubra	Maroubra Beach Hotel and mixed commercial/residential building attached to the hotel	178–182 Marine Parade	SP 73559	Local	I220
Maroubra	Art Deco residential flat building	139 Maroubra Road	Lot 2246, DP 752015	Local	I221
Maroubra	Maroubra Junction Hotel	195–199 Maroubra Road	Lot 32, DP 805755	Local	I222
Maroubra	Holy Family Church, Neo-romanesque style	214 Maroubra Road	Lot 902 and Part of Lot 1110, DP 752015	Local	I223

Maroubra	"Eden Monaro", reconstruction of brick mansion	306 Maroubra Road	Lot 3, DP 313495	Local	I224
Maroubra	Maroubra Fire Station	325 Maroubra Road	Lot 1339, DP 752015	Local	I225
Maroubra	"Palmyra", late Victorian cottage	18 Percival Street	Lot 1, DP 973773	Local	I226
Maroubra	Post-war house	2 Robey Street	Lot B, DP 336085	Local	I227
Maroubra	"Elwi Ento", late modern house	37 Robey Street	Lot A, DP 330338	Local	I228
Maroubra	Spanish Mission house	43 Sackville Street	Lot E, DP 16837	Local	I229
Maroubra	Semi-detached pair	7-9 Walsh Avenue	Lots C and D, DP 415525	Local	I230
Maroubra	Semi-detached pair	23-25 Walsh Avenue	Lots A and B, DP 101318	Local	I231
Maroubra	Semi-detached pair	11-11A Wise Street	Lot 11, DP 1065082; Lot 1, DP 957996	Local	I232
Matraville	Group of 3 bungalows	27-31 Baird Avenue	Lot 6, DP 15983; Lots 7 and 8, DP 15983	Local	I233
Matraville	Electricity Substation No 25	224S Beauchamp Road	Lot 1212, DP 752015	Local	I234
Matraville	Brick sewer vent	465W Bunnerong Road	Lot C, DP 180474	Local	I235
Matraville	"Alice Villa", bungalow	17 Jennings Street	Lot 11, DP 13198	Local	I236
Matraville	Former Soldiers Settlement Public School	2-6 Menin Road	SP 63228	Local	I237
Matraville	Eastern Suburbs Crematorium	45-63 Military Road	Part of both Lots 7049 and 7050, DP 1110708	Local	I238
Matraville	Pioneers Memorial Park, Botany Cemetery	45-63 Military Road	Part of Lot 7090, DP 1110711	Local	I239
Matraville	Post-war brick house	18 Moorina Avenue	Lot 186, DP 16138	Local	I240
Matraville	Late modern house	34 Murrabin Avenue	Lot 15, DP 16138	Local	I241
Matraville	Matraville Hotel	144-148 Perry Street	Lots 8-10, DP 13830	Local	I242
Matraville	Soldiers Settlement House	1 Somme Way	Part of Lot 6, DP 700498	Local	I243
Phillip Bay	Phillip Monument	1M Koorringai Avenue	Part of Lot 1140, DP 752015	Local	I244

Phillip Bay	Yarra Bay Beach and Reserve	5–33R Koorringai Avenue; 63R, 65R and 67–73 Yarra Road	Part of Lot 1, DP 912264; Yarra Beach; Lot 7302-7305, DP 1131943 R 62422; Part of Lot 1140, DP 752015; Part of Reserve 23068 (Parking); Lots 3945, 4684, 4685, 4846, DP 752015	Local	I245
Phillip Bay	Chinese Market Gardens	1–19 and 21–39 Koorooera Avenue; 1002–1110 Bunnerong Road; 1R Koorringai Avenue	Lots 1077–1079, DP 752015; Lot 5245, DP 820345	State	I246
Phillip Bay	Our Lady of Good Counsel Church	11 Yarra Road	Lot 3347, DP 752015	Local	I247
Randwick	“Aeolia”, Brigidine Convent and Chapel	6 Aeolia Street	Lot 21, DP 1134767	Local	I248
Randwick	Members’ Stand/ Official Stand, Royal Randwick Racecourse	77–97 Alison Road	Lot 1, DP 130234	Local	I249
Randwick	Part of Normanhurst boundary wall (adjacent to former tramway reservation)	90A Alison Road	Lots 1 and 2, DP 304897; part of sandstone wall	Local	I332
Randwick	“Shahzada”, Victorian house	114 Alison Road	Lot 115, DP 552581	Local	I250
Randwick	“Carlton”, Victorian house	122 Alison Road	Lot 6, DP 2556	Local	I251
Randwick	“Verona”, “Amphion” and “Donacis”, Boom style houses	126–130 Alison Road	Lots A–C, DP 108150	Local	I252
Randwick	“Rothsay”, Art Deco residential flats	132–134 Alison Road	Lot 2, DP 2556	Local	I253
Randwick	St Jude’s Well, early stone fountain	138M Alison Road	Unknown Lot and DP	Local	I254
Randwick	“Rexmere”, Victorian terrace	143 Alison Road	Part of Lot 1, DP 609890	Local	I255
Randwick	“Hillcrest”, Victorian terrace	145–147 Alison Road	Part of Lot 1, DP 74946	Local	I256
Randwick	Randwick Presbyterian Church	162–194 Alison Road	Lot 12, DP 1134788	State	I257
Randwick	“Seabird”, Victorian house	191 Alison Road	Part of Lot 1, DP 811872	Local	I258
Randwick	“Glanmire”, Victorian house	193 Alison Road	Part of Lot 1, DP 811872	Local	I259



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Randwick	Stone commercial building	200 Alison Road	Lot 1, DP 947598; Lot A, DP 439249	Local	I260
Randwick	Residential flat building	212–214 Alison Road	Lots 5 and 7, DP 84551	Local	I261
Randwick	Freestanding Victorian house	238–242 Alison Road	Lot 1, DP 743787	Local	I262
Randwick	2 storey semi-detached pair of houses	44–46 Avoca Street	Lots 1 and 2, DP 202777	Local	I263
Randwick	“Archina”, 2 storey Federation house	49 Avoca Street	Lot 1, DP 878999	Local	I264
Randwick	Site of Father Shaw’s Wireless Works	51 Avoca Street	Lot 2, DP 878999 (SP 62199)	Local	I265
Randwick	Randwick Public School (c 1924) and Randwick North High School (1886)	62–88E Avoca Street	Lot 1, DP 797564; Lot 1, DP 537130; Lots 1–4, DP 797629; Lots 8, 10–13 and 15, Section 10, DP 758867	Local	I266
Randwick	“Eulalia”	87 Avoca Street	Lot 1, DP 1088378	Local	I268
Randwick	“Aloha”	89 Avoca Street	Lot 2, DP 1088378	Local	I269
Randwick	Post box	90M Avoca Street	Unknown Lot and DP	Local	I267
Randwick	“Braemar”	91 Avoca Street	Lot 2, DP 321037	Local	I270
Randwick	St Jude’s Group (St Jude’s Anglican Church, Rectory, Old Borough Chambers and Hall (Note - Cemetery is at 21 Frances Street. I374)	100–108 Avoca Street	Lot 260 and Lot 497, DP 979237; Part of Lot 572, DP 752011	State	I271
Randwick	Hetta Building, commercial/residential building	110–116 Avoca Street	Lot 1, DP 510301	Local	I272
Randwick	Victorian and inter-war building (shopfronts with residences above)	115–137 Avoca Street	Lot 1, DP 730681; Lot 1, DP 795156; Lot 6, DP 1047871; Lot 1, DP 703116; Lots 51 and 52, DP 709074; Lots 1 and 2, DP 212197; Lots A and B, DP 107198; Lot 2, DP 668133	Local	I273
Randwick	Former Randwick Post Office	124 Avoca Street (206A Alison Road)	Lot 1, DP 788986	State	I274
Randwick	Jubilee Fountain	124M Avoca Street	Unknown Lot and DP	State	I275
Randwick	Commercial building	126–128 Avoca Street	SP 78189	Local	I276
Randwick	Commercial building	130–138 Avoca Street	SP 11937	Local	I277

# Randwick Local Environmental Plan 2012 [NSW]

Randwick	Part of Victorian and inter-war building	139–145 Avoca Street	SP 20684	Local	I278
Randwick	“Clovelly”, “Ilfracombe” and “Torquay”, Italianate houses	146–150 Avoca Street	Lot 2, DP 600693; Lot 1, DP 600694; Lot 1, DP 66096	Local	I279
Randwick	Coach and Horses Hotel	147 Avoca Street	Lot A, DP 323736	Local	I280
Randwick	Terraced pair	152–154 Avoca Street	Lot 1, DP 91045	Local	I281
Randwick	Terraced pair	156–158 Avoca Street	Lots 1 and 2, DP 715235	Local	I282
Randwick	“Somerset” and “Glastonbury”	160–162 Avoca Street	Lot 1, DP 770913; Lot 19, DP 82545	Local	I283
Randwick	Our Lady of the Sacred Heart Church and “Ventnor”, sandstone house	189–193 Avoca Street	Lot B, DP 157005; Part of Lot 1, DP 216223; Part of Lot 1, DP 82225; unknown lot on DP 216223	Local	I284
Randwick	Late Victorian shop and residence	194 Avoca Street	Lot 1, DP 405712	Local	I285
Randwick	“Goldring House”	203–209 Avoca Street	Lots 1–4, DP 204750	Local	I286
Randwick	“Corana” and “Hygeia”	211–215 Avoca Street	Lot 1, DP 854977	State	I287
Randwick	High Cross Park	217–219R Avoca Street	Lot 1, DP 1122573	Local	I288
Randwick	Post box	225M Avoca Street	Unknown Lot and DP	Local	I289
Randwick	Late Edwardian house	303 Avoca Street	Lot 4, Section 1, DP 975345	Local	I290
Randwick	“Canberra”, Edwardian house	311 Avoca Street	Lots 8 and 9, DP 74238	Local	I291
Randwick	Newmarket House	164–174 Barker Street	Lot A, DP 330407	Local	I466
Randwick	Newmarket sale ring	164–174 Barker Street	Lot A, DP 330407	Local	I292
Randwick	Single storey 1920s cottage	6 Barrett Place	Lot 2, DP 8897	Local	I293
Randwick	3 storey Art Deco commercial building	35–43 Belmore Road	Lot 1, DP 725269; Lots 14–16, Section 2, DP 979310	Local	I294
Randwick	Residential/ commercial building	48–60 Belmore Road	SP 7779	Local	I295
Randwick	3 storey commercial building	70–82 Belmore Road	SP 1527	Local	I296
Randwick	“Koorowi Flats” 3 storey commercial/ residential building	84–90 Belmore Road	SP 10616	Local	I297

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Randwick	"Cooks Lodge" 2 storey commercial building	119–123 Belmore Road	Lot 1, DP 103290	Local	I298
Randwick	Commercial building	120–126 Belmore Road	Lot C, DP 101802	Local	I299
Randwick	Federation commercial building	125–133 Belmore Road	SP 49956	Local	I300
Randwick	"Sandgate"	128 Belmore Road	Lot 2, DP 623630	State	I301
Randwick	The Star and Garter Inn	141–143 Belmore Road	Lot 7, DP 789629	Local	I302
Randwick	Statue of Captain James Cook	145M Belmore Road	Lot 2, DP 936733	Local	I303
Randwick	2 storey stone pair of semi-detached houses	2–4 Bishops Avenue	Lots 1 and 2, DP 525186	Local	I304
Randwick	Late nineteenth century 2 storey house	8 Bishops Avenue	Lot 57, DP 1189	Local	I305
Randwick	"Artney"	14 Bishops Avenue	Lot 61, DP 1189	Local	I306
Randwick	Blenheim House and outbuilding	17 Blenheim Street	Lot 341, DP 848149	Local	I307
Randwick	Georgian house	139 Botany Street	Lot A, DP 155310	Local	I308
Randwick	"Redlands", Art Deco flats	2A Bradley Street	SP 82099	Local	I309
Randwick	Randwick Barracks School of Musketry, Officers' Mess and Convention Centre	1–23 Bundock Street	Part of Lot 12, DP 1042814	Local	I310
Randwick	Electricity Substation No 341	55–61S Canberra Street	Lot 1144, DP 1104033; Lot 1145, DP 752015	State	I311
Randwick	Nolan Terrace	53–59 Carrington Road	Lots A and B, DP 433137; Lots A and B, DP 437946	Local	I312
Randwick	Semi-detached pair	61–63 Carrington Road	Lots 1 and 2, DP 103214	Local	I313
Randwick	Art Deco residential flat building	81A Carrington Road	SP 47089	Local	I314
Randwick	Single storey attached row	256–262 Carrington Road	Lot 3, DP 90184; Lot 10, DP 873719; Lot 1, DP 137363; Lot 1, DP 745690	Local	I315
Randwick	Semi-detached pair	17–19 Clara Street	Lots A and B, DP 409938	Local	I316
Randwick	Edwardian commercial building	49–53 Clovelly Road	Lots 1–3, DP 1012309	Local	I317

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Randwick	"Wellcamp"	105 Clovelly Road	Lot 12, DP 243471	Local	I318
Randwick	"Rokeby", Victorian house	107 Clovelly Road	Lot 13, DP 243471	Local	I319
Randwick	Bungalow pair	6 and 8 Conway Avenue	Lots 21 and 22, DP 9253	Local	I320
Randwick	Coogee Bay Road retaining walls	5-41LH Coogee Bay Road	Road reserve	Local	L321
Randwick	"Aeolia", Brigidine convent and chapel	7-37 Coogee Bay Road	Lot 1, DP 1093846	Local	I248
Randwick	"Gower Galtees", Art Deco residential flat building, including fence and gates	8-10 Coogee Bay Road	Lot 1, DP 73744; Lot 1, DP 664672	Local	I322
Randwick	Edwardian residence	12 Coogee Bay Road	Lot B, DP 344559	Local	I323
Randwick	"Glen Mervyn"	24-26 Coogee Bay Road	Lots 1-6, DP 1094696	Local	I324
Randwick	Former police station	28 Coogee Bay Road	Lot 1132, DP 752011	Local	I325
Randwick	Victorian semi-detached pair	81-83 Coogee Bay Road	Lots C and D, DP 437088	Local	I326
Randwick	"Woodville", Edwardian house	3 Cook Street	Lot 10, Section 11, DP 975242	Local	I327
Randwick	Federation house	14 Cook Street	Lot 17, DP 4908	Local	I328
Randwick	Federation house	26 Cook Street	Lot 20, DP 4908	Local	I329
Randwick	"Juverna", Art Deco flat buildings	50 Cook Street	SP 5100	Local	I330
Randwick	Bungalow	5 Courland Street	Lot A, DP 413195	Local	I331
Randwick	Part of Normanhurst boundary wall (adjacent to former tramway reservation)	4-6 and 6A Cowper Street	SP 63281; SP 69452	Local	I332
Randwick	"Pepadeniya", Federation bungalow	29 Cowper Street	Lot 1147, DP 752011	Local	I333
Randwick	Semi-detached pair	33-35 Cowper Street	Lots 1 and 2, DP 548731	Local	I334
Randwick	"Peckham", Victorian mansion	79-81 Cowper Street	Lot 81, DP 826166	Local	I335
Randwick	"Essex", Victorian house	7-9 Cuthill Street	Lot 1, DP 1099036	Local	I336
Randwick	"Edith", Victorian house	11 Cuthill Street	Lot 7, DP 1829; Lot 1, DP 100108	Local	I337
Randwick	St Pauls Street sandstone retaining wall	26LH Daintrey Crescent		Local	L338

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Randwick	"Monte, Carlo" Edwardian house	37 Darley Road	Lot 21, Section 26, DP 4589	Local	I339
Randwick	Federation house	71 Darley Road	Lot 15, Section 24, DP 4589	Local	I340
Randwick	Bungalow	73 Darley Road	Lot 16, Section 24, DP 4589	Local	I341
Randwick	"Shaldon", Queen Anne residence	85 Darley Road	Lot 4, Section 23, DP 4589	Local	I342
Randwick	"Swan Isle", two storey mansion	87-89 Darley Road	Lots 6 and 7, Section 23, DP 4589	Local	I343
Randwick	"Wollungra" corner bungalow	115 Darley Road	Lot A, DP 175928	Local	I344
Randwick	"Alhawa", Federation house	127 Darley Road	Lot 6, Section 19, DP 4698; Lot 7, Section 19, DP 4698	Local	I345
Randwick	Unusual symmetrical house	135 Darley Road	Lot 11, Section 19, DP 4698	Local	I346
Randwick	Late Edwardian house	143 Darley Road	Lot 15, Section 19, DP 4698	Local	I347
Randwick	Edwardian bungalow	147 Darley Road	Lot 17, DP 4698	Local	I348
Randwick	Attached row of cottages	169-177 Darley Road	Lots A-E, DP 442452	Local	I349
Randwick	Triple gabled bungalow	195 Darley Road	Lot 6, DP 667294	Local	I350
Randwick	Semi-detached pair	199-201 Darley Road	Lots A and B, DP 404043	Local	I351
Randwick	Federation residence	1 Dick Street	Lot 4, DP 315059	Local	I352
Randwick	Dolphin Street sandstone retaining wall and embankment	1-21 LH Dolphin Street	Road reserve	Local	L353
Randwick	Federation corner house	12 Douglas Street	Lot 27, DP 1208	Local	I354
Randwick	Turn of the century house	19 Douglas Street	Lot 1, DP 370570	Local	I355
Randwick	Group of 4 bungalows	16-22 Dudley Street	Corner Lot 2, DP 936001; Lots A and B, DP 317489; Lot 1, DP 963881	Local	I356
Randwick	Pair of bungalows	32-34 and 36 Dudley Street	Lots 1 and 2, DP 5108	Local	I357
Randwick	"Ascot", Victorian residence	4 Dutruc Street	Lot 3, DP 878999	Local	I358
Randwick	Electricity Substation No 287	9S Dutruc Street	Lot 10, DP 864725	Local	I359



# Randwick Local Environmental Plan 2012 [NSW]

Randwick	Pair of Victorian residences	11A and 15 Dutruc Street	Lots 6 and 7, DP 245089	Local	I360
Randwick	Victorian Italianate villa	21 Dutruc Street	Lot 10, DP 245089	Local	I361
Randwick	Victorian Italianate residence	54 Dutruc Street	Lot 32, DP 73390	Local	I362
Randwick	Sandstone cottage and terraced pair	60B, 62–64 Dutruc Street	Lot A, DP 341677; Lots 1 and 2, DP 519206	Local	I363
Randwick	Timber semi-detached pair	55–57 Earl Street	Lots 40 and 41, DP 1853	Local	I364
Randwick	Pair of timber cottages	59 and 61 Earl Street	Lots 42 and 43, DP 1853	Local	I365
Randwick	“Farnham House”	3 Farnham Avenue	Lot 1, DP 165543	Local	I366
Randwick	Victorian cottage	16 Fern Street	Lot 10, DP 3260	Local	I367
Randwick	Federation arts and crafts 2 storey house	2–4 Frances Street	SP 74533	Local	I368
Randwick	Federation arts and crafts 2 storey house	2–4 Frances Street	SP 74533	Local	I369
Randwick	Electricity Substation No 349	2S Frances Street	Lot 1, DP 182713	State	I370
Randwick	Federation Queen Anne single storey house	11 Frances Street	Lot 2, DP 927034	Local	I371
Randwick	Federation Queen Anne single storey house	11A Frances Street	Lot 1, DP 927034	Local	I372
Randwick	Group of Federation mansions	14–14A, 16 and 18 Frances Street	Lots 1 and 2, DP 926313; Lots 101 and 102, DP 1131604	Local	I373
Randwick	St Jude’s Cemetery	21 Frances Street	Lot 1, DP 840568	State	I374
Randwick	Randwick Town Hall	30 Frances Street	Lots 4 and 7 Section 10, DP 758867	Local	I375
Randwick	Bus shelter	2R Frenchmans Road	Part of unknown Lot	Local	I376
Randwick	2 storey house	29 Frenchmans Road	Lot 15, Section 1, DP 1045	Local	I377
Randwick	“Glendu”, Federation Queen Anne cottage	41 Frenchmans Road	Lot 9, Section 1, DP 1062	Local	I378
Randwick	2 storey commercial/residential building	49–51, 53–55B and 55C Frenchmans Road	SP 73982; Lot 14, DP 25257	Local	I379
Randwick	“Venice”, grand late Victorian/early Edwardian house	66 Frenchmans Road	Lot 1, DP 34630	State	I380

# Randwick Local Environmental Plan 2012 [NSW]

Randwick	Pair of 2 storey stone cottages	6–8 George Street	Lot 1, DP 199788; Lot 1, DP 997983	Local	I381
Randwick	“Hooper Cottage”	17 Gilderthorpe Avenue	Lot 1, Section 1, DP 448756	State	I382
Randwick	Federation house	63–71 Gilderthorpe Avenue	Lots 20 and 21 SP 64147	Local	I383
Randwick	Federation semi-detached pair of cottages	63–71 Gilderthorpe Avenue	Lots 16–19 SP 64147	Local	I384
Randwick	Victorian Gothic house	81–83 Gilderthorpe Avenue	Lots 17 and 18, SP 66920	Local	I385
Randwick	“Gordon Terrace”	2–26 Gordon Street	Lots 1–13, DP 107876	Local	I386
Randwick	“Cotswold”, late Victorian cottage	4 Hay Street	Lot 3, DP 808414	Local	I387
Randwick	Prince of Wales Hospital group (Main Block, Catherine Hayes Hospital and Superintendent’s residence)	61 High Street	Lot 1, DP 870720	Local	I388
Randwick	Prince of Wales Hospital gates and fence	61 High Street	Part of Lot 1, DP 870720	Local	I389
Randwick	Randwick Destitute Children’s Asylum Cemetery	61 High Street	Part of Lot 1, DP 870720	Local	I390
Randwick	Part of Normanhurst boundary wall (adjacent to former tramway reservation)	8 Holkham Avenue	SP 12482	Local	I332
Randwick	Semi-detached pair	57–59 Hooper Street	Lots 1 and 2, DP 226802	Local	I391
Randwick	Workers cottage	11 Jane Street	Lot B, DP 320163	Local	I392
Randwick	2 storey sandstone cottage	15 Jane Street	Lot A, DP 320163	Local	I393
Randwick	Judge Street sandstone stairs and retaining walls	18–20LH Judge Street	Road reserve	Local	L394
Randwick	2 storey Federation house	23 Judge Street	Lot 45, DP 867679	Local	I395
Randwick	Part of Victorian terrace row	1–13 Kemmis Street	Lots 14–20, DP 251302	Local	I396
Randwick	Wide-fronted semi-detached pair	15 and 17 Kemmis Street	Lots 21 and 22, DP 251302	Local	I397

# Randwick Local Environmental Plan 2012 [NSW]

Randwick	Group of grand Victorian houses	23–27 Kemmis Street	Lots 8–10, DP 243471	Local	I398
Randwick	Federation cottage	3 King Street	Lot 4, Section 1, DP 902	Local	I399
Randwick	Former Tramways Repair Shop	22–32 King Street	Lot 4, DP 212352; Lot 1, DP 228903	Local	I400
Randwick	Former Tramways Workshop	22–32 King Street	Lot 4, DP 212352; Lot 1, DP 228903	Local	I401
Randwick	Brick chimney stack	88–98 King Street	SP 75411	Local	I402
Randwick	Transitional Victorian/Edwardian style house	13 Lee Street	Lot 10, SP 56114	Local	I403
Randwick	“Ramona Hall”, Spanish Mission influenced residential flat building	23 Marcel Avenue	Lot 20, DP 13587	Local	I404
Randwick	Residential flat building with neo-classical entry	31 Marcel Avenue	SP 14380	Local	I405
Randwick	Randwick Literary Institute	47A Market Street	Lots 1 and 2, DP 566976	Local	I406
Randwick	Californian bungalow	12 McLennan Avenue	Lot 10, DP 13779	Local	I407
Randwick	Californian bungalow	23 McLennan Avenue	Lot 5, DP 13779	Local	I408
Randwick	Californian bungalow	25 McLennan Avenue	Lot 6, DP 13779	Local	I409
Randwick	“Brighton Terrace”	2–20 Mears Avenue	Lots 2 and B–E, DP 110106; Lots 51–55, DP 260216	Local	I410
Randwick	St Jude’s Mission Church	84 Middle Street	Lot 1, DP 774765	Local	I411
Randwick	Old stone cottage	88 Middle Street	Lot 1, DP 83413	Local	I412
Randwick	Edwardian timber cottage	90 Middle Street	Lot 1, DP 83414	Local	I413
Randwick	Victorian mansion	2–4 Milford Street	Lot 2, DP 234445	Local	I414
Randwick	Californian bungalow	10 Milford Street	Part of Lot 71, DP 1168871	Local	I415
Randwick	“Nugal Hall”, Gothic revival sandstone mansion	16–18 Milford Street	Lot 4, DP 530998	State	I416
Randwick	Federation house	2 Monmouth Street	Lot 1, DP 963384	Local	I417
Randwick	Bungalow	19 Monmouth Street	Lot 23, Section 1, DP 3716	Local	I418
Randwick	Spanish Mission flats	3 Mulwarree Avenue	Lot 2, DP 17536	Local	I419
Randwick	Terraced row	1–19 Oswald Street	Lots 1–10, DP 108445	Local	I420

Randwick	"The Pines", boom style house	11A Park Avenue	Lot 3, DP 74835	Local	I421
Randwick	Royal Hotel	2-4 Perouse Road	Lot 1, DP 573912	Local	I422
Randwick	Pair of cottages	15-19 Perouse Road	Lot 6, DP 3564; Lot 7, Local Section A, DP 3564	Local	I423
Randwick	Grand Edwardian mansion	82-84 Perouse Road	Lot 131, DP 613647	Local	I424
Randwick	Federation house	85 Perouse Road	Lot 4, DP 5614	Local	I425
Randwick	Unusual Edwardian house	98-100 Perouse Road	Lots A and B, DP 951214	Local	I426
Randwick	Federation Queen Anne house	106 Perouse Road	Lot 1, DP 875098	Local	I427
Randwick	Federation Queen Anne houses	108 and 110 Perouse Road	Lots 1 and 2, DP 981182	Local	I428
Randwick	Transitional style Victorian 2 storey house	30 Pine Street	Lot 1, DP 302357	Local	I429
Randwick	Edwardian style cottage	71 Pine Street	Lot 18, DP 2892	Local	I430
Randwick	2 storey semi-detached pair	81-83 Pine Street	Lot 13, Section 1, DP 2892; Lot 12, DP 2892	Local	I431
Randwick	3 storey 1930s residential flat building	2 Prince Street	SP 16310	Local	I432
Randwick	Small Gothic church	1 Rae Street	Lot 12, DP 866464	Local	I433
Randwick	Part of historic residential streetscape	3, 5, 7 and 9-11 Rae Street	Lots F-H, DP 84853; Lot 1, DP 745599; Lot 11, DP 1109320	Local	I434
Randwick	Part of historic residential streetscape	11A-23 Rae Street	Lot 1, DP 741141; Lot 2, DP 707130; Lot 3, DP 731596; Lot 1, DP 534053; Lot 50, DP 607648; Lot 6, DP 1109345	Local	I435
Randwick	Victorian residence	37-39 Rae Street	Lots 4 and 5, DP 226878	Local	I436
Randwick	Rainbow Street Public School	90-98E Rainbow Street	Lot 1738, DP 48445	Local	I437
Randwick	Group of Italianate houses	4-8 Silver Street	Lots 8-10, Section 2, DP 3496	Local	I438
Randwick	Duke of Gloucester Hotel	2 St Marks Road	Lot 1, DP 80766	Local	I439
Randwick	Single storey semi-detached cottage group	4-10 St Marks Road	Lot 1, DP 1046576; Lots 1 and 2, DP 233923	Local	I440

# Randwick Local Environmental Plan 2012 [NSW]

Randwick	"Rathven", large Italianate house	43 St Marks Road	Lot 1, DP 623700	State	I441
Randwick	Group of Italianate houses	48, 50, 52–56, 58, 60, 62, 64 and 66 St Marks Road	Lots 18, 19, 21, 22, 24 and 25, DP 245089; Lot 1, DP 1012684; Lot 91, DP 596460	Local	I442
Randwick	Victorian terrace	15 St Pauls Street	Lot A, DP 350130	Local	I443
Randwick	Federation single storey cottage	17 St Pauls Street	Lot B, DP 350130	Local	I444
Randwick	Victorian Italianate boom style 2 storey house	19 St Pauls Street	Lot 21, DP 1829	Local	I445
Randwick	Terraced pair	25–27 St Pauls Street	Lots 1 and 2, DP 230596	Local	I446
Randwick	Ritz Cinema	39–47 St Pauls Street	Lot 101, DP 1029883	State	I447
Randwick	Masonic Temple, classical revival style	42–44 St Pauls Street	Lot 2, DP 303070	Local	I448
Randwick	Sandstone boundary wall to Daintrey Crescent, gardens and landscape associated with "Aeolia", Brigidine Convent and Chapel	57–63 St Pauls Street	Lot 1, DP 776899; Lot 1494, DP 752011	Local	I248
Randwick	Emanuel School	18–20 Stanley Street	Lots 1 and 2, DP 709332	State	I449
Randwick	Part of terrace and cottage group	10–14 Stephen Street	Lots 1 and 2, DP 511401; Lot 12, Section 2, DP 3716	Local	I450
Randwick	Spanish Mission style residential flat pair	1 and 1A Sully Street	Lots 200 and 201, DP 1104698	Local	I451
Randwick	"Tayar", Italianate house	1–3 The Avenue	Lot 11, DP 883045	Local	I452
Randwick	Randwick Fire Station	6 The Avenue	Lot 14, Section 10, DP 758867	Local	I453
Randwick	"Avonmore Terrace"	26–42 The Avenue	Lot 1, DP 966761; Lots A–C, DP 950369; Lots 1–5, DP 14466	State	I454
Randwick	2 storey semi-detached pair	8–10 Victoria Street	Lot A, DP 442243; Lot 2, DP 505908	Local	I455
Randwick	"Keletera", symmetrical cottage	5 Wentworth Street	Lot 12, Section 28, DP 975242	Local	I456
Randwick	Weatherboard cottage	22 Young Street	Lot 2, DP 545098	Local	I457
Randwick	Big Stable Newmarket	29–39 Young Street	Lot B, DP 330407	State	I458

South Coogee	Cairo Street stairs and associated sandstone retaining walls	1–21LH Cairo Street	Road reserve	Local	I459
South Coogee	“Santa Fe”	28 Coldstream Street	Lot 2366, DP 752015	Local	I460
South Coogee	Garnet Street sandstone retaining wall, embankment and street trees	7–13LH Denning Street; 347H Rainbow Street; 2LH and 6LH Garnet Street	Garnet Street sandstone retaining wall, embankment and street trees	Local	L461
South Coogee	Randwick Cemetery	42–138 Malabar Road	Lot 54 and 55, DP 752015	Local	I462
South Coogee	Timber cottage	85 Malabar Road	Lot 1, DP 943175	Local	I463
South Coogee	“Quarry Reserve”	95 Moverley Road	Lot 1, DP 553251	Local	I464
South Coogee	“Quarry Reserve”	95S Moverley Road	Part of Lot 5190, DP 75015	Local	I465

## Part 2 Heritage conservation areas

Name of area	Identification on Heritage Map	Significance
North Randwick	Shown by red hatching and labelled “C1”	Local and State (in part)
Old Tote and Figtree Theatre	Shown by red hatching and labelled “C2”	Local
Sacred Heart	Shown by red hatching and labelled “C3”	Local
West Kensington	Shown by red hatching and labelled “C4”	Local
Botany Bay National Park (Botany Bay National Park, La Perouse Headland, Yarra Bay and Frenchmans Bay)	Shown by red hatching and labelled “C5”	State and Local (in part)
Prince Henry Hospital Site	Shown by red hatching and labelled “C6”	Local
Malabar Headland	Shown by red hatching and labelled “C7”	State
Bunnerong Power Station	Shown by red hatching and labelled “C8”	Local
Dudley Street	Shown by red hatching and labelled “C9”	Local
Gordon Square	Shown by red hatching and labelled “C10”	Local
Moirra Crescent	Shown by red hatching and labelled “C11”	Local
High Cross	Shown by red hatching and labelled “C12”	Local



Racecourse	Shown by red hatching and labelled "C13"	Local
Randwick Environmental Park	Shown by red hatching and labelled "C14"	Local
Randwick Junction	Shown by red hatching and labelled "C15"	Local
The Spot	Shown by red hatching and labelled "C16"	Local
St Jude's	Shown by red hatching and labelled "C17"	Local
St Mark's	Shown by red hatching and labelled "C18"	Local
Struggletown	Shown by red hatching and labelled "C19"	Local
Caerleon Crescent	Shown by red hatching and labelled "C20"	Local

### Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Coogee	Bishopscourt	21–29 Moira Crescent	SP 3850; Lot 39, DP 13587; SP 82854; Lot B, DP 319928	Local	A1
Coogee	Original roadway and turning circle	Moira Crescent and Western end of Marcel Avenue, Coogee	Roadway itself being the original entrance driveway and turning circle to Bishopscourt	Local	A2
Little Bay	Former Prince Henry Hospital site—rock cut steps	Part of 4R Coast Hospital Road	Lot 97, DP 270427	State	A3
Little Bay	Former Prince Henry Hospital site—retaining wall	Part of 5R Coast Hospital Road	Part of Lot 98, DP 270427	State	A4
Little Bay	Former Prince Henry Hospital site—canalised water course	5R Coast Hospital Road	Part of Lot 98, DP 270427	State	A5
Little Bay	Former Prince Henry Hospital site—sandstone shelf and cutting	9–33 Brodi Avenue	Part of Lot 51, DP 270427	State	A6
Little Bay	Former Prince Henry Hospital site—canalised water course	Part of 5R Coast Hospital Road	Part of Lot 98, DP 270427	State	A7

Little Bay	Former Prince Henry Hospital site—resident Medical Officer's (RMO) residence	2 Coast Hospital Road	Part of Lot 73, DP 270247	State	A8
Little Bay	Former Prince Henry Hospital site—North Rock Anchor site	Part of 5R and part of 6R Coast Hospital Road	Part of Lot 98, DP 270247; Crown Land	State	A9
Little Bay	Former Prince Henry Hospital site—footings and kerbing	Part of 5R and part of 1 Coast Hospital Road	Part of Lot 98 and part of Lot 79, DP 270427	State	A10
Little Bay	Former Prince Henry Hospital site—rock cutting (south drain)	Part of 5R and part of 6R Coast Hospital Road	Part of Lot 98, DP 270247; Crown Land		A11
Little Bay	Former Prince Henry Hospital site—remnant garden beds	Part of 5R Coast Hospital Road	Part of Lot 98, DP 270247	State	A12
Little Bay	Former Prince Henry Hospital site—Cemetery Road	Part of 1528 and part of 1530B Anzac Parade	Part of Lots 4 and 5, DP 1110408; Part of Lot 1, DP 706184	State	A13
Little Bay	Former Prince Henry Hospital site—sandstone platform	Part of 5R Coast Hospital Road	Lot 98, DP 270247	State	A14
Little Bay	Former Prince Henry Hospital site—moveable item M1: cut sandstone blocks	Part of 1–33R Harvey Street	Part of Lot 66, DP 270247	State	A15
Little Bay	Former Prince Henry Hospital site—moveable item M2: sandstone blocks	Part of 5R Brodie Avenue	Part of Lot 47, DP 270427	State	A16
Little Bay	Former Prince Henry Hospital site—moveable item M3: original hospital gates	Part of 10–16 Jenner Street	SP 79613	State	A17
Little Bay	Former Prince Henry Hospital site—moveable item M4: concrete plinths	Part of 5R Coast Hospital Road	Part of Lot 98, DP 270427	State	A18
Little Bay	Former Prince Henry Hospital site—moveable item M5: dressed sandstone blocks	Part of 1406R Anzac Parade	Part of Lot 10, DP 1127719	State	A19

## Part 4 Aboriginal heritage

Suburb	Item name	Address	Property description	Significance	Item no
Little Bay	Aboriginal objects and Aboriginal place of heritage significance within the Former Prince Henry Hospital site	1430 Anzac Parade	Multiple lots and DPs	State	AH1

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note.** Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

##### 3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

**4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

**5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

**6 Definition**

In this Division—

*intensive aquaculture* has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

**Part 2 Extensive pond-based aquaculture**

**Division 1 Site location requirements**

**7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
- (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

**Note.** Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

**8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

**Division 2 Operational requirements**

**9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

**10 Pond design**

- (1) Must not require the construction of new ponds, water storages, dams or buildings.

- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note.** The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Acid Sulfate Soils Map** means the Randwick Local Environmental Plan 2012 Acid Sulfate Soils Map.

**Active Street Frontages Map** means the Randwick Local Environmental Plan 2012 Active Street Frontages Map.

**Additional Permitted Uses Map** means the Randwick Local Environmental Plan 2012 Additional Permitted Uses Map.

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note.**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note.** Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note.**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**Alternative Building Heights Map** means the Randwick Local Environmental Plan 2012 Alternative Building Heights Map.

**Alternative Floor Space Ratio Map** means the Randwick Local Environmental Plan 2012 Alternative Floor Space Ratio Map.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-



based aquaculture and tank-based aquaculture.

**Note.**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

**Note.** See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note.**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note.**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note.**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note.**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note.**

Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note.**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note.**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

**Note.**

The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note.**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note.**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.**

Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note.** An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note.**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

**clearing vegetation** has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

**coastal hazard** has the same meaning as in the *Coastal Management Act 2016*.

**coastal lake** means a body of water identified in Schedule 1 to *State Environmental Planning Policy (Coastal Management) 2018*.

**coastal protection works** has the same meaning as in the *Coastal Management Act 2016*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Management Act 2016*.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and



(b) any premises declared to be a detention centre by an order in force under section 5(1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Randwick City Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note.**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note.**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note.**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**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.

**dwelling house** means a building containing only one dwelling.

**Note.**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,

- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.**

The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,

(c) bee keeping,

(d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note.**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note.**

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note.**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Randwick Local Environmental Plan 2012 Floor Space Ratio Map.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note.**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**foreshore area** means the land identified as “Foreshore area” on the Foreshore Building Line Map.

**Foreshore Building Line Map** means the Randwick Local Environmental Plan 2012 Foreshore Building Line Map.

**Foreshore Scenic Protection Area Map** means the Randwick Local Environmental Plan 2012 Foreshore Scenic Protection Area Map.

**forestry** means forestry operations within the meaning of the *Forestry Act 2012* or Part 5B of the *Local Land Services Act 2013*.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note.**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note.**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note.**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and



- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note.**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of

goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note.**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note.**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or

machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note.**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the Randwick Local Environmental Plan 2012 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note.**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of

which is described in Schedule 5.

**Note.** An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the Randwick Local Environmental Plan 2012 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note.**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a family day care residence (within the meaning of the *Children (Education and*

*Care Services) National Law (NSW)* at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note.** A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—** See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

**Note—** See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or

- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note.**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note.**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.



**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note.**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note.**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.** See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or

- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note.**

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note.**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**Kensington and Kingsford town centres** means the land identified as “Area 1” on the Special Provisions Area Map.

**Key Sites Map** means the Randwick Local Environmental Plan 2012 Key Sites Map.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the Randwick Local Environmental Plan 2012 Land Application Map.

**Land Reservation Acquisition Map** means the Randwick Local Environmental Plan 2012 Land Reservation Acquisition Map.

**Land Zoning Map** means the Randwick Local Environmental Plan 2012 Land Zoning Map.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note.**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

**Note.**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note.**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackerries, tanneries, woolscours and rendering plants.

**Note.**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Note.**

Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

**Lot Size Map** means the Randwick Local Environmental Plan 2012 Lot Size Map.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,

(d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,

(e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note.**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note.**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes—

(a) the construction, operation and decommissioning of associated works, and

(b) the rehabilitation of land affected by mining.

**Note.**

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**Note.**

The term is defined as follows—

**moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

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

**Note.**

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note.** See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Non-Residential Floor Space Ratio Map** means the Randwick Local Environmental Plan 2012 Non-Residential Floor Space Ratio Map.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note.**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note.**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.



**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note.**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note.**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note.**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003*

before the repeal of that Act (as continued in force by the regulations under the *Biodiversity Conservation Act 2016*).

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range,

mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**relic** has the same meaning as in the *Heritage Act 1977*.

**Note.**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and

- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note.**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

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

**Note.**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note.**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**Note.**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,

- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note.**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note.**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note.**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note.**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note.**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note.**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note.** Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note.**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note.**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),



and that is, or is intended to be, used permanently for—

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note.**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note.**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note.**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Note.**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,

(d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

**Note.**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**Special Provisions Area Map** means the Randwick Local Environmental Plan 2012 Special Provisions Area Map.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note.** Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note.**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**Terrestrial Biodiversity Map** means the Randwick Local Environmental Plan 2012 Terrestrial Biodiversity Map.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,

- (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note.**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note.**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note.**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling

items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note.**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note.**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note.**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note.**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note.**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.



**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note.**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

*Randwick Local Environmental Plan 2012* (2013-36). LW 1.2.2013. Date of commencement, 14 days after publication on LW, cl 1.1AA. This Plan has been amended as follows—

<b>2013</b>	No 5	<i>Liquor Amendment (Small Bars) Act 2013</i> . Assented to 19.3.2013. Date of commencement, 1.7.2013, sec 2 and 2013 (292) LW 21.6.2013.
	No 111	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2013</i> . Assented to 3.12.2013. Date of commencement of Sch 3.27, 10.1.2014, Sch 3.27.
<b>2014</b>	No 33	<i>Statute Law (Miscellaneous Provisions) Act 2014</i> . Assented to 24.6.2014. Date of commencement of Sch 2.36, 14.7.2014, Sch 2.36.
	(513)	<i>Standard Instrument (Local Environmental Plans) Amendment Order 2014</i> . LW 15.8.2014. Date of commencement, on publication on LW, cl 2.
	(734)	<i>Randwick Local Environmental Plan 2012 (Amendment No 1)</i> . LW 21.11.2014. Date of commencement, on publication on LW, cl 2.
<b>2015</b>	(163)	<i>Randwick Local Environmental Plan 2012 (Amendment No 2)</i> . LW 2.4.2015. Date of commencement, on publication on LW, cl 2.
	No 15	<i>Statute Law (Miscellaneous Provisions) Act 2015</i> . Assented to 29.6.2015. Date of commencement of Sch 3, 15.7.2015, sec 2 (3).
<b>2016</b>	(43)	<i>Standard Instrument (Local Environmental Plans) Amendment (Maps) Order 2016</i> . LW 27.1.2016. Date of commencement, 27.1.2016, cl 2.
	(126)	<i>Standard Instrument (Local Environmental Plans) Amendment Order 2016</i> . LW 11.3.2016. Date of commencement, on publication on LW, cl 2.
	(167)	<i>Local Environmental Plan (Greater Sydney LEPs Consequential Amendments) 2016</i> . LW 4.4.2016. Date of commencement, on publication on LW, cl 2.
	(309)	<i>Standard Instrument (Local Environmental Plans) Amendment (Observatory and Defence Facility) Order 2016</i> . LW 10.6.2016. Date of commencement, 56 days after publication on LW, cl 2.
	(440)	<i>Randwick Local Environmental Plan 2012 (Amendment No 3)</i> . LW 15.7.2016. Date of commencement, on publication on LW, cl 2.
<b>2017</b>	(453)	<i>Standard Instrument (Local Environmental Plans) Amendment (Vegetation) Order 2017</i> . LW 25.8.2017. Date of commencement, 25.8.2017, cl 2.

- (492) *Standard Instrument (Local Environmental Plans) Amendment (Child Care) Order 2017*. LW 1.9.2017.  
Date of commencement, on publication on LW, cl 2.
- (493) *State Environmental Planning Policy Amendment (Child Care) 2017*. LW 1.9.2017.  
Date of commencement, on publication on LW, cl 2.
- 2018** (19) *Randwick Local Environmental Plan 2012 (Amendment No 4)*. LW 25.1.2018.  
Date of commencement, on publication on LW, cl 2.
- (105) *Standard Instrument (Local Environmental Plans) Amendment (Coastal Management) Order 2018*. LW 23.3.2018.  
Date of commencement, 3.4.2018, cl 2.
- (154) *Standard Instrument (Local Environmental Plans) Amendment (Minimum Subdivision Lot Size) Order 2018*. LW 20.4.2018.  
Date of commencement, on publication on LW, cl 2.
- No 40 *Forestry Legislation Amendment Act 2018*. Assented to 27.6.2018.  
Date of commencement of Sch 3.12, 9.11.2018, sec 2 and 2018 (620) LW 9.11.2018.
- (404) *Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018*. LW 27.7.2018.  
Date of commencement, on publication on LW, cl 2.
- (405) *Standard Instrument (Local Environmental Plans) Amendment (Garden Centres) Order 2018*. LW 27.7.2018.  
Date of commencement, on publication on LW, cl 2.
- (406) *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018*. LW 27.7.2018.  
Date of commencement, on publication on LW, cl 2.
- (457) *Randwick Local Environmental Plan 2012 (Amendment No 5)*. LW 17.8.2018.  
Date of commencement, on publication on LW, cl 2.
- (477) *Standard Instrument (Local Environmental Plans) Amendment (Land Use Terms) Order 2018*. LW 29.8.2018.  
Date of commencement, 31.8.2018, cl 2.
- (488) *State Environmental Planning Policy Amendment (Land Use Terms) 2018*. LW 29.8.2018.  
Date of commencement of Sch 1.1, 31.8.2018, cl 2 (1).
- No 46 *Children (Education and Care Services) Supplementary Provisions Amendment Act 2018*. Assented to 27.9.2018.  
Date of commencement of Sch 2.3, 31.10.2019, sec 2(1) and 2019 (200) LW 24.5.2019.
- (717) *Standard Instrument (Local Environmental Plans) Amendment (Greater Sydney Commission) Order 2018*. LW 7.12.2018.  
Date of commencement, 10.12.2018, cl 2.
- 2019** (98) *Randwick Local Environmental Plan 2012 (Amendment No 6)*. LW 22.2.2019.  
Date of commencement, on publication on LW, cl 2.
- (133) *Standard Instrument (Local Environmental Plans) Amendment (Primary Production and Rural Development) Order 2019*. LW 28.2.2019.  
Date of commencement, on publication on LW, cl 2.
- (620) *Standard Instrument (Local Environmental Plans) Amendment Order 2019*. LW 13.12.2019.  
Date of commencement, 15.1.2020, cl 2.

	(621)	<i>State Environmental Planning Policy Amendment (Miscellaneous) 2019</i> . LW 13.12.2019. Date of commencement of Sch 5, 15.1.2020, cl 2(1).
2020	(155)	<i>Standard Instrument (Local Environmental Plans) Amendment (Energy Storage Technology) Order 2020</i> . LW 17.4.2020. Date of commencement, on publication on LW, cl 2.
	(400)	<i>Randwick Local Environmental Plan 2012 (Amendment No 7)</i> . LW 10.7.2020. Date of commencement, on publication on LW, cl 2.
	(485)	<i>Randwick Local Environmental Plan 2012 (Amendment No 8)</i> . LW 14.8.2020. Date of commencement, on publication on LW, cl 2.
No 30		<i>Statute Law (Miscellaneous Provisions) Act 2020</i> . Assented to 27.10.2020. Date of commencement of amendments made by Sch 4, 22.1.2021, sec 2(4).
	(636)	<i>Standard Instrument (Local Environmental Plans) Amendment (Definitions) Order 2020</i> . LW 28.10.2020. Date of commencement, 28.10.2020, cl 2.
No 40		<i>Liquor Amendment (Night-time Economy) Act 2020</i> . Assented to 27.11.2020. Date of commencement of Schs 4.6 and 7, 11.12.2020, sec 2(1) and 2020 (713) LW 11.12.2020.
	(762)	<i>Standard Instrument (Local Environmental Plans) Amendment (Secondary Dwellings) Order 2020</i> . LW 18.12.2020. Date of commencement, 1.2.2021, cl 2.
2021	(225)	<i>State Environmental Planning Policy Amendment (Flood Planning) 2021</i> . LW 14.5.2021. Date of commencement, 14.7.2021, cl 2.
	(226)	<i>Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021</i> . LW 14.5.2021. Date of commencement, 14.7.2021, cl 2.

#### Table of amendments

No reference is made to certain amendments made consequential on the amendment of the *Standard Instrument (Local Environmental Plans) Order 2006*.

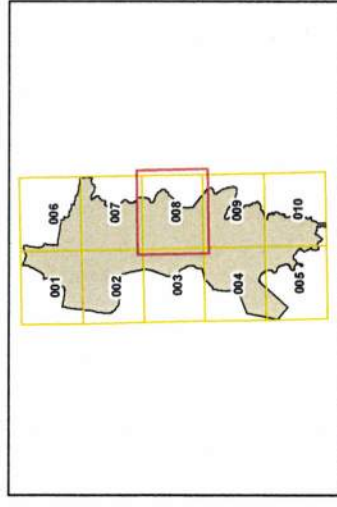
Cl 1.8A	Am 2014 (734), Sch 1 [1]; 2019 (621), Sch 5[1].
Cl 1.9A	Am 2019 (621), Sch 5[2]–[4].
Land Use Table	Am 2016 (167), Sch 1 [3]; 2017 (493), Sch 1.1 [1] [2]; 2018 (488), Sch 1.1 [1].
Cl 4.1D	Ins 2018 (457), cl 4.
Cl 4.6	Am 2015 (163), Sch 1 [1].
Cl 5.4	Am 2018 (406), Sch 1.115 [1] [2].
Cl 6.3	Rep 2021 (225), Sch 1.
Cl 6.15	Am 2017 (493), Sch 1.2 [1].
Cl 6.16	Ins 2015 (163), Sch 1 [2].
Cll 6.17–6.21	Ins 2020 (485), Sch 1[1].
Sch 1	Am 2014 (734), Sch 1 [2]; 2016 (440), cl 4; 2017 (493), Sch 1.2 [1].
Sch 5	Am 2015 (163), Sch 1 [3] [4]; 2019 (98), cl 5; 2020 (400), cl 5.
Dictionary	Am 2014 (734), Sch 1 [3]; 2020 (485), Sch 1[2]; 2021 (225), Sch 1.



**Foreshore Building Line Map  
Foreshore Scenic Protection  
Area Map - Sheet CL1\_008**

- Foreshore Building Line**
- Foreshore building line
  - Foreshore area
- Foreshore Scenic Protection Area**
- Foreshore Scenic Protection Area

**Cadastral**  
Base data 01/01/2008 © Land and Property  
Information (LPI) Addendum data 12/11/2012  
© Randwick City Council



Projection: GDA 1994  
MGA Zone 56

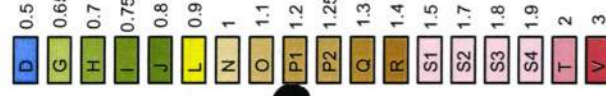
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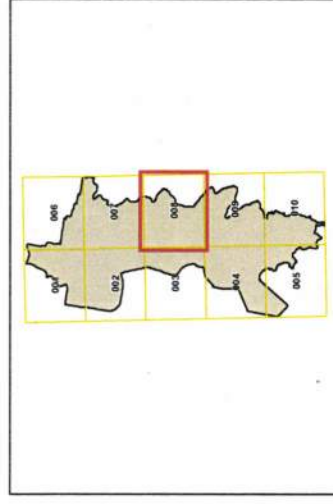
**Floor Space Ratio Map -  
Sheet FSR\_008**

**Maximum Floor Space Ratio (n:1)**



**Cadastral**

Base data 01/01/2008 © Land and Property Information (LPI)  
Information (LPI) Addendum data 10/10/2017  
© Randwick City Council

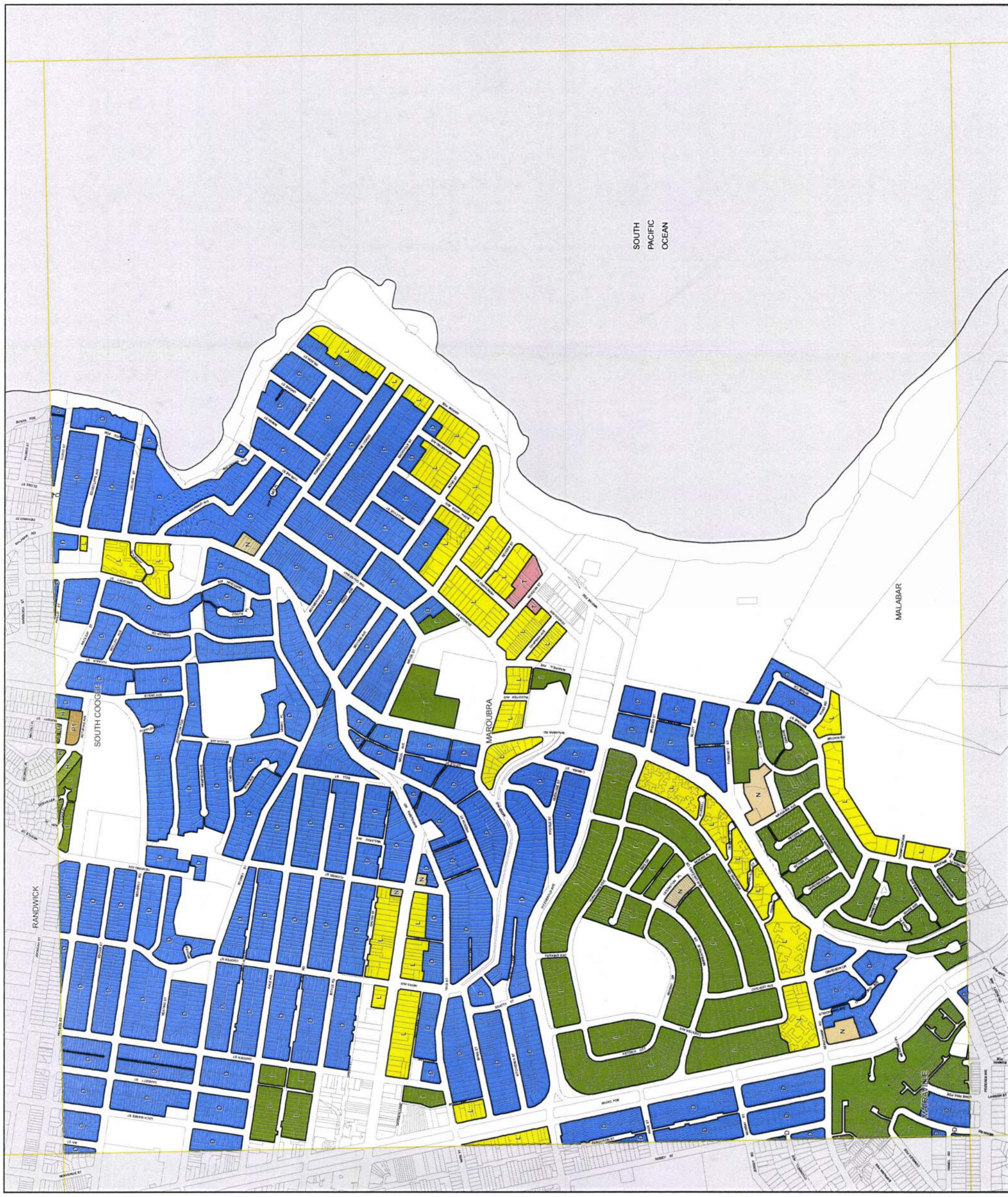


Projection: GDA 1994  
MGA Zone 56



Scale: 1:10,000 @ A3

Map Identification Number: 6550\_COM\_FSR\_008\_010\_20171016





Maps

Am 2014 (734), Sch 1 [3]; 2015 (163), cl 4; 2018 (19), cl 4; 2019 (8), cl 4; 2020 (400), cl 4; 2020 (485), cl 4. Entries discontinued from July 2021 when responsibility for map updates moved to Department of Planning, Industry and Environment.

# State Environmental Planning Policy (Coastal Management) 2018



New South Wales

## Status information

### Currency of version

Current version for 15 January 2020 to date (accessed 20 July 2021 at 15:38)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

### Editorial note

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

This version has been updated.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 15 January 2020.

# State Environmental Planning Policy (Coastal Management) 2018



New South Wales

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# State Environmental Planning Policy (Coastal Management) 2018



New South Wales

## Part 1 Preliminary

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Coastal Management) 2018*.

### 2 Commencement

This Policy commences on 3 April 2018 and is required to be published on the NSW legislation website.

### 3 Aim of Policy

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.

### 4 Interpretation

- (1) In this Policy—

***certified coastal management program*** means the following—

- (a) a coastal management program prepared, adopted and certified under Part 3 of the *Coastal Management Act 2016*,
- (b) a coastal zone management plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*,
- (c) a coastal zone management plan under the *Coastal Protection Act 1979*, certified and made in accordance with clause 6 (1) of Schedule 3 to the *Coastal Management Act 2016*, that is taken to be a coastal management program prepared and adopted under that Act.

***coastal environment area***—see clause 6 (4).



**Coastal Environment Area Map** means the *State Environmental Planning Policy (Coastal Management) 2018 Coastal Environment Area Map*.

**coastal lake** means a body of water identified in Schedule 1.

**coastal use area**—see clause 6 (5).

**Coastal Use Area Map** means the *State Environmental Planning Policy (Coastal Management) 2018 Coastal Use Area Map*.

**coastal vulnerability area**—see clause 6 (3).

**Coastal Vulnerability Area Map** means the *State Environmental Planning Policy (Coastal Management) 2018 Coastal Vulnerability Area Map*. [Not adopted.]

**Note.** At the commencement of this Policy, no *Coastal Vulnerability Area Map* was adopted and therefore no coastal vulnerability area has been identified.

**coastal wetlands and littoral rainforests area**—see clause 6 (2).

**Coastal Wetlands and Littoral Rainforests Area Map** means the *State Environmental Planning Policy (Coastal Management) 2018 Coastal Wetlands and Littoral Rainforests Area Map*.

**public authority** has the same meaning as in the Act.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

- (2) Words and expressions used in this Policy have the same meanings as they have in the *Coastal Management Act 2016*, unless otherwise defined in this Policy.
- (3) Subject to subclause (2), words and expressions used in this Policy have the same meanings as they have in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*, unless otherwise defined in this Policy.
- (4) Notes included in this Policy do not form part of this Policy.

## 5 Land to which Policy applies

This Policy applies to land within the coastal zone.

## 6 Identification of coastal management areas

**Note.** Section 5 of the *Coastal Management Act 2016* provides that the **coastal zone** means the area of land comprised of the following coastal management areas—

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

- (1) This clause identifies land for the purposes of the *Coastal Management Act 2016* and this Policy.

- (2) The *coastal wetlands and littoral rainforests area* is the land identified as such by the *Coastal Wetlands and Littoral Rainforests Area Map*.

**Note.** The *coastal wetlands and littoral rainforests area* is made up of land identified as "coastal wetlands" or as "littoral rainforests" on the *Coastal Wetlands and Littoral Rainforests Area Map*. The land so identified includes land identified as "proximity area for coastal wetlands" and "proximity area for littoral rainforest".

- (3) The *coastal vulnerability area* is the land identified as such by the *Coastal Vulnerability Area Map*.

**Note.** At the commencement of this Policy, no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified.

- (4) The *coastal environment area* is the land identified as such by the *Coastal Environment Area Map*.

- (5) The *coastal use area* is the land identified as such by the *Coastal Use Area Map*.

## 7 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.
- (2) This Policy does not apply to land within the Lease Area within the meaning of *State Environmental Planning Policy (Three Ports) 2013*.

## 8 Maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name—
- (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Policy are to be made available on the NSW Planning Portal.

## 9 (Repealed)

## Part 2 Development controls for coastal management areas

### Division 1 Coastal wetlands and littoral rainforests area

#### 10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* only with development consent—
  - (a) the clearing of native vegetation within the meaning of Part 5A of the *Local Land Services Act 2013*,
  - (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the *Fisheries Management Act 1994*,
  - (c) the carrying out of any of the following—
    - (i) earthworks (including the depositing of material on land),
    - (ii) constructing a levee,
    - (iii) draining the land,
    - (iv) environmental protection works,
  - (d) any other development.

**Note.** Clause 17 provides that, for the avoidance of doubt, nothing in this Part—

  - (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or
  - (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.
- (2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.
- (3) Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* may be carried out by or on behalf of a public authority without development consent if the development is identified in—
  - (a) the relevant certified coastal management program, or
  - (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*, or
  - (c) a plan of management under Division 3.6 of the *Crown Land Management Act 2016*.
- (4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

- (5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the *Biosecurity Act 2015*.
- (6) This clause does not apply to the carrying out of development on land reserved under the *National Parks and Wildlife Act 1974* if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.

#### **11 Development on land in proximity to coastal wetlands or littoral rainforest**

**Note.** The *Coastal Wetlands and Littoral Rainforests Area Map* identifies certain land that is inside the coastal wetlands and littoral rainforests area as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" or both.

- (1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map* unless the consent authority is satisfied that the proposed development will not significantly impact on—
  - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
  - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.
- (2) This clause does not apply to land that is identified as "coastal wetlands" or "littoral rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map*.

#### **Division 2 Coastal vulnerability area**

**Note.** At the commencement of this Policy, no *Coastal Vulnerability Area Map* was adopted and therefore no coastal vulnerability area has been identified.

#### **12 Development on land within the coastal vulnerability area**

Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the *Coastal Vulnerability Area Map* unless the consent authority is satisfied that—

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- (b) the proposed development—
  - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
  - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
  - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- (c) measures are in place to ensure that there are appropriate responses to, and management of,

anticipated coastal processes and current and future coastal hazards.

### Division 3 Coastal environment area

#### 13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - (b) coastal environmental values and natural coastal processes,
  - (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (f) Aboriginal cultural heritage, practices and places,
  - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

### Division 4 Coastal use area

#### 14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—
  - (a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
  - (iv) Aboriginal cultural heritage, practices and places,
  - (v) cultural and built environment heritage, and
- (b) is satisfied that—
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

## Division 5 General

### 15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

### 16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

### 17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part—

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.



## 18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

## Part 3 Miscellaneous

### 19 Coastal protection works

**Note.** Section 4 (1) of the *Coastal Management Act 2016* defines **coastal protection works** to mean—

- (a) beach nourishment activities or works, and
- (b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.

Section 27 of the *Coastal Management Act 2016* also contains provisions dealing with the granting of development consent to development for the purpose of coastal protection works.

- (1) **Coastal protection works by person other than public authority** Development for the purpose of coastal protection works may be carried out on land to which this Policy applies by a person other than a public authority only with development consent.

**Note.** See clause 8A of Schedule 7 to *State Environmental Planning Policy (State and Regional Development) 2011*, which declares certain development for the purpose of coastal protection works to be regionally significant development for which a Sydney district or regional planning panel is the consent authority.

- (2) **Coastal protection works by public authority** Development for the purpose of coastal protection works may be carried out on land to which this Policy applies by or on behalf of a public authority—

- (a) without development consent—if the coastal protection works are—
  - (i) identified in the relevant certified coastal management program, or
  - (ii) beach nourishment, or
  - (iii) the placing of sandbags for a period of not more than 90 days, or
  - (iv) routine maintenance works or repairs to any existing coastal protection works, or
- (b) with development consent—in any other case.

**Note.** See clause 8A of Schedule 7 to *State Environmental Planning Policy (State and Regional Development) 2011*, which declares certain development for the purpose of coastal protection works to be regionally significant development for which a Sydney district or regional planning panel is the consent

authority.

- (3) **Emergency coastal protection works by public authority** Development for the purpose of emergency coastal protection works carried out on land to which this Policy applies is exempt development if it is carried out by or on behalf of a public authority in accordance with a coastal zone emergency action subplan (or a coastal zone management plan under the *Coastal Protection Act 1979* containing an emergency action subplan that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*).
- (4) In this clause, **emergency coastal protection works** means works comprising the placement of sand, or the placing of sandbags for a period of not more than 90 days, on a beach, or a sand dune adjacent to a beach, to mitigate the effects of coastal hazards on land.

## 20 Flexible zone provisions

- (1) A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect to the extent that it applies to land to which this Policy applies.
- (2) To avoid doubt, subclause (1) does not apply to a provision of another State Environment Planning Policy that allows development within a zone to be consented to as if it were in a neighbouring zone or a similar provision.

## 21 Savings and transitional provisions

**Note.** See also section 27 (Granting of development consent relating to coastal protection works) of the *Coastal Management Act 2016*.

- (1) The former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.
- (2) Clause 10 of this Policy does not apply to the following activities (to the extent that they would otherwise comprise development to which that clause would apply)—
  - (a) the carrying out of an activity for which an approval was granted by a determining authority under Part 5 of the Act before the commencement of this Policy,
  - (b) the carrying out of an activity after the commencement of this Policy, but only if—
    - (i) any approval that is required for carrying out the activity is granted by the determining authority under Part 5 of the Act within 12 months after that commencement, and
    - (ii) any environmental impact assessment of that activity under Part 5 of the Act that is required had commenced before the commencement of this Policy.
- (3) The former planning provisions continue to apply (and this Policy does not apply) to an application for development consent if—
  - (a) the application is made within 12 months after the commencement of this Policy, and
  - (b) an environmental impact statement is to be submitted in connection with the application, and

- (c) the Secretary issued, before the commencement of this Policy, environmental assessment requirements for the preparation of the statement, and
- (d) those environmental assessment requirements require the preparation of the statement to have regard to—
  - (i) *State Environmental Planning Policy No 14—Coastal Wetlands*, or
  - (ii) *State Environmental Planning Policy No 26—Littoral Rainforests*.
- (4) In this clause—
  - activity** and **approval** have the same meanings as they have in Part 5 of the Act.
  - former planning provisions** means—
    - (a) the provisions of each of the following Policies as in force immediately before the Policy's repeal—
      - (i) *State Environmental Planning Policy No 14—Coastal Wetlands*,
      - (ii) *State Environmental Planning Policy No 26—Littoral Rainforests*,
      - (iii) *State Environmental Planning Policy No 71—Coastal Protection*, and
    - (b) the provisions of *State Environmental Planning Policy (Infrastructure) 2007* that would be in force if that Policy had not been amended by this Policy.

## Schedule 1 Coastal lakes

(Clause 4 (1), definition of "coastal lake")

### Sensitive coastal lakes

Bondi Lagoon (Lake)  
Bournda Lagoon and Sandy Beach Creek  
Durras Lake  
Lake Arragan  
Lake Brou (Brou Lake)  
Lake Brunderee  
Lake Hiawatha  
Lake Minnie Water  
Lake Tarourga  
Lake Wollumboola  
Meroo Lake  
Nadgee Lake

Nargal Lake

Nelson Lagoon

Saltwater Lake

Termeil Lake

Ti Tree (Taylors) Lake

#### **Other coastal lakes**

Avoca Lake

Back Lake/Lagoon

Baragoot Lake

Bellambi Lagoon

Bingie Lagoon (Kellys Lake)

Bullengella Lake

Bunga Lagoon

Burrill Lake

Candlagan Creek and Lagoon

Cobaki-Terranora Broadwater

Cockrone Lake

Coila Lake

Congo Creek and Lagoon

Corindi (Pipeclay) Lake

Corunna Lake

Cudgen Lake

Curalo Lagoon

Curl Curl Lagoon

Cuttagee Lake

Dalhousie Creek and Lagoon

Dee Why Lagoon

Deep Creek and Lagoon

Gogleys Lagoon

Goolawah Lagoon

Hearns Lake

Kianga Lake

Killalea Lagoon

Kioloa Lagoon

Lake Ainsworth

Lake Cakora

Lake Cathie

Lake Conjola (includes Berringer)

Lake Illawarra

Lake Innes

Lake Macquarie

Lake Mummuga (Dalmeny)

Limpid (Brush) Lagoon

Little Lake (Narooma)

Little Lake (near Wallaga)

Long Swamp

Manly Lagoon

Merimbula Lake

Meringo Creek and Lagoon

Middle (Tanja) Lagoon

Mullimburra Lagoon

Murrah Lagoon

Myall Lakes

Nangudga Lake

Narrabeen Lagoon

Narrawallee Inlet

Oyster Creek and Lagoon (includes

McGraths Creek)

Pambula Inlet/Lake

Queens Lake

Redhead Lagoon

Saltwater Lagoon

Smiths Lake

St Georges Basin

Swan Lake

Tabourie Lake

Terrigal Lagoon

The Broadwater (Clarence River)

Tilba Tilba Lake

Tuggerah Lake (includes Lakes Budgewoi

and Munmorah)

Tuross Lake

Wagonga Inlet

Wallaga Lake

Wallagoot Lake

Wallis Lake

Wamberal Lagoon

Wapengo Lagoon

Watsons Taylor Lake

Werri Lagoon

Willinga Lake

Wonboyn Lake

Woolgoolga Lake

Wooloweyah Lagoon

#### **Schedule 2 (Repealed)**

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

*State Environmental Planning Policy (Coastal Management) 2018* (106). LW 23.3.2018. Date of commencement, 3.4.2018, cl 2. This Policy has been amended as follows—

<b>2018</b>	No 25	<i>Statute Law (Miscellaneous Provisions) Act 2018</i> . Assented to 15.6.2018. Date of commencement of Sch 6, 14 days after assent, sec 2 (1).
	(570)	<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment 2018</i> . LW 2.10.2018. Date of commencement, 2.10.2018, cl 2. The SEPP appointed 1.10.2018 as the date of commencement. Pursuant to sec 3.24 (5B) of the <i>Environmental Planning and Assessment Act 1979</i> , the SEPP does not fail merely because it was not published on the NSW legislation website until after the day appointed in the SEPP, but sec 3.24 (5B) provides, in that event, for the SEPP to commence on the day on which the SEPP was published on the NSW legislation website.
	(745)	<i>State Environmental Planning Policy (Coastal Management) Amendment (Coastal Wetlands and Littoral Rainforests Area) 2018</i> . LW 17.12.2018. Date of commencement, on publication on LW, cl 2.
<b>2019</b>	(621)	<i>State Environmental Planning Policy Amendment-(Miscellaneous) 2019</i> . LW 13.12.2019. Date of commencement of Sch 2.23, 15.1.2020, cl 2(1).

## Table of amendments

Cl 9	Rep 2018 No 25, Sch 6.
Cl 10	Am 2019 (621), Sch 2.23.
Cl 20	Am 2018 (570), Sch 2.
Sch 2	Rep 2018 No 25, Sch 6.
Maps	Am 2018 (745), cl 4.



## **B** General Controls

- B1 Design
- B2 Heritage
- B3 Ecologically sustainable development
- B4 Landscaping and biodiversity
- B5 Preservation of trees and vegetation
- B6 Recycling and waste management
- B7 Transport, Traffic, parking and access
- B8 Water management
- B9 Management plan
- B10 Foreshore scenic protection area
- B11 Development in laneways nominated for widening



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# 1 Introduction

A key outcome for Randwick City in its 20 year Strategic Community Plan, the Randwick City Plan, is to achieve excellence in urban design and development. A strong appreciation of a development site and its context is vital to achieving good urban design. This is particularly important in Randwick City, with most development occurring in established neighbourhoods, most commonly as infill development or alterations and additions to existing developments.

This section of the DCP applies to all developments in Randwick City. It sets out the key components of good design, and requirements for development applications to address these via a context and site analysis. Additional requirements also apply to larger sites and developments as identified in RLEP, and SEPP 65: Design Quality of Residential Flat Buildings.

This section of the DCP should be read in conjunction with:

- Part A - Introduction and Part B - General Controls; and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the application.

## 1.1 Objectives

- To ensure that high quality urban design is a fundamental consideration for all development.
- To identify key components of urban design to be considered and addressed in development proposals.

# 2 Principles of good design

## Explanation

Good design is a creative process which, when applied to development, results in great urban places, buildings and spaces. Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.

Ten design quality principles below are derived from SEPP 65: Design Quality of Residential Flat Buildings. They provide a guide to achieving good design, and the means of evaluating the merit of proposed solutions. All DA's required by RLEP to demonstrate design excellence (in addition to DAs covered by SEPP 65) must address these principles, as outlined in Clause 4: Additional requirements for certain development.

## 2.1 Ten Design Quality Principles

### 1. Context

Context defines the natural and built features of an area. Good design responds to context by reinforcing positive or desirable character elements in the locality.

### 2. Scale

Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding elements.

### 3. Built form

Built form refers to a building's alignments, proportions, type and combinations of elements (eg: roofs, podiums, courtyards, garages, etc) Good design provides an appropriate built form for a site and the building's purpose.

### 4. Density

Density refers to a building's floor space (or dwelling numbers) relative to the site. Appropriate densities respond to the context, environmental qualities and the availability of infrastructure, including social/community infrastructure and public transport.

### 5. Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle. Ecologically sustainable development principles are integral to the design process.

### 6. Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system. Good design enhances the development's natural environmental performance, and results in greater aesthetic quality and amenity for both occupants and surrounds.

### 7. Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. It includes considering aspects of accessibility, sunlight, ventilation, visual and acoustic privacy, the size and configuration of rooms and spaces.

### 8. Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. It includes providing quality and clearly defined public and private spaces, with safe access points.

### 9. Social Dimensions and housing affordability

Good design responds to the social context and needs of the local community. For example, it includes housing developments that optimise provision of housing to suit the current and/or future social mix and needs in the neighbourhood.

### 10. Aesthetics

Aesthetics refers to the composition of building elements, textures, materials and colours. It includes their placement, articulation, detailing and proportion. It should reflect the use and structure of the development, and respond to the environment and context.



## 2.2 Urban form

The form of development is the physical expression of urban design. It responds to a site's context and consists of the relationships, shape and size of buildings, structures and spaces. High quality design addresses all aspects of urban form, and is fundamental to the success of a place.

All DAs requiring a context analysis (see 3: DA Requirements) must address the contextual aspects influencing urban form identified below.

### Contextual aspects influencing urban form

#### Location

Neighbourhood/locality context, including;

- a site's location in relation to a neighbourhood or local centre, and the availability of infrastructure, transport and services
- street layout and hierarchy
- the range and combinations of building uses in the locality
- prevailing development densities

#### Spatial characteristics

- open spaces and quality of the public domain
- the rhythm of built form and intervening spaces
- topography of the surrounding landform
- views and vistas to, from or through a site

#### Streetscape

The three-dimensional pattern and characteristics of the street, including:

- subdivision pattern, lot sizes and configuration
- cross sectional street dimensions and characteristics
- heights, alignments and massing of buildings
- public domain elements including street trees and footpaths

#### Built form and character

- elements of heritage value
- prevailing character elements, such as roof forms, building articulation and modulation
- the range and combinations of materials and details

#### Natural and Environmental characteristics

- distribution and characteristics of landscaping and open space
- significant natural features such as watercourses, rock formations, habitat corridors and significant trees
- microclimate, including prevailing thermal, wind and solar radiation effects

### 3 DA Requirements

#### 3.1 Context analysis

##### Explanation

Good design responds and contributes to its context. Responding to context involves identifying the desirable elements of a location's current character, or the key aspects of its character that are important to its future.

The aim of a context analysis is therefore to identify existing prevailing built and natural features in the locality that positively contribute to the area, and should inform the design of new development, as well as the inconsistencies that could detract from it.

This section applies to all DAs involving new buildings, or those with external alterations or additions where these are visible from the public domain (excluding minor works, ancillary structures and outbuildings).

##### Objectives

- To ensure that development demonstrates an understanding of and an appropriate response to the existing form of a locality, and specific conditions of both the site and surrounds.
- To identify the key contextual features and characteristics of the surrounding urban form to which the design should respond.

##### Controls

- i) Submit a context analysis with the DA. This shall include an analysis of the urban form of the locality, addressing as a minimum the sub-headings in 2.2: Urban Form:
  - Location
  - Spatial characteristics
  - Streetscape
  - Built form and character
  - Natural and Environmental characteristics

Provide a written statement describing how the design proposal has considered and responded to the context.

- ii) The context analysis shall be submitted in the format as described in the DA Guide.

#### 3.2 Site analysis

##### Explanation

A site analysis identifies the existing conditions of a development site, and provides a basis to ensure that the development is of a high quality and is sensitive to its environment.

The context of an area may be referred to as being "in transition".

Transitional areas can be areas of mixed character, without clearly prevailing characteristics or features. Transitional areas can also be localities in the process of undergoing change. In both these situations, the context analysis can be more complex, but also more critical to establish the desirable contextual characteristics that should inform the design of a development.

The extent of the area to be included in the Context Analysis, and the level of detail required will vary according to the size and type of development, and the location and characteristics of the site.

For smaller proposals the Context Analysis and Site Analysis may be combined.

The site analysis will identify the opportunities and constraints of the site to be addressed through site planning and design, such as minimising issues relating to noise, overshadowing, community safety, access, views, privacy, energy consumption and waste generation.

This section applies to all DAs for new buildings, or external alterations and additions to existing buildings.

### Objective

- To ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

### Controls

- i) Submit a site analysis with all DAs for a new building or external alterations or additions to an existing building. Information shall include, but is not limited to:
  - Property details including site boundaries, dimensions and area
  - Encumbrances such as easements or rights of way
  - Orientation, aspect, views and microclimate
  - Existing noise sources, light spillage and overshadowing
  - Landform including contours or spot levels, areas of landfill
  - Landscape including existing trees, vegetation and natural features
  - Services and infrastructure including stormwater drainage
  - Access and street features including roads, poles, footpaths, driveways
  - Existing development including buildings, fences, driveways
  - Existing heritage or archaeological features on or adjoining the site
  - Existing land and development adjoining the site
  - Proposed development
- ii) Submit a written statement, supported by photographs, demonstrating how the design responds to the constraints and opportunities identified in the site analysis.
- iii) The site analysis shall include a plan drawn to scale, addressing the specific details and format requirements identified in the DA Guide.



## 4 Additional requirements for certain development

### 4.1 Design Excellence

#### Explanation

SEPP 65: Design Quality of Residential Flat Buildings has established a process under which DAs for certain residential flat buildings are required to demonstrate design excellence. RLEP also requires development proposals on certain sites and certain additional development types to demonstrate design excellence. Typically these occur on larger sites and institutions, in commercial centres and on surplus lands, and cover a range of potential uses and building types.

These design excellence guidelines aim to establish a consistent standard and criteria for high quality design for significant development across Randwick City.

Under Randwick LEP (Clause 6.11) design excellence must be demonstrated for new buildings and existing buildings (where external alterations are proposed):

- With a height of 15m or greater anywhere in Randwick City, and
- To development on land with an area of 10,000 square metres or greater, and
- To key sites identified under RLEP clause 6.12 requiring the preparation of a site specific DCP.

#### Objective

- Establish a consistent standards and criteria for high quality design for significant developments in Randwick City.

#### Controls

- i) The context analysis must include an analysis of the design proposal's response to 2.1: Ten Design Quality Principles, in addition to the requirements of 3.1: Context Analysis.

#### Note:

The proposed development will be referred to a Design Review Panel as part of the assessment process.

## 5 Guidelines for Site Specific Development Control Plans

### Explanation

Under RLEP, a site specific DCP must be prepared for land identified as a Key Site, or having a site area of 10,000 square metres or greater, before development on that land can be considered and determined by Council.

The preparation of a site specific DCP should be made in consultation with Council to identify and resolve key issues early in the process.

A DCP is not required to be prepared if Council is satisfied that such a plan would be unnecessary or unreasonable in the circumstances, such as where there is already a masterplan or DCP in place, or the proposal is for minor or ancillary development.

### Guidelines

- i) Consult with Council, in the early stages of preparation, and prior to submitting the draft site specific DCP, to identify key matters needing to be addressed in the DCP.
- ii) Include a minimum of one preliminary meeting to discuss the intentions of the proposal prior to submission of the draft site specific DCP.
- iii) In addressing the requirements of RLEP clause 6.12, submit:
  - i. Background documents, research and data supporting the draft DCP which explain and justify the proposed development, including a concept/ masterplan.
  - ii. A detailed response to how the requirements of clause 6.12(5) of the LEP have been addressed.
- iv) The draft site specific DCP should include suitably dimensioned plans, elevations, figures, photographs and text to adequately explain the desired outcome for the site.

#### Note:

**Under the Regulation (clause 21A) Council will refer any DCP containing residential flat development to the Design Review Panel as part of the assessment process.**



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# 1 Introduction

Randwick City's heritage is rich and diverse and includes buildings, structures, Aboriginal and archaeological sites, parks and reserves. They are valued because they are associated with phases of history, or important people or events. Collectively, this heritage contributes to the community's cultural life, sense of place and identity.

This section of the DCP applies to all relevant development in Randwick City and should be read in conjunction with:

- Part A – Introduction
- Part B - General Controls
- Part C – Residential Controls of this DCP; and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the application.

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.

## 1.1 Objectives

- To clarify the consent requirements for the conservation of Aboriginal objects, Aboriginal places of heritage significance and archaeological sites.
- To provide detailed guidelines for change to heritage items and properties within heritage conservation areas, which will allow their heritage significance to be retained.

## 1.2 Heritage places in Randwick City

This DCP section applies to the following types of heritage sites and places within Randwick City:

- Aboriginal objects and places of heritage significance
- Archaeological sites
- Landscape elements
- Heritage items
- Heritage conservation areas

The requirements, objectives and controls in this section apply **in addition** to the heritage conservation requirements of RLEP Clause 5.10 and development requirements of other relevant parts of this DCP.

Heritage items, heritage conservation areas, some archaeological sites and significant landscape elements are listed in Schedule 5 of the RLEP.

## 1.3 Heritage Advice

Prior to lodging a DA or undertaking maintenance works to a heritage item or a property located within a heritage conservation area, or if works are likely to affect an Aboriginal object, Aboriginal place of heritage significance or archaeological site, applicants are advised to discuss their proposal with Council's specialist Heritage Officer.



Where major work is contemplated, applicants are strongly advised to obtain professional assistance from a recognised expert in heritage conservation. A list of suitably qualified heritage consultants is available on the NSW Office of Environment and Heritage website ([www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)).

#### 1.4 Burra Charter

Development affecting a heritage item or property within a heritage conservation area is assessed having regard to the principles and practices contained in the Australia ICOMOS *Charter for the Conservation of Places of Cultural Significance* (the *Burra Charter*). The Charter is widely adopted as the standard guidelines for heritage conservation in Australia and sets out a standard of practice for those who provide advice, make decisions about or undertake works to places of cultural significance, including owners, managers and custodians.

#### 1.5 Aboriginal Cultural Heritage

Aboriginal objects and places of heritage significance provide evidence relating to Aboriginal habitation of an area and are of special cultural significance to Aboriginal people because of their spiritual, ceremonial, historic, social or educational values. Aboriginal objects and places of heritage significance are protected under the *NSW National Parks and Wildlife Act 1974*.

The RLEP Schedule 5 identifies the former Prince Henry Hospital site as an area containing Aboriginal cultural heritage. Other Aboriginal objects and places of significance located in Randwick City are not listed in the RLEP due to the sensitive nature of these sites, consistent with common practice in NSW for protecting Aboriginal cultural heritage.

Development consent is required to disturb or excavate land containing Aboriginal objects or an Aboriginal place of heritage significance.

Under RLEP Clause 5.10(8) Aboriginal Places of Heritage Significance Council may require a Heritage Impact Statement to assist in its consideration of the effect of the proposed development on the heritage significance of the Aboriginal object or place of heritage significance, or to identify the potential for the discovery of Aboriginal cultural heritage on a particular site. As part of the heritage impact assessment results of consultation with local Aboriginal groups must be provided.

It is an offence to harm or desecrate an Aboriginal object or place of heritage significance. Works likely to impact on Aboriginal object or place of heritage significance are only permitted where an Aboriginal heritage impact permit has been issued by the NSW Department of Environment and Conservation.

#### 1.6 Archaeological Sites

Archaeological sites provide physical evidence of the past and can include objects and artefacts from the lives of previous generations, such as tools and household items, as well as remains of early buildings and structures.

#### Note:

**Further information on permits relating to Aboriginal objects and places of significance is available at**

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

#### Note:

**Further details on obtaining approvals relating to archaeological sites is available**

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
u



A number of archaeological sites are listed in Schedule 5 of the RLEP. Archaeological sites or relics that have local or state significance are protected under the *NSW Heritage Act 1977*.

Development consent is required for disturbing or excavating an archaeological site while knowing or suspecting that the work may result in a relic being discovered, exposed, moved, damaged or destroyed. Council may request an archaeological assessment to confirm the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development.

When intending to disturb or excavate land where such archaeological relics have been identified or are considered likely to occur, it is the responsibility of the property owner to seek relevant approvals, including an excavation permit or an exception under section 139 and section 140 of the *Heritage Act 1977*.

RLEP Clause 5.10(7) Archaeological Sites outlines consultation requirements with respect to carrying out development on an archaeological site.

### 1.7 State Heritage Items

Heritage items of State Significance in Schedule 5 of the RLEP are also listed on the NSW State Heritage Register. The NSW Heritage Council is the consent authority for any development proposal affecting State Heritage Items, or for any site covered by an Interim Heritage Order under the *NSW Heritage Act 1977*.

Consent from the NSW Heritage Council requires either the submission of an Integrated DA, or a prior Section 60 application under the *NSW Heritage Act 1977*. Applicants are advised to consult with either Council or the Heritage Branch of the NSW Office of Environment and Heritage, in relation to works affecting State Heritage Items.

#### Note:

The NSW Heritage Register is available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

### 1.8 Consent Requirements

#### 1.8.1 Development not requiring consent

##### Maintenance and Repair Works

Maintenance and repair works are encouraged for heritage items and properties in heritage conservation areas and generally do not require development consent from Council if they are of a minor nature and would not adversely affect the heritage significance of the item or heritage conservation area.

Maintenance and repairs can include non-structural *external* works such as:

- Replacing broken windows, fly screens etc
- Minor repairs to roofing, brickwork, timberwork and metal work
- Repainting surfaces which are already painted (Council may be able to assist with suggesting sympathetic colour schemes) including timberwork and metalwork.

Maintenance and repairs can also include non-structural *internal* works such as:

- Patching, painting and decoration to the interior to the house and installation of joinery items
- Repairing timber floors
- Plumbing and gas fitting work
- Electrical work and communications cabling
- Installation of insulation

RLEP Clause 5.10(3) contains some exemptions where development consent is not required if in the opinion of Council the proposed development is of a minor nature or consists of maintenance and would not adversely affect heritage significance.

Applicants must notify Council prior to undertaking any maintenance or repair work to determine whether development consent is required. A written response must be received from Council prior to the commencement of works.

### Exempt Development

Under *State Environmental Planning Policy Exempt and Complying Development Codes 2008* (The Codes SEPP) some categories of minor internal works are permitted as Exempt Development for buildings within heritage conservation areas, but not for heritage items. The classification of Exempt Development refers to works that have minimal environmental impact and therefore does not require Council's consent. The Codes SEPP does not permit external building alterations to heritage items or properties located within heritage conservation areas.

**Note:**

To view the Codes SEPP refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### 1.8.2 Development requiring consent

A DA is required for the carrying out of development which relates to a heritage item, development in a heritage conservation area, Aboriginal place of heritage significance or archaeological site (unless it falls into the minor development categories outlined in section 5.1). RLEP Clause 5.10 (2) identifies those instances where development consent is required.

Buildings within a heritage conservation area fall into one of two categories:

**Note:**

#### Contributory Buildings

Contributory buildings provide good evidence of the main development period(s) and make a positive contribution to the character and/or heritage significance of heritage conservation areas. They have a collective significance and their retention is essential if the character of the area is to be maintained.

#### Non Contributory Buildings

Non-Contributory buildings display qualities which do not add to the character of the heritage conservation area. They are not to be considered as a precedent for new work when assessing the merit of an application. Non contributory buildings may be demolished and replaced by new development sympathetic to the character of the heritage conservation area (see section 7 Infill Buildings).

**Applicants will need to assess whether their building is contributory or non-contributory based on the statements of significance contained in this section of the DCP and relevant heritage studies. A suitably qualified heritage specialist may be required. Council's Heritage Officer can also assist applicants in clarifying whether a building is contributory or non-contributory.**

### 1.9 Demolition

Demolition of a heritage item or contributory building in a heritage conservation area is generally **not** supported, unless there are



overriding reasons such as structural damage. The demolition of a non-contributory building and replacement by an appropriately designed infill building is generally supported.

In assessing a DA for the demolition of a heritage item or a contributory building, Council will consider:

- The heritage significance of the item or building
- The structural condition
- Comparative analysis of all options; and
- The contribution the item or building makes to the streetscape.

Council may require the submission of a **report by a structural engineer with heritage experience** to determine whether the building is, or is not, structurally capable of reasonable and economic use.

Where demolition of a heritage item or a contributory building within a heritage conservation area is approved it will generally be conditional upon the submission of a photographic archival recording using either film or digital capture to provide a stable and long term record. A photographic plan sheet of the building should be used to show the location and direction of all photographs and the sequence in which they were taken. The Heritage Branch guidelines include requirements for cameras, film and digital image storage.

Applications for demolition of a heritage item or buildings in a heritage conservation area are required to provide details on the replacement development.

#### 1.10 Infill buildings

A new building within a heritage conservation area, referred to as an infill building, must respect and be sensitive to its neighbours, and should be in keeping with the street's established setbacks, scale, form and materials. In accordance with the Burra Charter principles, an infill building should however be clearly seen as a new building and not attempt to replicate original buildings or copy traditional detailing.

#### 1.11 Adaptive Reuse

Council supports the continuation of the original use of a building as it achieves the retention of the original floorplan and decorative features and enhances its heritage significance. However due to changes in technology and market/social trends, adaptive reuse of a heritage item may be acceptable on heritage grounds, provided the use is compatible and the heritage significance of the item is not adversely affected. The Burra Charter includes a definition for compatible use as follows:

"Compatible use means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact."

#### Note:

An archival report must be prepared in accordance with the guidelines "Photographic Recording of Heritage Items using Film or Digital Capture" available on the NSW Heritage Branch website ([www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)).

#### Note:

Refer to the publication "New Uses for Heritage Places: Guidelines for the Adaptation of Historic Buildings and Sites" prepared by the Heritage Branch, Office of Heritage and Environment, for further guidance on the adaptation of heritage buildings.

### 1.12 Development in the vicinity of heritage items and heritage conservation areas

All new development adjacent to or in the vicinity of a heritage item or heritage conservation area needs to be considered for its likely effect on heritage significance and setting.

Applicants should address in their Statement of Environmental Effects any potential impacts of the development on a heritage item or heritage conservation area and measures to minimise this impact, with reference to Part 12 of this section of the DCP and the relevant statement of heritage significance.

### 1.13 Heritage Management Documents

#### Heritage Conservation Management Plan

A Heritage Conservation Management Plan may be required where Council considers the significance of a heritage item or the changes proposed warrant more detailed and rigorous assessment.

A Heritage Conservation Management Plan identifies conservation policies and management mechanisms to enable heritage significance to be retained and is particularly useful where building fabric has deteriorated, and to facilitate master planning and asset management for a large site. A Heritage Conservation Management Plan should be prepared by a specialist heritage consultant.

RLEP Clause 5.10(6) Heritage Conservation Management Plan outlines Heritage Conservation Management Plan considerations.

#### Heritage Impact Statement

A Heritage Impact Statement (or heritage impact assessment) considers the extent to which a proposal would affect the heritage significance of a heritage item or heritage conservation area. A Heritage Impact Statement establishes the heritage significance of a place, makes an assessment of the impact of the development on this significance, and proposes measures to minimise impact.

A heritage impact assessment is generally required for development relating to a heritage item or property within a heritage conservation area including alterations and additions, demolition or construction of a replacement building. A heritage impact assessment may also be required for development adjacent to or in the vicinity of a heritage item or heritage conservation area.

For major changes or demolition, the required Heritage Impact Statement should be prepared by a specialist heritage consultant able to advise on options to minimise heritage impact.

### 1.14 Conservation Incentives

Council recognises the need to be flexible with heritage items in terms of providing for their long term conservation. RLEP Clause 5.10(10) Conservation Incentives enables Council to approve development relating to a heritage item or the site of a heritage item or Aboriginal Place of heritage significance, which would otherwise be prohibited in the zone.

#### Note:

For more information, refer to *"Assessing Heritage Significance"* and *"Statements of Heritage Impact"* within the *NSW Heritage Manual (1996)* prepared by the NSW Heritage Office and the Department of Urban Affairs and Planning (DUAP).

#### Note:

Council's Heritage Planner can clarify whether a DA requires the submission of a Heritage Impact Statement and/or Heritage Conservation Management Plan.

Further details on preparing a Heritage Conservation Management Plan is available at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)



If an applicant seeks approval for development under the conservation incentives clause, Council must also be satisfied that the development is in accordance with an approved Heritage Management Document and ensure that the necessary conservation work will be carried out in conjunction with the development.

## 2 Development Controls

### 2.1 Heritage Items and Heritage Conservation Areas

#### Explanation

Heritage buildings and heritage conservation areas are not museum exhibits, they are our homes, workplaces and public places, and need to adapt to modern lifestyle requirements. Such adaptation can be successfully accommodated without detracting from the building's heritage significance.

This section contains objectives and controls to protect and enhance Randwick City's heritage items and heritage conservation areas. It aims to ensure that development to heritage items or properties within heritage conservation areas is sympathetic to the heritage values while achieving a reasonable balance between contemporary design expectations, environmental sustainability and protecting heritage significance.

All new development in a heritage conservation area should be treated as infill development and respect the design of its neighbours and the key values of the heritage conservation area.

Alterations and additions to heritage items and contributory buildings within a heritage conservation area are to be designed and sited to ensure the retention of any contributory features or characteristics of the building and the streetscape of the heritage conservation area in which they are located.

#### Streetscape Analysis

Any proposal to alter or add to a heritage item or building in a heritage conservation area should start by assessing the heritage significance of the item and its various parts or the area, and also its relationship to neighbouring properties and the streetscape.

A new building, or additions which will be visible from the street, should fit into its streetscape context. The site analysis which is required for any DA must include a detailed streetscape analysis to identify consistent streetscape features.

The following section will assist in identifying streetscape features which contribute to the special qualities of the heritage conservation area and which should be maintained in new development.

### 2.2 Design and Character

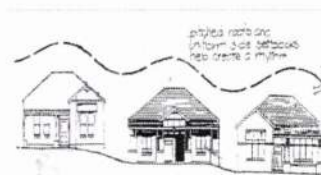
#### Explanation

The design of development should ensure a sympathetic blend of old and new. This may be achieved by maintaining consistency

#### Note:

This section does not apply to land located within the commercial centres and Prince Henry masterplan site.

***"Design in Context: Guidelines for Infill Development in the Historic Environment"* jointly produced by the Heritage Council of NSW and the Royal Australian Institute of Architects (NSW Chapter) provides illustrated guidelines.**



The characteristic massing and spacings between buildings can create a rhythm in the streetscape



Note and maintain existing horizontal lines, whether straight or stepped with the land.



with the street's established scale and form, siting and setbacks, and materials and finishes, without being overly imitative. Careful attention should be paid to adjacent development and the existing streetscape.

### Objectives

- To promote high quality design that complements the streetscape character and heritage significance of the heritage item or heritage conservation area.
- To ensure that new development does not adversely impact on the setting, streetscape or views associated with any heritage item or heritage conservation area.
- To ensure that additions or changes to the external appearance of heritage items and contributory buildings within heritage conservation areas respect the original, built form, architectural style and character.

### Controls

#### All Development

- i) Development must demonstrate how it respects the heritage values of the heritage item or the heritage conservation area (as detailed in the statements of significance and key characteristics outlined in this section of the DCP).
- ii) Common elements and features of the streetscape are to be identified in a streetscape analysis and incorporated into the design (e.g. view corridors, built form, fencing styles, extent of soft landscaping, significant trees and driveway locations).
- iii) New development should be consistent with important horizontal lines of buildings in the streetscape, in particular ground floor levels and eaves lines, where appropriate.
- iv) Large blank areas of brick or rendered walls should be avoided. Where this is not possible in the design, contrasting building materials and treatments must be used to break up the expanse of wall.

#### Heritage Items and Contributory Buildings

- v) Street elevations and visible side elevations must not be significantly changed. Additions must be located to the rear or to one side of the building to minimise impact on the streetscape.
- vi) The design of any proposed additions or alterations must complement the existing building in its scale, form and detailing. However, it should be possible to distinguish the new work from the old, on close inspection, so that old and new are not confused or the boundaries/junctions blurred.
- vii) All new work and additions must respect the proportions of major elements of significant existing

fabric including doors, windows, openings and verandas.

### Non-Contributory Buildings

- viii) Contemporary design is acceptable where it is sympathetic to the heritage conservation area and/or heritage items in the vicinity.

## 2.3 Scale and Form

### Explanation

Bulk and scale refers to the height and size of a building. Form and massing are terms which refer to the arrangement of the component parts of a building.

### Objectives

- To ensure that alterations and additions to heritage items and contributory buildings are consistent with the scale and form of these items or buildings, and do not dominate or compete with the existing significant heritage fabric.
- To ensure that the scale and form of development is consistent with the predominant scale and form of the heritage conservation area, and of adjacent heritage items or contributory buildings.

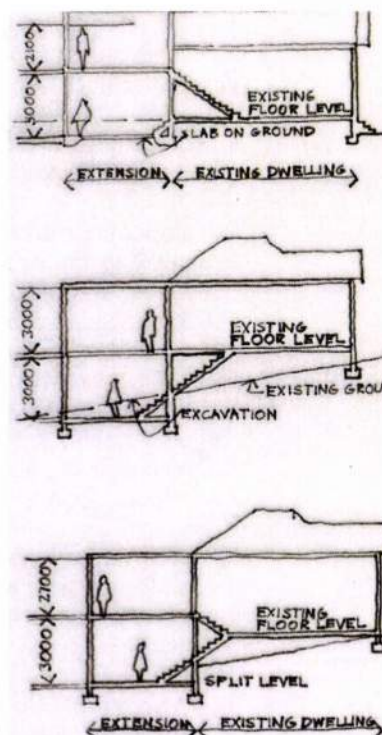
### Controls

#### All Development

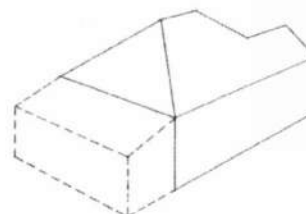
- i) In streetscapes where development is of a consistent single storey height, upper floor additions are appropriate only if not readily visible from the street. However, ground floor rear addition remains the preferred option.
- ii) Attic style additions may be permissible, but there should be no visible alteration to the front of previously unaltered buildings. Front dormer windows are especially discouraged where a building itself is a heritage item, or part of a relatively unaltered semi-detached pair or row.
- iii) Dormer windows and skylights must not be located to street elevations or where they will be prominent from a public place or dominate the original roof form. The design of dormer windows should generally be appropriate to the style of the building.

#### Heritage Items and Contributory Buildings

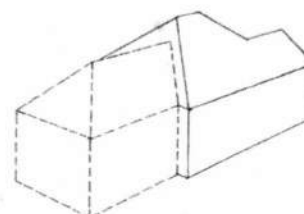
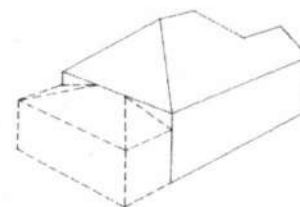
- iv) Additions must not visually dominate, compete with or conceal the original form and massing of the existing buildings.
- v) Additions to heritage items must not contain any major or prominent design elements which compete with the architectural features or detailing of the existing building.



Second level additions where the land falls to the rear

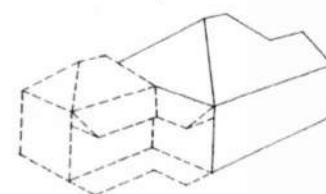


Ground floor rear additions

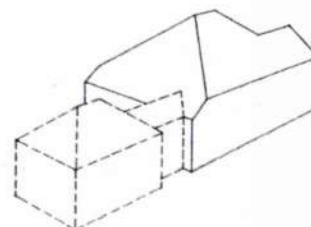




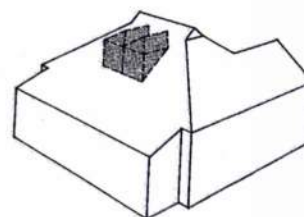
- vi) Where single storey rear additions are proposed to dwelling houses, the addition must not compromise the integrity of the main roof and is to be lower in scale and secondary to it.
- vii) Upper floor additions to the main roof of any single storey dwelling house may be acceptable if contained wholly within the existing roof space without change to the roof pitch or eaves height.
- viii) Upper floor additions to the rear of any single storey dwelling house should preferably use pavilion-type forms, with a lower scale linking structure between the original building and any double storey addition.
- ix) If a pavilion-type form is not suitable or desirable in the location, an upper floor addition may be acceptable, set well to the rear of the building to minimise impact on the main roof and to minimise streetscape visibility.
- x) Where rear lanes exist, it may be possible to provide additional floor space in an outbuilding at the rear of the site, rather than as an upper level addition to the dwelling itself.
- xi) Where rear additions are proposed to semi-detached dwellings, the additions must not compromise the symmetry and integrity of the front elevation or dominate the other house in the pair.
- xii) Where rear additions are proposed to attached dwellings (e.g. terrace houses), the additions must not compromise the integrity of the front elevation or the forms of relatively intact rear wings.



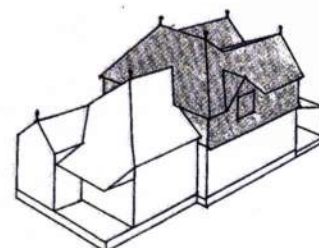
Ground level additions- Wing form



Ground level additions- Pavilion form



Upper level additions contained within the existing roof space- dormer windows to rear



Upper level additions set well to rear

#### Non-Contributory Buildings

- xiii) The scale of new buildings must be compatible with the streetscape, (i.e. - single storey, or single storey to the front with two storey to the rear). The form should also be compatible, including roof form and articulation.

## 2.4 Siting and Setbacks

### Explanation

Front and side boundary setbacks are a major contributor to the character and significance of a heritage item or heritage conservation area. Existing patterns should be maintained in new development to continue the established rhythm of buildings and spaces.

### Objectives

- To conserve and maintain established setbacks to streets.
- To ensure adequate curtilage and landscape setting for the building.
- To ensure the integrity of the heritage item and its setting, or the heritage conservation area is retained by the careful

Figures above sourced from  
"Getting the Details Right –  
Restoring Australian Houses 1890s-  
1920s. Ian Evans & NSW  
Department of Planning. 1989.  
Flannel Flower Press Pty Ltd

siting of new buildings and alterations and additions to existing buildings.

### Controls

#### All Development

- i) Development must conform to the predominant front setbacks in the streetscape.
- ii) Development must respect side setbacks and rear alignments or setbacks of surrounding development.
- iii) Front and rear setbacks should be adequate to ensure the retention of the existing landscape character of the heritage item or conservation area and important landscape features.
- iv) Any significant historical pattern of subdivision and lot sizes must be retained. Subdivision or site amalgamation involving heritage items or contributory buildings must not compromise the setting or curtilage of buildings on or adjoining the site.

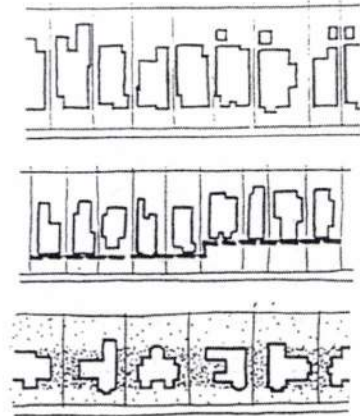


Figure 3.7 Maintain the established pattern of setbacks and building siting

#### Heritage Items and Contributory Buildings

No additional requirements.

#### Non-Contributory Buildings

No additional requirements.

## 2.5 Detailing

### Explanation

The significant features and elements of a heritage item or heritage conservation area are often reflected in details such as windows, doors and decorative woodwork, metalwork, brickwork, stonework and cement render.

### Objectives

- To ensure that original detailing is retained and kept in good repair.
- To encourage the reinstatement of original elements and detail.
- To ensure that alterations and additions and new development have a level of detail which is appropriate to the architectural character and style of the heritage item or heritage conservation area setting.
- To ensure that the pattern of door and window openings is clearly related to the placement, proportions and scale of existing fenestration of the heritage fabric.

### Controls

#### All Development

- i) Only detailing which is known to have been original to your building is acceptable. Do not add what was never there.

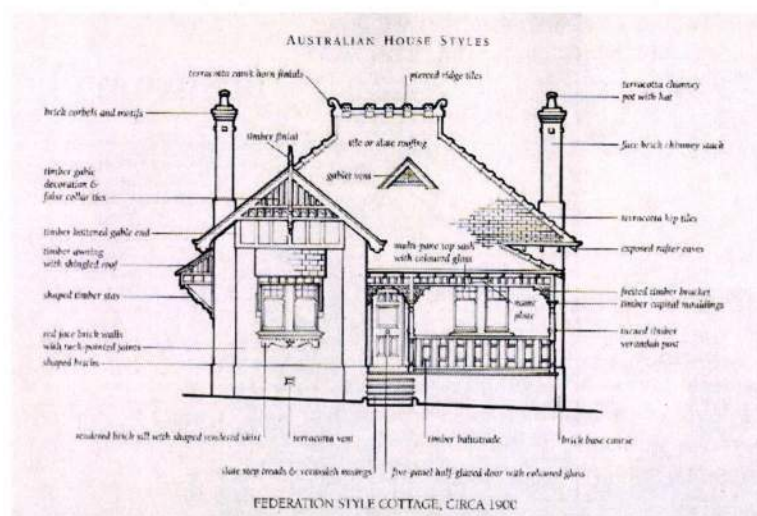


### Heritage Items and Contributory Buildings

- ii) Retain and repair original doors, windows, original sunhoods, awnings, gable detailing and other decorative elements to principal elevations. Original leadlight and coloured glass panes should be retained.
- iii) Where original windows, doors and façade detailing have been removed and replaced with modern materials, consideration should be given to reconstructing original features.
- iv) Authentic reconstruction is encouraged. Decorative elements must not be introduced unless documentary or physical evidence indicates the decorative elements previously existed. Undertake thorough research before attempting to reconstruct lost detail and elements.
- v) Alterations and additions should incorporate new doors and windows which are compatible with the position, size, and proportions and detailing of original windows and doors.
- vi) Alterations and additions should adopt a level of detailing which complements the heritage fabric and should (in general) be less elaborate than the original.

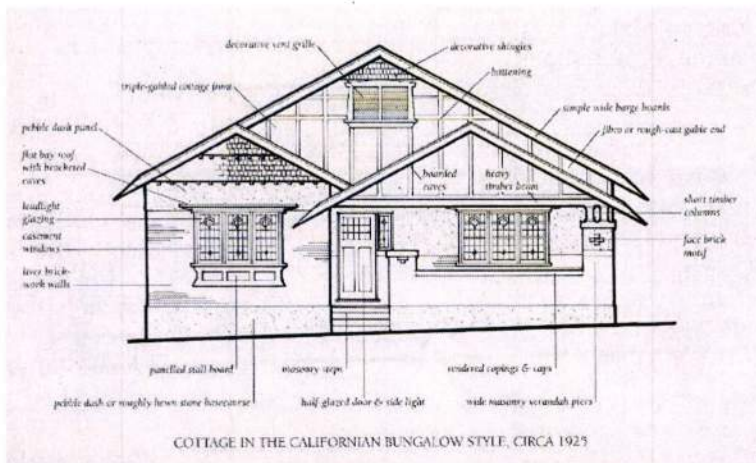
### Non-Contributory Buildings

- vii) Decorative elements should adopt a level of detailing which is less elaborate than original buildings and does not mimic inappropriate heritage detailing.



**Typical Federation style façade detailing**





### Typical Californian Bungalow style façade detailing

(Figures sourced from "Australian House Styles". Maisy Stapleton and Ian Stapleton. 1997. Flannel Flower Press Pty Ltd)

## 2.6 Materials, Finishes and Colour Schemes

### Explanation

Often it is not possible, or desirable, to replicate original materials due to cost constraints or lack of availability. The principle should be to use materials and colour schemes which visually relate to or approximate the building elements of the earlier work in size, style and type of finish. The painting of heritage items in appropriate colours can draw attention to the buildings and reinforce the historic character.

Original face brickwork should not be rendered, bagged or painted, as this will detract from the building's heritage significance.

### Objectives

- To ensure that the selection of materials and colours is based on the original finishes and matches those used in the heritage item or heritage conservation area.
- To ensure that the visual quality of the heritage conservation area is maintained and upgraded by encouraging the use of appropriate colour schemes in all development.

### Controls

#### All Development

- i) Materials for pathways and driveways must be consistent with the character of the heritage item or heritage conservation area.

#### Heritage Items and Contributory Buildings

- ii) Changes to materials (including roofs and walls) on elevations visible from a public place are not favoured. Original face brickwork must not be rendered, bagged or painted. The removal of external brickwork skin is not supported.
- iii) Matching materials must be used in repairing the fabric of external surfaces. In the case of new face

### Note:

Researching the original colour scheme may involve stripping existing layers of paint as well as documentary research.

Guidelines on materials and colour schemes common for different period of development are available on Council's website

[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

It may be possible to get second hand bricks to match the original or, new bricks which will closely match.

brickwork, the colour and texture of the brick, the type of jointing and mortar colour should be carefully matched.

- iv) New or replacement roof materials must match existing materials. Alternative materials may be considered appropriate to the architectural style of the building and the streetscape context, and must be submitted for approval.
- v) Alterations and additions must use materials and colours similar to, or compatible with, the original material or colours.

#### Non-Contributory Buildings

New development should have regard to the original colour schemes for the heritage conservation area.

## 2.7 Roofs and Chimneys

### Explanation

Roof forms and details to heritage buildings vary according to building type and architectural style, and this variety makes an important contribution to the aesthetic significance and visual complexity of heritage items and heritage conservation areas. Fireplaces and chimneys were an important element in buildings up until the middle of the twentieth century, contributing to the character and skyline of the building.

### Objectives

- To retain the characteristic roof forms of heritage items and heritage conservation areas.

### Controls

#### All Development

- i) Attic rooms are to be contained within roof forms and should not dominate the street and visible side elevations.

#### Heritage Items and Contributory Buildings

- ii) Roofs must not be repitched or have their eaves line raised to allow for the provision of attic rooms.
- iii) Chimneys must be retained.

#### Non-Contributory Buildings

- iv) Roofs of new development are to be consistent to the type of roof (i.e. gabled, hipped), pitch, eaves and ridge height which are predominant in the heritage conservation area.

#### Note:

Where the roofing is tile or slate, matching replacement material may be difficult to obtain. In these circumstances, good tiles or slates from the rear or sides of the building can replace missing or damaged ones in the front. The back can then be repaired with new materials, which match the old as closely as possible.



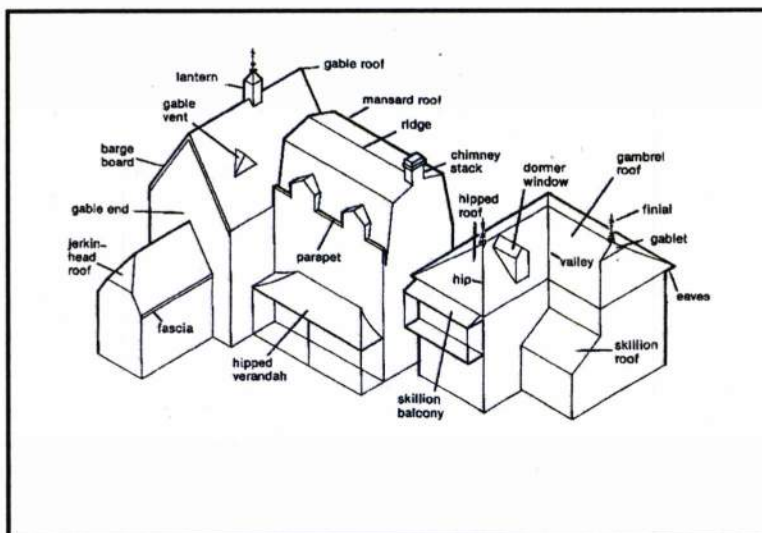


Figure sourced from "How to Restore the Old Aussie House". Ian Stapleton. Flannel Flower Press. 1983

## 2.8 Verandahs and Balconies

### Explanation

Verandahs and balconies on the street frontage are important design features which provide an interface between the building and the street. They also provide shading and a sense of depth to the front façade.



### Objectives

- To ensure the retention and encourage re-instatement of early verandah and balcony forms.
- To ensure that alterations and additions do not detract from or reduce the importance of original verandahs and balconies.

### Controls

#### All Development

- Consider the provision of front verandahs and balconies at a compatible scale where these are a characteristic feature of the heritage conservation area.

#### Heritage Items and Contributory Buildings

- Original front verandahs and balconies must be retained and conserved. Consider opening up verandah enclosures or infills, to reinstate an original open verandah.
- Infilling or enclosure of front verandahs and balconies is not supported.
- Additional verandahs must not compete with the importance of the original and should be simple in design and based on existing detail or an

understanding of appropriate designs for each period or style.

#### Non-Contributory Buildings

No additional requirements.

### 2.9 Garages, Carports, Carspaces and Driveways

#### Explanation

Most early buildings were designed without garages or carports- the building itself was usually the only structure visible from the street. Later garages were commonly located as a separate structure to the rear of the property.

Site conditions on many older properties (including site width and front setback dimensions) preclude the provision of off street car parking. While off street parking in some instances may be accommodated forward of the building line where there is no alternative access, this must be not to the detriment of the building setting or the streetscape.

#### Objectives

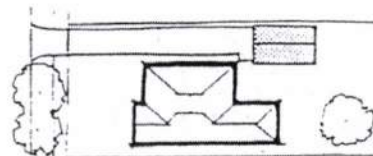
- To minimise the visual impact of carparking on heritage streetscapes.
- To ensure parking structures and paved areas are visually discreet and do not dominate or compete with original character buildings.

#### Controls

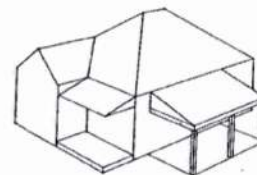
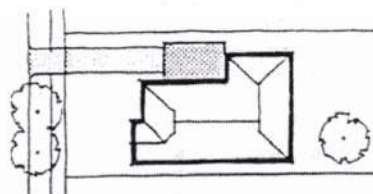
##### All Development

- Existing rear lane access or side street access (where available) must be utilised for carparking in preference to front access.
- Carparking structures are to be located to the side, or preferably to the rear of the building. Garages and carports must not be located forward of the building line.
- Open hard stand carspaces may be provided forward of the building line, but must be located adjacent to a side boundary, and generally not be greater than single car width.
- Existing building fabric, including verandahs and balconies, must not be altered to allow for the provision of a carparking structure or an open stand carspace.
- Open hard stand carspaces must not dominate the setting of the building in terms of loss of planting, fencing or retaining walls.
- Carparking structures are to be unobtrusive and must be of materials, form and details which harmonise with and do not obscure views of the building. They must not be made larger by the provision of a bulky pitched roof.

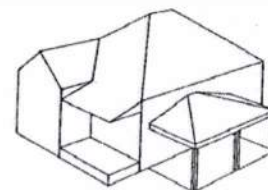
Locate towards the rear, or



Locate at the side of the house, well back.



Carports with low pitched roofs located to the side of the dwelling



Figures above sourced from  
"Getting the Details Right –  
Restoring Australian Houses  
1890s-1920s. Ian Evans & NSW  
Department of Planning. 1989.  
Flannel Flower Press Pty Ltd



- vii) Existing driveways constructed of two separate wheel strips contribute to the character of the streetscape and must be retained where possible.
- viii) Large areas of concrete should be avoided and alternative materials such as pavers, gravel or permeable paving must be considered.
- ix) Buildings housing original stables, coach houses and interwar motor garages should be retained and conserved wherever possible.

#### Heritage Items and Contributory Buildings

No additional requirements.

#### Non-Contributory Buildings

No additional requirements.

### 2.10 Fences

#### Explanation

Front fences are an extremely important streetscape element in heritage conservation areas with each architectural style having an individual characteristic style of fencing.

#### Objectives

- To encourage the retention, repair or reconstruction of original fencing.
- To encourage fencing in character with original buildings.
- To encourage consistent fencing where this is a significant element in the heritage conservation area.
- To encourage side and rear boundary fencing which is consistent with height and materials of original fencing.

#### Controls

##### All Development

- (i) New and replacement front fences must not obscure building facades. High solid front fences are not appropriate.
- (ii) New fence heights and form must be appropriate to the character of the heritage item, or to the heritage conservation area.
- (iii) Lych gates must not be provided unless there is evidence that they originally existed.
- (iv) Side fencing forward of the building line must be simple with a level of detail and of materials and height compatible with the heritage item, contributory building or heritage conservation area.
- (v) Side and rear boundary fences should be preferably of traditional timber construction or otherwise of masonry

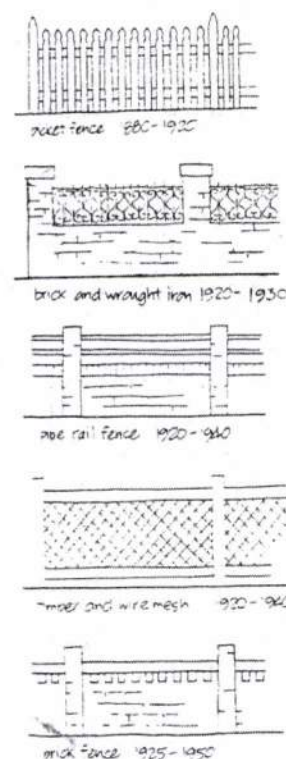


Figure 2.6 Some of the many possible original fences found in the West Kensington area

#### Note:

This can be done through researching the form of the original fence (old photographs, drawings) or by looking at fencing on houses of similar age and style.



construction. Colorbond metal fences are not appropriate.

Heritage Items and Contributory Buildings

- (vi) Retain, repair or reconstruct original fences and retaining walls where possible.
- (vii) Where an original fence has been lost, new fencing should try to match the original style.

Non-Contributory Buildings

No additional requirements.

## 2.11 Gardens, Garden Elements and Swimming Pools

### Explanation

Period gardens enhance the relationship of the house to its setting. The garden softens and enhances views of the house and screens out unsympathetic buildings or alterations and additions.

### Objectives

- To retain or reinstate landscaped settings and elements (particularly pathway location and materials) for heritage items or buildings within the heritage conservation area.
- To provide attractive front garden areas in keeping with those of the areas original houses.
- To improve the streetscape setting of all buildings in the heritage conservation area.

### Controls

All Development

- (i) Significant trees and landscape elements such as pathways, garden beds and structures must be retained.
- (ii) Large areas of hard paving are to be minimised.
- (iii) Garden and ancillary structures must be appropriate to primary buildings in terms of scale, style and materials.
- (iv) Swimming pools must be located at the rear of the property and where possible should retain important trees and areas of soft landscaping. Swimming pools must not result in significant changes to ground levels on the site.

Heritage Items and Contributory Buildings

No additional requirements.

Non-Contributory Buildings

No additional requirements.

### Note:

Guidelines on garden styles and elements are available on Council's website

[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

## 2.12 Access and Mobility

### Explanation

Heritage places should be accessible to everyone including people with disabilities, the elderly and families with small children. Owners and managers of heritage properties should commit themselves to creating a situation in which this can be achieved. Access solutions will be unique to each historic building.

### Objectives

- To ensure that development to facilitate access and/or adaptable dwelling and universal housing provision does not adversely affect the heritage fabric of the heritage item or heritage conservation area.

### Controls

#### All Development

- (i) Modifications and alterations to facilitate access and mobility must be sympathetic to the heritage values and heritage fabric of the original building.
- (ii) Alterations and additions to facility access and mobility must be reversible.
- (iii) Preserve heritage items or heritage fabric of higher significance if a compromise is required.

## 2.13 Commercial Properties

### Explanation

Randwick City has a number of commercial buildings listed as heritage items and some heritage conservation areas also include a number of commercial buildings, such as corner stores. These building types represent a traditional land use mix and contribute to diversity of built form.

### Objectives

- To ensure that original characteristics of traditional neighbourhood retail buildings are retained and enhanced

### Controls

#### All Development

No additional requirements.

#### Heritage Items and Contributory Buildings

- (i) Original forms, details, materials and finishes must be retained, including original shopfronts, original suspended awnings and open balconies at first floor level.
- (ii) Where the property is part of a single larger building, changes to ground level shopfronts and upper level facades must not detract from the integrity and group value.

#### Non-Contributory Buildings

No additional requirements.

## 2.14 Services and New Technologies

### Explanation

Council encourages the installation of devices, which improve water conservation and energy efficiency. For heritage items and in heritage conservation areas new technologies (such as solar energy systems and telecommunications structures) should not be prominent from a public place nor intrude on any significant views or vistas gained from neighbouring properties. The siting and appearance of such devices should be discrete and not intrusive.

### Objectives

- To minimise the prominence of new building services and technical equipment in heritage conservation areas and on heritage items.

### Controls

#### All Development

- (i) Air exhaust or ventilation systems, skylights, air conditioning systems, solar energy panels, TV antennae and satellite dishes should not be visible on the main elevation of the building or attached to chimneys where they will be obvious. Services and equipment should be installed at the rear, within the roof space or flush with the roof cladding and at the same pitch. They are to be of modest size and not prominent from the street.
- (ii) Essential changes to cater for electrical or telecommunications wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed.
- (iii) Rainwater tanks are to be located at the rear or side of the dwelling and suitably screened. They should not be obvious from the street.



### 3 Landscape Elements

#### Explanation

Randwick City's physical environment comprises a unique and complex pattern of natural and man-made elements. Some of the most identifiable features are the result of the adaptation of buildings and infrastructure to dramatic coastal topography, and of the powerful influence of the sandstone and the sand on which our City is built. Such elements include sandstone and brick retaining walls, stairs, embankments and road cuttings.

A number of significant landscape elements are listed as heritage items in Schedule 5 of the RLEP as having heritage significance. There are also a number of landscape elements located within heritage conservation areas which contribute to the heritage values of these areas. While most landscape elements are located on Council owned land, both public and private works can impact on their heritage value. A number of other landscape elements throughout do not warrant individual heritage listing, but collectively contribute to the built character of Randwick City.

#### Objectives

- To ensure that significant individual retaining walls and associated landscape elements are retained and conserved.
- To ensure that other contributory landscape elements are retained and conserved to the greatest extent possible.
- To ensure that private works including provision of vehicular access, modifications and repairs do not impact on the heritage value of the landscape elements.
- To ensure that infrastructure works do not impact on the heritage value of landscape elements.
- To ensure that Council repair and maintenance works are carried out in a timely manner using technically sound and appropriate construction methods.

#### Controls

- (i) Significant sandstone and brick retaining walls must not be removed or replaced.
- (ii) Significant sandstone and brick retaining walls or natural rock faces must not be modified to accommodate vehicular access.
- (iii) New surface mounting of infrastructure including water and gas supply pipes, storm water and sewerage pipes, service conduits and other fixings on retaining walls must be minimised.
- (iv) Maintenance and repairs by Council must use the same materials and techniques as the original construction, and should be carried out by experienced tradespeople.



#### Note:

RLEP Schedule 5 provides item numbers with an "L" prefix for landscape elements.

- (v) Any reconstruction by Council works are to match the existing retaining wall in terms of block size, texture, bond pattern, alignment of blocks, mortar joint colour and capping detail.
- (vi) Replacement by Council of associated elements such as handrails should preferably be carried out to match existing materials and details.
- (vii) Cyclical maintenance programs (including inspections) should be established by Council to ensure that significant and contributory landscape elements are conserved.
- (viii) New plantings by Council associated with retaining walls and associated landscape elements should be consistent with Council's Street Tree Masterplan and of a type that will not cause physical damage by excessive root growth etc.
- (ix) Retaining walls and natural rock faces must not be modified by adjacent property owners, including rendering and painting or replacement of handrails.
- (x) Other landscape elements which are not heritage listed should be individually assessed for their contributory value if threatened.





## 4 Heritage Conservation Areas: Statements of Significance, Values and Guidelines

Heritage conservation areas have distinctive historic and streetscape qualities that represent particular phases in the development of Randwick City. Components which contribute to this special character of heritage conservation areas should be retained and all new development should reflect and reinforce this character.

This subsection contains the Statements of Significance for Randwick City's heritage conservation areas. The special characteristics for each heritage conservation area, together with the specific development guidelines for protection of these characteristics, are included under the following headings for each area:

- **brief history of development and significance** of the conservation area
- **significant characteristics and key values** or themes of the conservation area, to enable an understanding of the heritage significance of the conservation area
- **existing character values** to be retained for contributory buildings. New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings. These key values and characteristics need to be considered in addition to the general guidelines and controls contained in this DCP.
- **guidelines for change** identify issues which need to be addressed for development affecting contributory buildings in the heritage conservation area.

A detailed description of each heritage conservation area is provided in the Conservation Areas Review (2000) prepared by Perumal Murphy Wu and the Randwick Heritage and Visual Character Study (2003) prepared by Godden Mackay Logan. Both studies are available from Council's administration centre and Council Libraries.

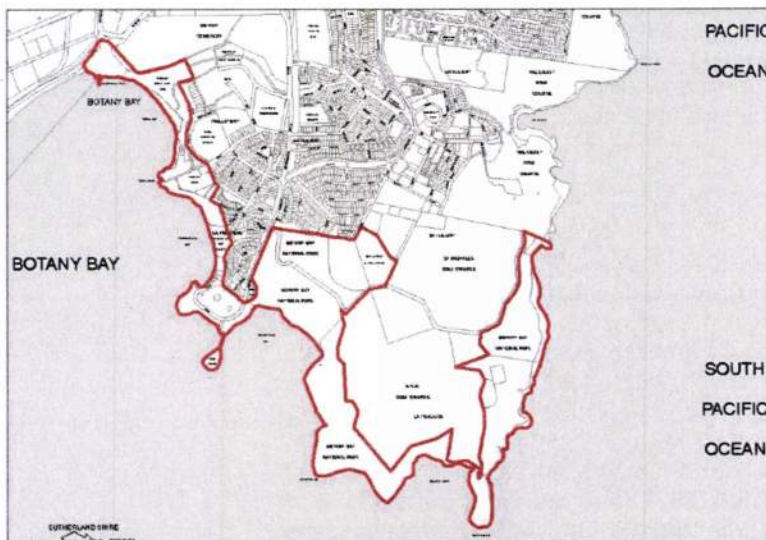
#### List of heritage conservation areas

- 4.1 Botany Bay National Park
- 4.2 Bunnerong Power Station-
- 4.3 Caerleon Crescent-
- 4.4 Dudley Street
- 4.5 Gordon Square
- 4.6 High Cross
- 4.7 Malabar Headland
- 4.8 Moira Crescent
- 4.9 North Randwick
- 4.10 Old Tote/Fig Tree Theatre (UNSW)
- 4.11 Prince Henry Hospital
- 4.12 Racecourse Precinct
- 4.13 Randwick Environment Park
- 4.14 Randwick Junction
- 4.15 Sacred Heart
- 4.16 The Spot
- 4.17 St Judes
- 4.18 St Mark's
- 4.19 Struggletown
- 4.20 West Kensington

## 4.1 Botany Bay National Park Heritage Conservation Area

The area comprises an extensive stretch of dramatic coastline including several areas of remnant bushland and a number of sites of early Aboriginal and European contact. La Perouse is also the location of one of the oldest urban Aboriginal communities in Australia.

The Botany Bay National Park Heritage Conservation Area covers the entire coastal strip facing Botany Bay and the Pacific Ocean, from Yarra Bay to Prince Henry Hospital. The heritage conservation area consists of four precincts: Yarra Bay and Frenchmans Bay; the La Perouse Headland; Botany Bay National Park and Prince Henry Hospital.



### 4.1.1 What is the area's significance?

#### Aesthetic Significance

The aesthetic significance of the heritage conservation area as a whole arises from the scenic value of the natural landscape, and a number of man-made features within it. The heritage conservation area is in a topographically prominent position in Sydney, at the entrance to Botany Bay, opposite Kurnell.

Yarra Bay and Frenchmans Bay are mostly modified natural landscapes. Some areas of original native vegetation remain. The landscape is characterised by wide sand beached in the two bays, separated by low rocky headlands, and low dunes with scrub vegetation behind. This landform contrasts with the mostly treeless hill of Botany Cemetery, dotted with rows of headstones, which forms a backdrop to the north. The Federation period Yarra Bay House is a prominent feature of the headland between Yarra Bay and Frenchmans Bay.

The La Perouse headland is part of, but physically distinct from, the remainder of Botany Bay National Park, to the east. The peninsula is bare and grassy. It has a rounded form, sloping gently to the shoreline, with some low cliffs. The fortified Bare



Island juts into Botany Bay and is connected to the mainland by a wooden bridge. The other major man-made physical features of the peninsula are the Macquarie Watchtower, the Cable Station and the La Perouse Monuments.

Botany Bay National Park, to the east of the La Perouse peninsula, preserves a large area of indigenous bushland. Most of the area of the NSW Golf Course and St Michaels Golf Course is open space, though there are some remnant areas of native bushland between the fairways. An area of native bushland adjacent to Jennifer Street is also preserved in this part of the conservation area.

Prince Henry Hospital is built above the rocky foreshore of Little Bay. The hospital is set in an open landscape, and there is some surviving native vegetation. The hospital contains groupings of weatherboard and brick buildings dating from Federation period and later. The hospital cemetery is located to the south of the main group of hospital buildings, next to St Michaels Golf Course. The open space of the sea-side landscape extends to the north of the hospital site, on land which is owned by the University of New South Wales.

### Historic Significance

The heritage conservation area was the location of some of the earliest contacts between Aboriginal people and Europeans on the east coast of Australia. The existing landscape and man-made features provide evidence of and are associated with, numerous historical events and processes, in the intervening period of more than two centuries.

Governor Phillip first set foot on Australian soil in the vicinity of Yarra Bay, on January 18 1788. Yarra Bay was the location of Chinese market gardens from the 1860's. Some market gardens still survive in the area. In 1901 the Yarra Bay Pleasure Grounds were established. Leisure pursuits have been a major use of the area for all of the 20<sup>th</sup> Century. Botany Cemetery was established in 1872.

The La Perouse headland represents Australia's 'front door', where the early Colony encountered the rest of the world, through the processes of exploration, settlement, defence and overseas communication.

The La Perouse Monuments are internationally significant because of their association with the La Perouse expedition of 1788. The Macquarie Watchtower, constructed c1820, is nationally significant in representing the earliest permanent occupation of the Botany Bay area by Europeans. It is the oldest building in the Randwick City area. Bare Island Fort, constructed from 1881 to 1885, is one of the finest examples in Australia of a Victorian period military fortification. The Cable Station, constructed in 1882, represents an important stage in the development of Australia's overseas communications, following establishment of cable telegraph in 1876. The Snake Pit demonstrates the history of the use of the area for tourism, which intensified after introduction of the tram service in 1902.

La Perouse is also the location of one of the oldest urban aboriginal communities in Australia, established in c1870.

Botany Bay National Park was created in 1970.

Prince Henry Hospital was established in 1881 on an isolated site at Little Bay, as a result of a smallpox epidemic. Its original name was the Coast Hospital. New development occurred in 1919 as a result of an influenza epidemic.

### **Social Significance**

The natural and man-made landscapes of the conservation area have social significance because of their value to the community as a recreational resource. Many of the historical uses of the heritage conservation area are remembered by groups in the community, or continue today.

The La Perouse area has special significance to the aboriginal community because of its history of use before and after European contact. La Perouse headland provided access to plentiful food sources in the sea and on the land. The occupants of the area in 1788 were of either the Bidjigal or Cadigal group of Eora language speakers. Aboriginal occupation around Botany Bay continued until the early 1800's. The population was decimated by disease, disrupted lives and colonial policy.

The second phase of aboriginal occupation began as early as 1870. Aboriginal groups, primary from the South Coast, settled at La Perouse after being displaced from camps in the city. The area still suited a subsistence lifestyle, primarily fishing. Commercial income came from fishing and the sale of souvenirs to tourists.

The presence of the Aboriginal community at La Perouse was a factor in the government creating an Office for the Protector of Aborigines. The community had its status formalized by the creation of a reserve under the Aborigines Protection Board in 1883. The La Perouse aboriginal community has maintained a strong sense of identity over the intervening years.

### **Technical/Research Significance**

There are several remnant bushland areas in the Yarra Bay area. Hill 60 is the largest. There is an area of scrub between Baragollar Avenue and Yarra Road which contains regionally rare indigenous plant species. On Yarra Point there is a significant stand of *Casuarina glauca*.

More than 95 hectares of remnant bushland is preserved in Botany Bay National Park and parts of the NSW and St Michaels Golf Courses. The bushland is regionally significant. A number of plant communities are present, including sclerophyll forest, scrub and heath and some wetland types. One plant community, Eastern Suburbs Banksia Scrub, is listed as an endangered ecological community under the Threatened Species Conservation Act (NSW) and the Threatened Species Protection Act (Commonwealth).

The site of Prince Henry Hospital and the neighbouring properties contain numerous areas, totalling almost 20 hectares, of regionally



significant bushland. The bushland includes Eastern Suburbs Banksia Scrub. Two nationally rare and several regionally rare plant species are present. There are two large ponds on the University of NSW property which are a habitat for native bird species and a vulnerable bat species under the Threatened Species Conservation Act (NSW).

The Little Bay Geological Site is an area of approximately 6 hectares, to the rear of the University of NSW Sports Field. The geological site is of national significance. It is the only site containing peat of Miocene age known on the coast of NSW.

#### **4.1.2 Themes Represented**

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Modifying the landscape
- Government and institutions
- Recreation, entertainment and leisure
- Transport and communications

The following theme is indirectly represented:

- Promotion of culture, religion and education

#### **4.1.3 Guidelines for Change**

The majority of the heritage conservation area is managed by the NSW Office of Environment and Heritage to maintain its natural and cultural heritage values. The parts of the area managed by Council are generally subject to Plans of Management which recognise heritage values.

#### **4.1.4 Existing Character Values and Controls**

Controls relating to the Prince Henry Hospital site are included in Part E of this DCP.

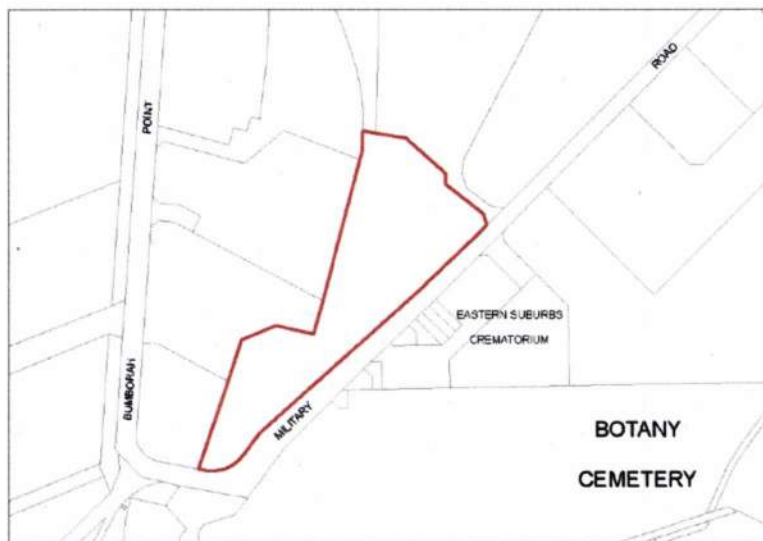
Any development within the area of Botany Bay National Park should refer to any Plans of Management prepared by the NSW Office of Environment and Heritage.

## 4.2 Bunnerong Power Station Heritage Conservation Area

The site retains structures and mature landscape elements dating from its use by the Bunnerong Power Station.

The Bunnerong Power Station Heritage Conservation Area is located on the north-western side of Military Road, in Matraville.

This section provides objectives and controls for the extension of the Eastern Suburbs Memorial Park into part of the old Bunnerong Power Station Site, in order to safeguard the site's heritage values. It also provides objectives and controls which should be addressed for the existing Eastern Suburbs Memorial Park, while outside the heritage conservation area.



### 4.2.1 What is the area's significance?

#### Aesthetic Significance

The site of the former Bunnerong Power Station is an open landscape with considerable visual appeal. There are a large number of mature trees, mostly introduced species, in avenue plantings and set in lawn areas. The tree species include brush box, Canary island date palm, Cape chestnut, Coral tree, cypress, eucalyptus, ficus, Kaffir plum, lily pilly, melaleuca, Norfolk Island hibiscus and Norfolk Island pine. Other evidence of the original design of the power station garden areas survives in the form of roadways, paths, garden beds and fence posts on the street boundary. The concrete retaining walls of the site of the power station building are a major element in long distance views from the west. The remains of the Switching Station gardens show their strong relationship to features of the site.

The heritage conservation area complements the landscapes of the Eastern Suburbs Crematorium and Botany Cemetery on the opposite side of Military Road. The art deco style of the

Crematorium building reflects the mostly rectangular layout and forms of the Cemetery.

### Historic Significance

Both parts of the site show evidence of twentieth century development: the mass cultural expression of the burial sites of a suburbanising population and the coal fired generation of electric power for domestic consumption.

Bunnerong Power Station was constructed between 1925 and 1929. The association with the power generation and distribution industry is continued by the modern Bunnerong Substation No 7340, just outside the north-east boundary of the heritage conservation area.

### Social Significance

The Cemetery and Crematorium have established the site as a major focus for burial ritual in Sydney.

The remnants of the Switching Station's formal 1920s entry, lily ponds and terraced gardens represent the sense of involvement and pride that the Station's employees had in their workplace. The Paperbark Grove is also significant as the site of the workers' recreation area.

The heritage conservation area is an Inter-War period landscape which is appreciated by the community for its aesthetic values.

### Technical/Research Significance

The original frontal dunes that marked the edge of Botany Bay before reclamation would have contained Aboriginal archaeological relics. The heritage conservation area may have the potential to yield information on the design and characteristics of Inter-War period power stations.

### Natural significance

The area originally contained vegetated dunes including the Eastern Suburbs Banksia Scrub which is now restricted to a few remnant pockets in Sydney.

#### 4.2.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Modifying the landscape
- Government and institutions
- Industry and commerce

The following theme is indirectly represented:

- Transport and communications



#### 4.2.3 Visual Character

The subject site covers an undulating area of broad sandy ridge leading to Bumborah Point on the northern side of Botany Bay. It is bounded on the south and west sides by steep slopes down to, respectively, Yarra Bay and reclaimed land used for port purposes.

To the south east of Military Road is the existing Eastern Suburbs Memorial Park. It includes the Crematorium and surrounding gardens, existing memorial gardens and monumental burial grounds, Pioneer's Memorial Park, administrative building, funeral home, café and maintenance compound.

Strong visual elements are:

- Crematorium – the most prominent feature on the site; a strong art deco architectural form with axial vistas east-west and north-south
- Cemetery main access road with palm avenue
- Bare open character of the cemetery, furnished in dressed stone on a grid layout, with expansive views to the south
- Informal tree plantings in memorial gardens and car parking areas.

To the north west of Military Road is part of the former Bunnerong Switching Station site, including the remains of gardens associated with the Switching Station and sub-floor structures of part of the old building.

Strong visual elements are:

- Site entry, with 1920s garden, palm avenue and vista west to Port Botany and the bay beyond
- Platforms of the former Switch House, demolished down to floor slabs
- Ponds and terraced gardens
- Paperbark grove
- Retaining walls

Although only partially screened from Military Road by boundary planting of mature figs, the site orients itself to the west because of its dramatic position, presenting as a series of terraces overlooking Port Botany and the Bay. The predominant character is of the garden setting, with formal and informal elements of the former buildings. Views out are framed by mature tree plantings and at the southern end, screened by shrubs.

Negative elements are:

- The mixture of styles and forms in gardens surrounding the Crematorium
- The separation of the two sites by Military Road
- Some over mature trees.

#### 4.2.4 Desired Future Character

Development in the area should maintain and enhance the positive elements of its character and correct negative elements. This will involve:

- Maintaining the open landscape character of the area
- Achieving a legible and coherent layout
- Fitting buildings, structures and the access/circulation system within the landscape and garden framework
- Using consistent design language based on:
  - unifying the two sites
  - recognising and where appropriate incorporating major elements of the previous use
  - the major existing site axes
  - rectangular building forms
  - solid structural elements in light coloured masonry
- Minimising changes to the existing landform, except over the former Switch House platforms, which may be raised to accommodate burial.

#### **4.2.5 Site Planning**

##### **Objectives**

- To achieve a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable cemetery facility.
- To maximise the positive attributes of the site, correct or mitigate negative attributes and minimise any negative impacts of development.
- To ensure that local site conditions, constraints and opportunities are taken into account in the design process.
- To ensure that the relationship of new development to adjoining development is considered in the design process.

##### **Controls**

- viii) Development is to be carried out in accordance with the masterplan.
- ix) Building, streetscape and landscape design must relate appropriately to the topography, built and landscape character of the locality.
- x) Development must include a safe and legible pedestrian and vehicular access and circulation system.
- xi) The site layout must take into account and, where appropriate, retain and integrate any item or natural feature of identified conservation value.
- xii) The siting and building layout must maximise microclimate opportunities related to solar access and prevailing breezes.

#### **4.2.6 Conservation**



### Objectives

- To ensure development respects the landscape and built heritage significance of the site and surrounds.
- To ensure development is in keeping with the bulk, scale and character of any identified items of heritage significance

### Controls

- i) Ensure that siting does not disrupt views to and from built and landscape elements.
- ii) New development must be a similar scale and proportion to existing elements to ensure that it does not dominate or overwhelm the heritage items or heritage conservation area.
- iii) New development is to complement, but not replicate, the design features of the heritage item and heritage conservation area.
- iv) Building height is limited to two storeys, however, special building features such as spires may exceed the height limit provided that such building features do not dominate or overwhelm the heritage item or heritage conservation area.

#### Notes:

**Any major excavation must be monitored by a qualified archaeologist and a representative of the La Perouse Land Council.**

**Minor excavation works associated with burials, tree planting, roadworks and footing excavation may not require archaeological monitoring.**

**Council's Heritage Officer can clarify whether archaeological monitoring is required.**

#### 4.2.7 Internal Roads and Manoeuvring Areas

##### Objectives

- Provide adequate space for the efficient movement of vehicles within the site.
- Minimise the potential for conflict between vehicles and pedestrians.
- Minimise the amount of hard paved areas.
- Integrate driveway and manoeuvring areas with landscape features.

##### Controls

- i) Internal roads must be between 5-6 metres in width and designed to allow for carparking in designated adjoining areas and at the kerbside where the road width is not less than 5 metres.
- ii) Intersections must be designed to avoid conflict by positioning opposing roads either directly opposite or at a minimum separation of 60m where adequate sight distance is available.

#### 4.2.8 Excavation and Fill

##### Objectives

- To ensure that earthworks are minimised and buildings are sited and designed to complement the existing topography.
- To minimise noise from excavation machinery during construction.
- To ensure that fill imported to the site is free of contaminants.

##### Controls

- i) DAs involving building construction or significant earthworks must be accompanied by:
  - a geotechnical assessment
  - an assessment of the likely impacts on existing trees on or adjacent to the site
  - details of the amount of cut and fill and methods of transportation of materials to or from the site.

### 4.3 Caerleon Crescent Heritage Conservation Area

An unusual cul-de-sac subdivision with a wide planted median, featuring dwellings from the turn of the nineteenth century.

The area covers Caerleon Crescent properties and also includes a number of properties in Frenchmans Road and Chapel Street, Randwick.



Caerleon Crescent is a rare example of a heritage cul-de-sac in Randwick. Its proximity to Frenchmans Road, the region's oldest thoroughfare and its place on the plateau of upper Randwick gives the Crescent quite a prominent place in the locality.

It is one of the few subdivisions in Randwick that is separate from the main street grid, Caerleon Crescent is an intimately-scaled contained precinct, with a wide central planted median and sandstone kerbing edged by single-storey houses with narrow setbacks from the front boundary.

Some of the houses have unsympathetic alterations such as painted face brickwork and high front fences but the overall form, particularly the cohesive roofscape, is largely intact.

#### 4.3.1 What is the area's significance?

Caerleon Crescent, which is not crescent-shaped, was an early twentieth century construct. It belonged to a block of land owned by the Moore family and fronting onto Frenchmans Road.

Caerleon Crescent is a thoughtfully planned street with a wide, planted median strip and a passage linking it to Frenchmans Road. Caerleon Crescent also has aesthetic significance as an intimate, contained precinct where the original buildings from the turn of the nineteenth century remain largely intact. The street trees contribute to the aesthetic values of the precinct.



#### 4.3.2 What are the area's key values?

- Historical value as a substantially intact example of subdivision in Randwick City at the turn of the nineteenth century.
- Central planted median, provides focus for the precinct.
- Pedestrian passageway to Frenchmans Road.
- Intimately scaled, contained precinct.
- Contributory street tree planting.
- Consistency of single storey scale and semi detached form of the contributory buildings.
- Consistency of roofscape.
- Federation Queen Anne style, featuring face brickwork, hipped and gabled roofs in terracotta tiles and timber trim.
- Some original early front fences.
- Consistent narrow setback from street boundary.



#### 4.3.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b>Landscape and public domain elements</b>	Planted median provides focus for the precinct
<b>Scale &amp; Form</b>	Single storey, semi-detached cottages
<b>Siting &amp; Setbacks</b>	Minimal setbacks from street
<b>Roofs</b>	Consistent roofscape of traditional pitched roofs, hipped and gabled forms.
<b>Materials</b>	Face brickwork walls. Terracotta tiled roofs.
<b>Detailing</b>	Timber trim contributes to Federation Queen Anne character.
<b>Verandahs &amp; Balconies</b>	Characteristic Queen Anne style front verandahs.
<b>Carparking</b>	Minimal side setbacks do not allow parking to side or rear of dwelling
<b>Fences</b>	Some original/early front fences

#### 4.3.4 Guidelines for change

### Alterations & Additions

Changes should not be made to front elevations of semi-detached dwellings which detract from the integrity of the pair. Rear additions should not be prominent in the streetscape nor compromise the integrity of the original roof. Rear additions to attached and semi-detached cottages should be consistent with the scale and form of surrounding rear wings.

### Carparking

Where sites are of sufficient width, a rear garage or a side carport can be provided (set back from the front of the dwelling). On site carparking may not be able to be provided on narrow sites with minimal front setbacks



## 4.4 Dudley Street Heritage Conservation Area

Fine quality Federation and Interwar detached houses in an outstanding elevated setting.

The Dudley Street heritage conservation area consists of rows of houses on Thomas Street, Higgs Street and Dudley Street Coogee, facing Baker and Leete Parks.



### 4.4.1 What is the area's significance?

#### Aesthetic Significance

The heritage conservation area includes fine quality groupings and individual examples of large Federation and Inter-War period detached houses. Several styles are represented, including Federation Bungalow and Queen Anne and Inter-War Mediterranean and Functionalist. The most outstanding individual examples are the Federation Queen Anne style houses at Nos 16, 22, 34 and 36 Dudley Street and Nos 1 and 7 Thomas Street. Their large and bowed windows take maximum advantage of views.

The houses are situated on elevated sites, with views of the Pacific Ocean to the east and north over the adjacent Baker and Leete Parks. The front gardens, fence designs, sandstone kerbing, steep and undulating topography, and the palm, pine and fig tree plantings in the parks, all contribute to the aesthetic quality of the setting.

#### Historic Significance

The existing houses demonstrate the process of development of the area in the first few decades of the twentieth century. The social class and aspirations of the original occupants are demonstrated by the design of these large houses, on desirable sites with ocean views.

## Social Significance

The heritage conservation area has social significance because its physical qualities are appreciated by its residents and the general community. The heritage conservation area continues in its traditional residential use.

### 4.4.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Speculation and promotion
- Suburbanisation

The following themes are indirectly represented:

- Modifying the landscape
- Transport and communications

### 4.4.3 Existing Character Values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b><i>Landscape and public domain elements</i></b>	Front gardens, steep and undulating topography, and palm, pine and fig tree plantings in the parks contribute to the aesthetic quality of the setting
<b><i>Scale &amp; Form</i></b>	Large detached houses, single storey and two storey.
<b><i>Siting &amp; Setbacks</i></b>	Houses generally well set back from and elevated above street
<b><i>Roofs</i></b>	Traditional pitched roofs, includes a number of steeply pitched gabled roofs.
<b><i>Materials</i></b>	Walls predominantly face brickwork, some stucco.  Terracotta tiles and slate roofing.
<b><i>Detailing</i></b>	Predominantly timber decoration to verandahs, gables etc.
<b><i>Verandahs &amp; Balconies</i></b>	Front verandahs integral to each of the architectural styles which are represented in the area.

<b><i>Carparking</i></b>	Steep topography allows for garages to be provided within a retaining wall, below the level of the house.
<b><i>Fences</i></b>	Fence design varies according to style of dwelling and contributes to the quality of the setting. Many sandstone fences.

#### 4.4.4 Guidelines for Change

##### Alterations & Additions

Rear additions should not be prominent in the streetscape nor comprise the integrity of the original roof. As the dwellings are on generous blocks, it is generally feasible to increase the floor space with a single storey rear addition, without detracting from its garden setting of the dwelling



## 4.5 Gordon Square Heritage Conservation Area

A unique precinct of nineteenth century workers housing including several fine terraces

Located in the suburb of Randwick, it comprises a rectangular area generally bounded by Gordon Street in the north, Waverley Street in the west, and Sydney and Hodgson Streets in the south.



### 4.5.1 What is the area's significance?

#### Aesthetic Significance

The Gordon Square heritage conservation area is unique in Randwick for its unusual street and subdivision layout. The centre block development, with its narrow streets and small lots, was an inventive attempt to maximize yields from subdivision.

The housing stock is an interesting mix of small and large terraces, semi-detached, single storey row houses and freestanding cottages. The mixture of periods and styles, from Victorian to Federation, results in a remarkably varied streetscape for such a small area. The combination of street layout and architecture produces an intimate scale and some interesting internal vistas, enhanced by the small park at the corner of Gordon and Randwick Streets.

Despite intrusions by a number of Post-War flat buildings, and some unsympathetic alteration to older houses, the area retains several reasonably intact period buildings. Most notable are the fine terraces on Gordon and Waverley Streets. The stepping of the Gordon Street terraces with the topography, and the projecting boundaries, produce a particularly impressive streetscape.

#### Historic Significance

The Gordon and Waverley Street terraces are also of special historical significance as examples of nineteenth century workers'

housing. The terraces have a special connection with Randwick Racecourse, one of the oldest and most enduring institutions in the area. The terraces are individually listed as heritage items.

Although the area developed later than Struggletown, it retains a greater degree of integrity and its streetscapes remain unmistakably Victorian and Federation in character.

### Social Significance

The precinct is now the best surviving example of early workers' housing in Randwick.

The subdivision layout has produced a quiet enclave with a strong sense of identity.



#### 4.5.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Speculation and promotion
- Suburbanisation

The following themes are indirectly represented:

- Modifying the landscape
- Transport and communications

#### 4.5.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

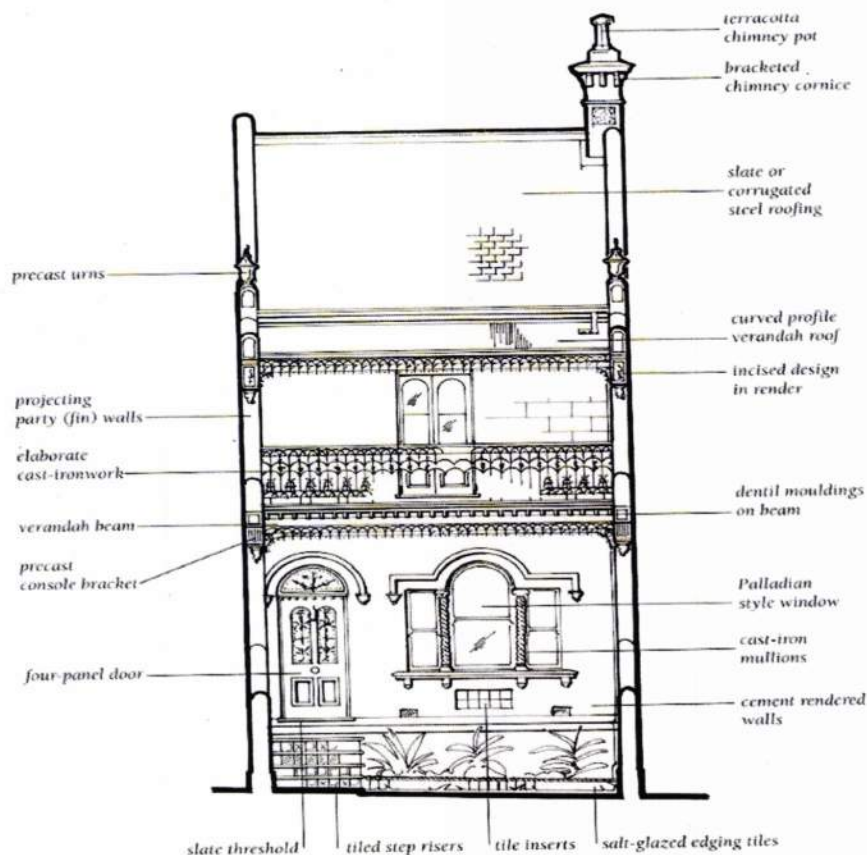
<b>Subdivision</b>	Unusual street and subdivision layout with narrow streets and small lots.
<b>Scale &amp; Form</b>	Single storey and two storey.  Mixture of small and large terraced dwellings, as well as detached and semi-detached cottages.
<b>Siting &amp; Setbacks</b>	Minimal or zero front setbacks.
<b>Roofs &amp; Chimneys</b>	Includes both pitched roof forms and skillion roofs with parapets.
<b>Materials</b>	Walls are painted stucco, originally in consistent colour schemes, some face brickwork.



	Generally corrugated iron roofs.
<b>Detailing</b>	Cast iron decoration to verandahs and balconies.
<b>Verandahs &amp; Balconies</b>	Projecting upper floor balconies contribute to an impressive streetscape
<b>Carparking</b>	Narrow lots without rear lanes do not allow for on site carparking.
<b>Fences</b>	A number of the terraces are built to the street alignment, so that dwellings do not have front fences and front gardens. Where fencing exists it is predominantly open metal or timber fencing.

#### 4.5.4 Guidelines for change

The Gordon Square heritage conservation area includes both single storey and two storey buildings. Rear additions should not be prominent in the streetscape nor comprise the integrity of the original roof. The attached dwellings were originally of modest size and have generally been subject to subsequent rear additions. Further changes should be consistent with the scale and form of surrounding rear wings.



ITALIANATE, CIRCA 1880

**Typical Victorian terrace  
façade detailing**

**Sourced from "Australian  
House Styles". Maisy  
Stapleton & Ian Stapleton.  
Flannel Flower Press Pty  
Ltd. 1997.**

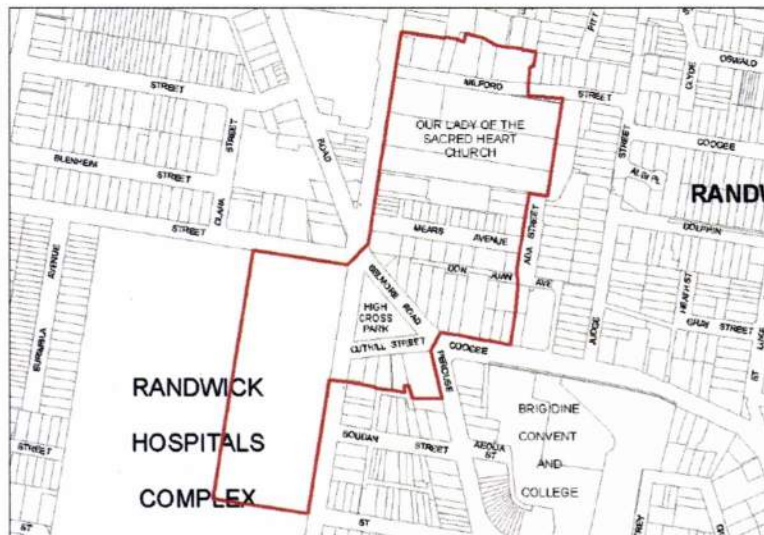
#### Carparking

On site carparking is generally not able to be provided due lack of rear lane access, narrow width of properties.

## 4.6 High Cross Heritage Conservation Area

A major urban space providing a focus for nearby institutional buildings with many important religious and residential buildings in the surrounding area.

The High Cross Conservation Area, within the suburb of Randwick, includes High Cross Park, as well as urban areas to the north-east and south, and part of the Prince of Wales Hospital to the west.



### 4.6.1 What is the area's significance?

#### Aesthetic Significance

High Cross Park has aesthetic significance as one of Randwick's major urban spaces. It is a feature in vistas along Belmore Road, Avoca Street, Perouse Road and Coogee Bay Road. The Norfolk Island Pines in the park provide a visual link between the surrounding urban areas.

The sandstone and iron palisade fence and sandstone buildings of the former Superintendent's residence, former Destitute Children's Asylum and former Catherine Hayes Hospital, on the western side of Avoca Street, are part of the urban space formed by the park. The southern and north-eastern boundaries of this space are defined by Victorian, Federation and Inter-War period residential buildings, on Cuthill Street and Belmore Road. The Victorian Filigree style Royal Hotel is on the corner of Cuthill Street and Perouse Road.

In the north-eastern half of the heritage conservation area there are excellent groupings of Victorian and Federation detached and attached houses, and Inter-War period flat buildings. The row of ten Victorian Free Gothic style two storey terraces, Nos 2-20 Mears Avenue, is outstanding. "Nugal Hall", at No 18 Milford Street, is one of Randwick's grandest early Victorian houses. "Ventnor", near the south-east corner of Milford Street and Avoca



Street, is a fine quality Victorian period sandstone house. It is now in the grounds of the Sacred Heart School.

Our Lady of the Sacred Heart Church, on Avoca Street, is an excellent example of a Victorian Free Gothic style church. The church, "Ventnor" to the north, the Victorian period commercial buildings to the south, and the avenue plantings of fig trees, make a major contribution to the streetscape character of Avoca Street.

Visually, the connections to the statue of Captain Cook, and the buildings behind on the corner of Belmore and Avoca Streets, are an important part of the cross-roads character of the precinct.

### Historic Significance

The heritage conservation area is located on a ridge in the centre of Randwick. Most of Randwick's early roads cross or originate from High Cross. The existing buildings around High Cross demonstrate its use as a major civic space, since the foundation of the village of Randwick in the mid-nineteenth century. The sandstone buildings in the grounds of the Prince of Wales Hospital, and the Royal Hotel are the best examples. Our Lady of the Sacred Heart Church is another example of a communal use which was established in the area, due to its central location.

This part of "Randwick Ridge" was one of the first parts of the City to be developed, and was historically the most important. It has strong associations with Simeon Pearce, who first promoted the locality as a prestigious living environment. The residential buildings in the heritage conservation area provide evidence of the subdivision, development and subsequent redevelopment of the area in the Victorian, Federation and Inter-War periods. The heritage conservation area has excellent examples of housing from all three periods.

### Social Significance

High Cross is widely recognized by the community as a central and identifying element of Randwick's historic landscape. High Cross Reserve was an early focal point for social gatherings in the village. Its proximity to the former Destitute Children's Asylum (now the Prince of Wales Hospital) was also significant. The reserve was used as a drill ground for the Randwick Volunteer Rifles in the nineteenth century, based on English village militia. This reinforced Simeon Pearce's vision of an idealized English village for the elite of the Colony.

The physical presence of the Hospital marks its continuing importance in the local and regional community. The Royal Hotel is the other major building overlooking the central space.

The streetscape character of the residential parts of the heritage conservation area is also widely appreciated.

#### 4.6.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Speculation and promotion
- Government and institutions
- Promotion of culture, religion and education
- Recreation, entertainment and leisure
- Transport and communications

The following themes are indirectly represented:

- Modifying the landscape
- Industry and commerce
- Suburbanisation

#### 4.6.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b><i>Landscape and public domain elements</i></b>	Avenue plantings of fig trees within the Sacred Heart Church make a major contribution to the streetscape character of Avoca St.
<b><i>Scale &amp; Form</i></b>	Dominated by the imposing scale of the buildings of the former Destitute Children's Asylum, the Royal Hotel and the Lady of the Sacred Heart Church. Also a number of grand two storey houses. Housing predominantly two storeys.
<b><i>Siting &amp; Setbacks</i></b>	Wide range of block sizes result in a wide variation in setbacks. Views of the large Victorian period buildings from the streets, across their forecourts and gardens.
<b><i>Roofs</i></b>	Traditional pitched roofs.
<b><i>Materials</i></b>	Walls of sandstone, stucco, some face brickwork. Slate roofs.
<b><i>Detailing</i></b>	Decorative metalwork to verandahs and balconies, cement render detailing.
<b><i>Verandahs &amp; Balconies</i></b>	Front verandahs integral to each of the architectural styles which are represented in

	the area.
<b>Carparking</b>	Generous setbacks generally allow for carparking to rear
<b>Fences</b>	Victorian metal palisade fencing.

A conservation management plan should be prepared if any major development is planned for the grounds of the Sacred Heart Church and Primary School. The conservation management plan should develop policies for preservation of significant tree specimens and vistas, as well as the period fabric of the site.

#### **4.6.4 Guidelines for change**

##### **Alterations & Additions**

Rear additions should not be prominent in the streetscape nor comprise the integrity of the original roof. Additions to terraced buildings should not compromise the integrity of relatively intact rear wings and should be consistent with the scale and form of surrounding rear wings.

##### **Carparking**

Where driveway access along the side of the dwelling was available, garages were traditionally provided in the rear yard of the dwelling, and this remains the preferred location. Otherwise an open carport can be provided to the side of the dwelling, set back from the front wall of the dwelling.



## 4.7 Malabar Headland Heritage Conservation Area

Malabar Headland contains two significant bushland remnants - referred to as the coastal section and the western section. Together, these contain what is probably the largest area of essentially unmodified bushland in Sydney's Eastern Suburbs. The bushland is a significant part of one of two semi-natural corridors between Botany Bay and Port Jackson. The two sections support at least seven distinct plant communities. This diversity of habitats is only matched in the Eastern Suburbs in Botany Bay National Park.



### 4.7.1 What is the area's significance?

#### Aesthetic Significance

Malabar Headland demonstrates much of the range of landscapes which originally occurred in the Eastern Suburbs, including coastal rock platforms, sea cliffs and headlands in the coastal section, and sandstone escarpments and aeolian sand dunes in the western section.

#### Historic Significance

The place includes a World War Two coastal defence site of historic significance, the Boora Point Battery. This is an imposing, purpose built coastal landmark which is important for providing tangible evidence of Australia's coastal defence efforts in the Sydney area during World War Two. The battery features a number of particularly unusual attributes, including a rare example of 6 inch Mark XII gun mountings, a completely underground counter bombardment facility, with gun crew ready rooms, ammunition supply and engine room and a small gauge sunken railway associated with an imposing observation post. The area includes a number of additional sites of cultural heritage value, including World War Two graffiti, and features associated with a significant town service - the south-west ocean outfall sewer.

#### Social Significance

The battery has particular social significance to World War Two veterans and those involved in its war time operations, or interested in the history of fortifications.

### Technical/Research Significance

The vegetation communities of Malabar Headland are of scientific and educational significance because they contain rare examples of coastal communities growing on Pleistocene sand deposits within the Sydney region. These communities have different species composition to those found elsewhere in the Sydney region.

Both the coastal and western sections of Malabar Headland support a high diversity of plant species, with species composition reflecting changes in aspect. At least three hundred plant species occur within the place and only fifty percent of the place's flora is common to both sections.

Eastern Suburbs Banksia Scrub, a nationally endangered ecological community occurs as heath and scrub in the coastal section and as a low woodland in the more protected western section. Eastern Suburbs Banksia Scrub is regarded as of extremely high conservation significance, due to the extent of previous clearing. The community was once common on Quarternary sands in the Eastern Suburbs of Sydney; now less than one percent of the original community remains and is restricted to Malabar Headland and La Perouse.

The western section contains remnants of dunes believed to have been formed as a result of the last major glacial period. These occur adjacent to sandstone outcrops and provide an opportunity to study the place's geomorphological formation.

The place contains the last known population of the once extensive Port Jackson mallee (*Eucalyptus obstans*, formerly *obtusiflora*) in the Eastern Suburbs of Sydney.

Local Aboriginal people in the area used the site for fishing and cultural activities - rock engravings, grinding grooves and middens remain in evidence.

#### 4.7.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Modifying the landscape
- Government and institutions
- Recreation, entertainment and leisure
- Industry and commerce

The following themes are indirectly represented:

- Promotion, culture, religion and education
- Transport and communications

#### 4.7.3 Existing Character Values and Controls

A conservation management plan should be prepared if any major development is proposed within the Malabar Headland Conservation Area. The CMP should develop policies relating to scenic value, landscape features, bushland features, and defence fortifications.



## 4.8 Moira Crescent Heritage Conservation Area

Randwick's best grouping of Inter-War residential flat buildings.

A hilltop heritage conservation area (partly within the suburb of Clovelly and partly within the suburb of Coogee) includes Moira Crescent as well as part of Marcel Avenue.



### 4.8.1 What is the area's significance?

#### Aesthetic Significance

The heritage conservation area has aesthetic significance because of the high integrity of its Inter-War streetscapes. Most buildings are constructed of red or liver coloured face brickwork, which is complemented by the red terracotta tile roofs. The most common building types are detached single storey Inter-War Bungalows and two or three storey flat buildings in Functionalist, Spanish Mission, Art Deco, Stripped or Free Classical or Bungalow inspired styles.

The area includes the best preserved and most consistent grouping of Inter-War flat buildings in the City of Randwick, which were so characteristic of the City's development in that period.

Most properties have dwarf piered face brick boundary fences which allow the gardens in front of the buildings to become part of the streetscape. The landscape quality of the streetscapes is also enhanced by the curved streets and wide nature strips. Some steeper sites have sandstone walling.

The precinct of Inter-War period housing has a close spatial connection to the small commercial centre on Clovelly Road. Most of the shops are two storeys and date from the Inter-War period.

### Historic Significance

The existing buildings, lot and street pattern demonstrate the process of the rapid subdivision and development of this part of the Randwick City area in the Inter-War period. This development followed the opening of the Clovelly tram line earlier in the century.

The heritage conservation area is a well preserved example of an entire Inter-War period neighbourhood. The design of the buildings and the range of types are representative of the lifestyles and economic conditions which were current in the Inter-War period.



### Social Significance

The heritage conservation area has social significance because its physical qualities are appreciated by its residents. The area continues in its traditional residential and commercial use.

#### 4.8.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Speculation and promotion
- Industry and commerce
- Suburbanisation

The following themes are indirectly represented:

- Modifying the landscape
- Transport and communications

#### 4.8.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.



<b>Subdivision</b>	Curved streets and wide nature strips.
<b>Landscape and public domain elements</b>	Streetscapes have a strong landscape quality.
<b>Scale &amp; Form</b>	Consistency of scale, generally two and three storeys.
<b>Siting &amp; Setbacks</b>	Main rooms and balconies of individual apartments oriented to the street.
<b>Roofs</b>	Includes both traditional hipped roofs and flat roofs with parapets.
<b>Materials</b>	Walls of red or liver coloured face brickwork. Red terracotta tiles.
<b>Detailing</b>	Decorative elements in stone, brickwork and cement render.
<b>Verandahs &amp; Balconies</b>	Recessed balconies a design feature of the front elevation.
<b>Garages, carports, carspaces &amp; driveways</b>	Garages often incorporated to the rear of buildings.
<b>Fences</b>	Dwarf pierced face brick front boundary fences allow front gardens to become part of the streetscape.
<b>Gardens &amp; garden elements</b>	Private rear garden accessed by back stairs

#### 4.8.4 Guidelines for Change

##### Alterations & Additions

Balcony additions to residential flat buildings can be provided to the rear of residential flat buildings to provide outdoor living areas and take advantage of views. Additional balconies should not be provided to the front or visible side elevations of buildings. Additional balconies should be part of a comprehensive scheme for the whole rear elevation, rather than for a single apartment in isolation.

##### Carparking

Garages were traditionally provided in the rear yard of the dwelling or residential flat building, and this remains the preferred location. Otherwise an open carport can be provided to the side of the dwelling, set back from the front wall of the dwelling.



## 4.9 North Randwick Heritage Conservation Area

Federation and Inter-War housing associated with the development of Centennial Park.

A large area to the south of Centennial Park, originally reserved for water supply purposes, delaying its release for housing.



### 4.9.1 What is the area's significance?

#### Aesthetic Significance

Centennial Park is one of Sydney's largest expanses of urban parkland and provides a much needed breathing space for Sydney's inner eastern suburbs. The park has high scenic and landscape significance. It has a strong rural character, but also incorporates remnant natural vegetation, formal garden areas, tree lined avenues, playing fields and formal and informal water features. The melaleuca wetlands are a distinctive and important character element. Notable architectural elements include two residences, several kiosks and shelters, magnificent sandstone entry gates, the perimeter palisade fence, reservoir fences and steps, statues and monuments and an amphitheatre.

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.

### **Historical Significance**

Centennial Park has considerable historical significance. It originated as a Common, set aside by Governor Macquarie and later become the main source of Sydney's water supply. It was dedicated as a park to celebrate the first centenary of European settlement in Australia. It was also the focus of Sydney's celebration of Federation in 1901. Busby's Bore and the lakes persist as important visual reminders of the area's historical role as a water supply catchment.

The consistency of the architecture in North Randwick is partly a reflection of the unusual historical circumstances which delayed the release of the area for housing. Most of the area originally formed part of the Sydney Common. For many years it was reserved for water supply purposes. The eventual residential release saw the area develop reasonably quickly, despite the slow start in the 1890s recession. As a consequence, most housing dates from the early twentieth century. There are a few particularly notable examples of Victorian housing, as well as more numerous Inter-War houses. The latter filled in remaining empty lots in the 1920s and 30s.

The street and subdivision pattern is Victorian in origin, though the area developed over a long period. This has produced an interesting juxtaposition of Federation and Inter-War housing on often narrow Victorian allotments. There was a resultant modification of standard house designs to suit narrow frontages.

The continuing physical and historical connection with Centennial Park is important and gives special significance to houses fronting Darley Road. These buildings tend to be larger and grander, with more generous allotments. These allotments were created to help fund the establishment of Centennial Park.

The area still retains a few horse stables connected with the historic racing industry in the area. There are also historical and physical connections with the adjoining former tramway workshops.

### **Social and Historical Significance**

Centennial Park has a high social significance at a regional level. It remains one of the most popular recreation areas in the Sydney region.

### **Scientific Significance**

Centennial Park has special scientific significance for its natural values. It preserves remnant native vegetation and provides important wildlife habitat. The melaleuca wetlands are regionally significant.

#### 4.9.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the conservation area:

- Modifying the landscape
- Government and institutions
- Recreation, entertainment and leisure
- Suburbanisation

The following themes are indirectly represented:

- Transport and communications

#### 4.9.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings. New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b>Subdivision</b>	Lots of consistent depth, but varying width.
<b>Scale &amp; Form</b>	Predominantly single storey and two storey, with higher residential flat buildings in the former quarry site. Detached, semi-detached and attached cottages.
<b>Siting &amp; Setbacks</b>	Minimal front setbacks generally, greater setbacks for larger lots fronting Centennial Park.
<b>Roofs</b>	Traditional pitched roofs, hipped and gabled forms.
<b>Materials</b>	Walls of face brickwork, smooth faced red or liver bricks, often with stone footings and stone trim elements. Marseilles pattern terracotta tiles and slate roofing.
<b>Detailing</b>	Predominantly timber decoration to verandahs, sunhoods, gables etc.
<b>Verandahs &amp; Balconies</b>	Front verandahs provide depth to facades, an interface to the street and contribute to dwelling character.
<b>Carparking</b>	Generally accessed from rear lanes.
<b>Fences</b>	Many low brick fences, some sandstone and wrought iron fencing.





#### 4.9.4 Guidelines for change

##### Alterations & Additions

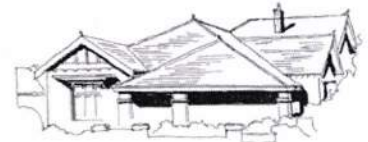
Part of the heritage significance of the area is its predominantly single storey scale. Single storey rear additions are therefore preferred so as not to compromise this aspect of significance. The dwellings are generally modest workers cottages on small blocks, and in order to increase the size of the dwelling, may be necessary to provide some upper level floor space. The bulk and prominence of any upper level addition should be minimised however. Any upper level addition should be set well to the rear to minimise streetscape visibility and retain the integrity of the original roof.

##### Outbuildings to the Rear

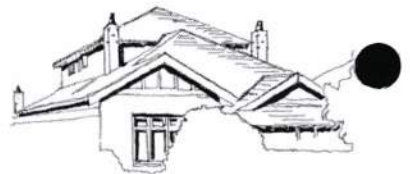
The scale and bulk of outbuildings to the rear should not dominate the main building on the site. Outbuildings should be of a 1 ½ storey scale with upper floor accommodation within available attic space. The maximum wall height of outbuildings is to be 3.5m and roof pitch is to be consistent with that of the main building on the site.

##### Carparking

Most of the properties within the conservation area have rear lane access allowing for carparking at the rear of the site. Where rear lane access is available, carparking to the front or side of the property will not be supported.



Additions should utilise attic roof forms located to the rear of the main ridgeline



Additions set back from the existing ridgeline retain the form and detail of the existing residences. Use of simple roof forms and subtle detailing further enhances the relationship of new and existing works.

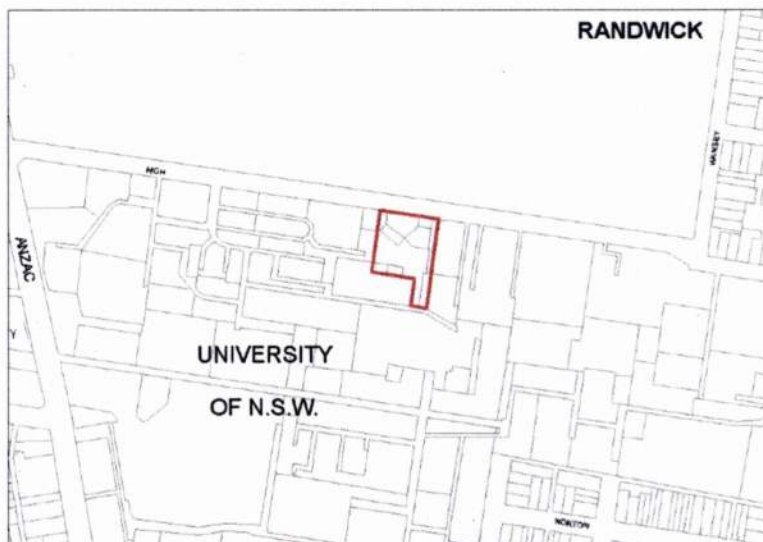


Additions to the rear of residences on corner sites should provide greater emphasis to the secondary street frontage.

## 4.10 Old Tote/Fig Tree Theatre (UNSW) Heritage Conservation Area

A group of buildings which date from the use of the site as Kensington Racecourse. The Fig Tree Theatre building has also been used as immigration barracks and the home of NIDA.

The Old Tote/Fig Tree Theatre heritage conservation area is on the south side of High Street, within the Kensington campus of the University of NSW. It includes three buildings which pre-date the foundation of the University, the Fig Tree Theatre, the White House and the Old Tote.



### 4.10.1 What is the area's significance?

#### Aesthetic Significance

The precinct's three period buildings are situated in an open space, surrounded by large fig trees and other campus buildings. The orientation of the Fig Tree Theatre and the White House, diagonal to the standard north/south building grid, identifies them as earlier structures. The orientation is also aesthetically distinctive. The space which is formed by the trees and the three buildings has visual qualities which are rare on the university campus. This quality is created by the traditional gabled and verandahed building forms, nestled between the larger masses of the fig trees.

The White House and the Old Tote have considerable individual aesthetic significance as rare examples of early Federation racecourse buildings. The design and detail of the White House verandah is outstanding.

The row of fig trees leading from the High Street entry gate, is an important point of arrival and orientation for the university campus.

### Historic Significance

The White House, the Old Tote and the fig trees have historical significance as surviving evidence of the use of the university site as Kensington Racecourse, from 1893 to 1941. The orientation and location of the buildings and trees remain indicative of the layout of the racecourse.

The Fig Tree Theatre also provides evidence of the use of the site as an immigration barracks in the late 1940s.

The theatre was the original home of the National Institute of Dramatic Art (NIDA) prior to its relocation to the western side of Anzac Parade.

### Social Significance

The heritage conservation area has social significance for the university and the wider community. It provides evidence of the historical continuity of human occupation and use of the site, which is absent in other parts of the campus.

#### 4.10.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Promotion of culture, religion and education
- Recreation, entertainment and leisure

The following themes are indirectly represented:

- Modifying the landscape
- Government and institutions

#### 4.10.3 Existing Character Values and Controls

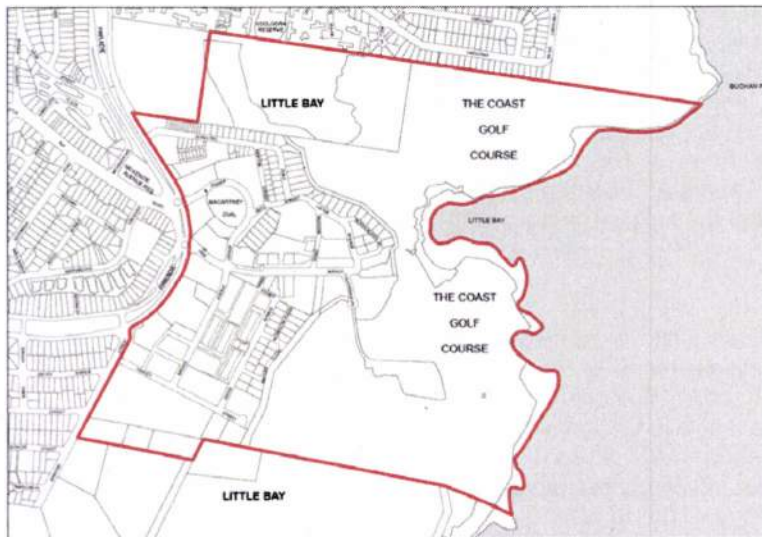
A conservation management plan should be prepared if any major development is planned for the grounds of the University. The conservation management plan should develop policies for preservation of open space character, interface with surrounding development and adaptive reuse of period buildings.



## 4.11 Prince Henry Hospital Heritage Conservation Area

A diverse complex of buildings in a coastal landscape, the hospital played an important role in the treatment of infectious diseases from the 1880s until 1986. The site is important to Aboriginal people and to the many former staff and patients of the hospital, and contains a considerable archaeological resource.

The former Prince Henry Hospital is located in the suburb of Little Bay.



### 4.11.1 What is the area's significance?

#### Historic Significance

The Prince Henry site was the most important site for the treatment of infectious diseases in New South Wales from its inception in the 1880s, when, as the Coast Hospital, it became the first public hospital in New South Wales in the post-convict era. The Hospital played a prominent role in treating and overcoming infectious diseases and later as a general hospital and teaching hospital for the University of NSW, until its closure was announced in 1988. Its isolation led to the establishment of the first ambulance service in New South Wales from within its grounds.

#### Aesthetic Significance

The location of the Hospital by the sea, the design and siting of buildings in a spacious open setting, their relationship with each other and the layout of the site itself, created an aesthetically distinctive complex with Pine Avenue as its central axis. The buildings and landscape provide evidence of the prevailing attitude to health care during a number of important phases of development. The Flowers Wards and the remains of the early infectious disease hospital, including Ward 16, the former Nurses Quarters, the former Nurses Dining Hall/Nurses Lecture Hall, the Bush Wards and the site of the Male Lazaret, demonstrate the isolation required for the treatment of infectious diseases and early



attitudes to public health, which saw health benefits in being by the sea.

The architectural character of these early buildings contrasts with later buildings built after 1934, after the Hospital changed its name to Prince Henry and a new phase of expansion began. The larger scaled Heffron and Delaney Medical Ward Buildings, the Matron Dickson Nurses Home, and the McIlrath Pathology Building provide evidence of changing practices in medical care and staff accommodation, as well as contributing visually to the ambience of the place. A range of ancillary buildings, such as the former Water Reservoir, the Memorial Clock Tower, Water Tower, and 'Hill Theatres' (Operating Theatres No.2 and No.3) add visual as well as technological interest.

A number of cultural landscape features including the Norfolk Island Pine trees along Pine Avenue, plantings of palms, New Zealand Christmas trees and banksias, rock cuttings, retaining walls, early road alignments and sandstone kerbs, provide evidence of human intervention in this coastal landscape. The North Cemetery, although separated from the present hospital site, is an important component of the cultural landscape.

### Social Significance

The history of the Prince Henry site is interwoven with Aboriginal people and wider communities, many of whom were patients or worked on the site and still visit it. The site is valued by Aboriginal people for its historical associations and Aboriginal occupation prior to European occupation, as well as its associations with Aboriginal people treated for infectious diseases. The Prince Henry site is also important to many of the thousands of nurses, doctors and administrators who value their training and achievements at the hospital, which gained them a high reputation throughout New South Wales and Australia. Many former nurses have remained actively associated with the site, and have created a museum to conserve its history and artefacts. They come to the site to enjoy its ambience and continue to use the Interdenominational Australian Nurses War Memorial Chapel, built in memory of service nurses, many of whom died at sea. (Godden Mackay Logan, May 2002)

### Technical/Research Significance

A coastal landscape of high scenic and scientific value is enhanced by the beach, headlands and pockets of indigenous vegetation. A geological exposure area has research and educational value relating to the development of the present coastline and to the climate and vegetation of the area twenty million years ago.

Much more about the history of the Prince Henry site is yet to be learnt from the rich array of known and potential Aboriginal and historical archaeological sites, from further research and archival recording, and from the oral histories of those who worked or trained there. The Prince Henry site contains both identified archaeological features and areas of known archaeological potential. These elements are part of the total physical record of the first post-convict era hospital in New South Wales.

The physical evidence at the site documents, and therefore provides opportunities to investigate, evolving medical practice associated with the treatment of infectious disease. In a wider context the site reflects changes and development in state health policy for more than 100 years. The research value of the site's historical archaeological resource is only moderate, however, because of the physical impact of ongoing development. Although the extant archaeological resource is therefore not intact, and there are extensive documentary sources available, the place has potential to yield information about site use and occupation. The spectrum of archaeological features across the site also provides a rare opportunity to use archaeology as an investigative tool on a wide scale. The historical archaeological resource at the Prince Henry site also contributes to the total ensemble providing an indication of former activities or features. They are therefore part of the site's wider social and historic value and have educational and interpretive potential (Godden Mackay Logan, 2002).

#### **4.11.2 Themes Represented**

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Modifying the landscape
- Government and institutions
- Evolution of culture- religion and education

The following themes are indirectly represented:

- Transport and communications
- Suburbanisation

#### **4.11.3 Existing character values and controls**

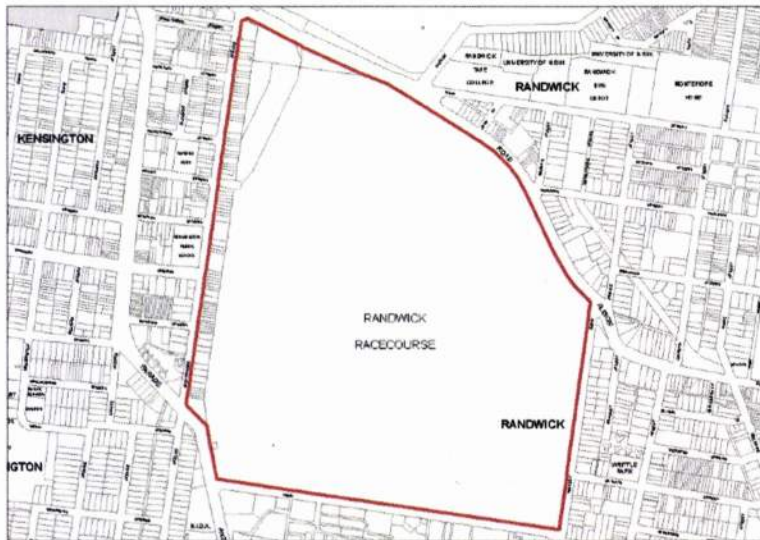
Refer to the site specific controls for Prince Henry Site, Little Bay in Part E of this DCP.



## 4.12 Racecourse Precinct Heritage Conservation Area

A number of early buildings surround the historic track itself, while Doncaster Avenue includes some fine groups of nineteenth and twentieth century houses.

The Racecourse Precinct includes Royal Randwick Racecourse and all properties on the eastern side of Doncaster Avenue., Kensington, which adjoin the racecourse at the rear.



### 4.12.1 What is the area's significance?

#### Aesthetic Significance

The Racecourse, together with Centennial Park and Moore Park, further to the north and east, forms one of the largest areas of open space in the eastern suburbs of Sydney.

The Racecourse provides an outlook for parts of the suburb of Randwick on higher ground to the east, and the University of NSW South Wales, to the south. The major built features of note are the stands, particularly the 1910 Members Stand, and the oval shaped course. Other racecourse buildings are located behind the stands in the north-west corner of the site, and close to the street frontages. The large modern grandstand is out of scale with its older neighbours but has become a local landmark.

The frontages to Alison Road, Wansey Road and High Street have avenue plantings of Port Jackson and Moreton Bay Figs, Plane trees and Brush Box, which enhance the visual amenity of these streets. In the north-west corner of the site there are Canary Island Date Palms and formal garden plantings.

The residential properties on the eastern side of Doncaster Avenue form a straight street frontage almost a kilometre in length, with a predominantly Victorian and Federation period character. This housing is representative of the larger Kensington precinct, on either side of Anzac Parade.

The most common building types are single storey Federation period detached and semi-detached houses. These mostly stand on narrow lots and have consistent setbacks and verandah and roof designs. There are also a large number of Victorian period one and two storey houses, and two storey terraces. The unity of the streetscape is disturbed to some degree by Post-War period three storey flat buildings, but to a lesser degree than the remainder of the historical Kensington precinct.

### Historical Significance

The racecourse is historically significant for its early reservation as an official racecourse, in 1833. It has been in continuous use as a racecourse since the first regular meetings held in 1863. This is probably the longest period of any racetrack in Australia. The racecourse retains much original fabric from the nineteenth and early twentieth centuries. It is the best preserved Victorian and Federation period racetrack in Sydney.

Randwick Racecourse developed in parallel with the present City of Randwick. The racecourse, and the many stables and workers' cottages in the surrounding area, demonstrate the process of development of the racing industry, and its importance to the commercial life of the district. This includes housing and stables on some of the properties fronting Doncaster Avenue.

The residential properties on Doncaster Avenue demonstrate the process of suburbanisation which took place in the late nineteenth and early twentieth centuries. This was the first part of Kensington to develop, and has a higher proportion of Victorian housing as a consequence. The housing (Victorian/Federation) is representative of the first stage of Kensington's suburban development, prior to West Kensington (Federation/Inter-War). The street also has a close connection with the racecourse and the racing industry.

### Social Significance

Randwick Racecourse is held in high esteem by members of the Australian Jockey Club, the racing industry, and past and present race-goers. Royalty has visited the facility on several occasions, giving the course special prestige in Australian thoroughbred racing. The physical environment of 'Royal Randwick' is an important part of the experience of a race day.

Doncaster Avenue shares a close physical and visual link with the racecourse. It is a major route for pedestrian access to the racecourse. Doncaster Avenue is also appreciated by the community as part of an important local period landscape and streetscape.

#### 4.12.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Modifying the landscape
- Government and institutions
- Recreation, entertainment and leisure



The following themes are indirectly represented:

- Speculation and promotion
- Transport and communications
- Suburbanisation

#### 4.12.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings. New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP, and the site specific controls for Royal Randwick Racecourse in Part E.

<b>Subdivision</b>	Narrow lots.
<b>Scale &amp; Form</b>	Major built features are the stands within the Racecourse. Single storey detached and semi-detached cottages, two storey detached houses and terraces, some intrusive 3 storey buildings. Historic significance of stable buildings at the rear of sites.
<b>Siting &amp; Setbacks</b>	Consistent setbacks.
<b>Roofs</b>	Traditional pitched roofs, many with gabled forms.
<b>Materials</b>	Walls predominantly face brickwork, some painted stucco. Walls that are painted stucco, originally in consistent colour schemes. Terracotta tiles and slate roofing.
<b>Detailing</b>	Predominantly timber decoration to verandahs and gable screens.
<b>Verandahs &amp; Balconies</b>	Federation detailing of front verandahs contributes to the character of the area
<b>Carparking</b>	Narrow lots without rear lanes generally do not allow for on site carparking.
<b>Fences</b>	Low brick fences and simple picket fences typical.

#### 4.12.4 Guidelines for change

A Conservation Management Plan has been prepared for the Randwick Racecourse and should be addressed in any development proposal for the site.

##### Alterations & Additions

Rear additions should not be prominent in the streetscape nor comprise the integrity of the original roof. Rear additions to attached and semi-detached cottages should be consistent with the scale and form of surrounding rear wings.

##### Original stables

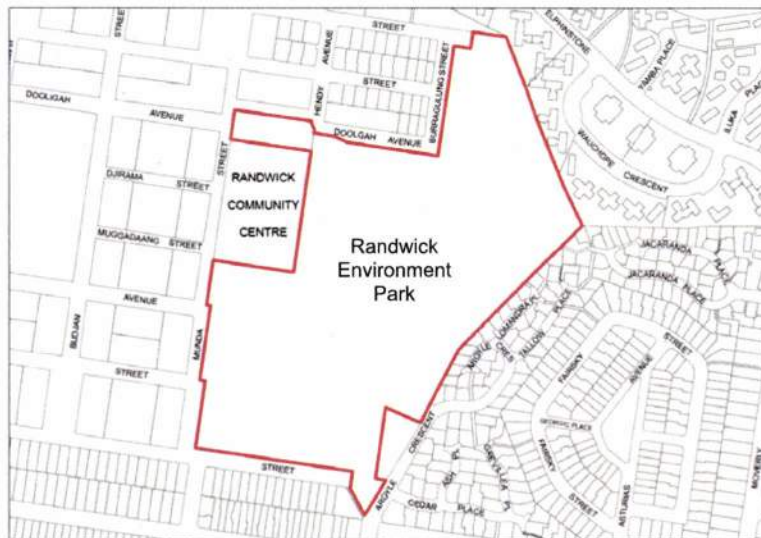
There are a number of original stables building in the area, associated with the racecourses which were located in the vicinity. These should be retained and conserved wherever possible.

##### Carparking

Where sites are of sufficient width, a rear garage or a side carport can be provided (set back from the front of the dwelling). On site carparking may not be able to be provided on narrow sites with minimal front setbacks.

## 4.13 Randwick Environment Park Heritage Conservation Area

Comprises 13 hectares of parkland, bushland and wetland containing 92 species of indigenous plants. It includes the endangered Sunshine Wattle and 3.6 hectares of Eastern Suburbs Banksia Scrub, which is an endangered ecological community. The bushland and wetland provide valuable habitat for a range of fauna.



### 4.13.1 What is the area's significance?

#### Aesthetic Significance

The heritage conservation area has considerable scenic value, providing an attractive natural backdrop for many views in the local area.

#### Historic Significance

Some historical significance is attributed to the use of the land by the military since the late 1800s, and its continuity as a large land holding within Randwick. The park was originally part of the Randwick Army Barracks with the eastern part used during World War II as the site for storage sheds.

#### Technical/Research Significance

The vegetation structure, species richness and natural regeneration of seedlings varies greatly within Randwick Environment Park. Since 1995, 92 indigenous plant species have been recorded within Randwick Environment Park. Of these, 27 species are considered to be characteristic of Eastern Suburbs Banksia Scrub. This is relatively high, given its location within the northern and more densely developed part of Randwick City. The high number of species is partly attributable to the variety of habitats present on the site. One of the species present, *Acacia terminalis* sub.sp. *terminalis*, has been listed as a 'threatened species' under both the TSC and EPBC Acts. Twelve other species recorded on the site have local significance in Sydney's Eastern Suburbs.



Eastern Suburbs Banksia Scrub, is an endangered ecological community of state and national significance, occurring on the nutrient poor sands between Botany Bay and Port Jackson. It has been reduced to 1% of its former extent due to fragmentation, clearing, urban development and weed invasion, and is likely to become extinct unless factors threatening its survival cease. Eastern Suburbs Banksia Scrub is thus regarded as of extremely high conservation significance.

The Randwick Environment Park contains an ephemeral wetland which contains some aquatic flora species, the presence of which is influenced by periods when water is present in the wetland. The wetland is a window to the groundwater table forming part of the extensive Botany Aquifer, and drains an urban catchment of 89 hectares. The wetland has a sparse to open cover of vegetation, reflecting both past disturbance and extended periods of dryness over recent years.

Although degraded as a result of past clearing, some of the vegetation present in the Randwick Environment Park has considerable significance as fauna habitat. The park supports 4 main habitat types: shrub land; exotic grassland; wetland; and rock outcrops. The shrub land provides shelter and food for small animals such as birds and reptiles, while the grassland supports birds such as Australian magpies, galahs, and masked lapwings. The ephemeral wetland has some periodic habitat values for waders, waterfowl and frogs. In a 2002 study, a Great Egret (a migratory water bird listed under the Commonwealth's EPBC Act 1999) was observed foraging within the shallow waters of the wetland. However, no Great Egret roosting colonies have been recorded on or in the vicinity of the Randwick Environment Park. The small areas of rock outcrops provide shelter for some reptile and frog species.

#### 4.13.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the conservation area:

- Modifying the landscape
- Government and institutions
- Industry and commerce

The following themes are indirectly represented:

- Recreation, entertainment and leisure

#### 4.13.3 Existing Character Values and Controls

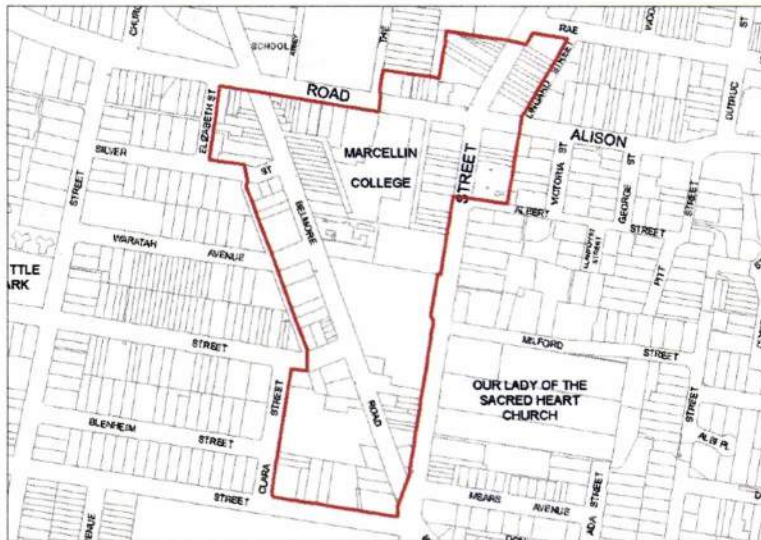
Randwick City Council manages its remnant areas of Eastern Suburbs Banksia Scrub, including that within Randwick Environment Park, in accordance with relevant management documents, in order to restore remnant vegetation and to enhance and expand native fauna habitat. These documents include a Recovery Plan for the Conservation of Eastern Suburbs Banksia Scrub; and the Best Practice Guidelines for the Management of Eastern Suburbs Banksia Scrub, both published by the NSW Office of Environment and Heritage. Volunteer Bushcare maintenance works are carried out in accordance with the Recovery Plan and Management Guidelines.



## 4.14 Randwick Junction Heritage Conservation Area

A largely intact traditional commercial centre with many good examples of buildings from the Victorian, Federation and Inter-War period.

The Randwick Junction heritage conservation area is centred on the Randwick Junction commercial centre. It is generally bounded by Belmore Road, Alison Road and Avoca Street, Randwick.



### 4.14.1 What is the area's significance?

The Randwick Junction heritage conservation area is the only heritage conservation area within the City of Randwick that is focused on a commercial centre. It retains a coherent streetscape character of nineteenth and early twentieth century buildings. Within the heritage conservation area there are two distinct groupings of commercial buildings. These are Belmore Road and the "Coach and Horses" grouping (centred on the intersection of Alison Road and Avoca Street).

#### Aesthetic Significance

The heritage conservation area is a good and generally intact example of a traditional commercial "strip" (linear) style centre. Buildings are typically two or three storeys and are generally built to the street alignment, for the full width of the allotment. The urban spaces formed by the buildings impart a strong linear character, particularly along Belmore Road. There are many good examples of building from the Victorian, Federation and Inter-War periods.

In the Coach and Horses grouping the Victorian Italianate style is dominant, interspersed with other later styles such as Federation Freestyle. There are significant groups of these buildings on the south-west corner of Avoca Street and Alison Road, as well as on the east side of Avoca Street, north of Alison Road. There are

excellent examples of Victorian Italianate commercial and residential buildings on Alison Road, between Avoca Street and Belmore Road as well as three outstanding Victorian Italianate residences on Avoca Street, adjacent to Marcellin College.

The single most striking building within the heritage conservation area is the former Star and Garter Inn, at the corner of Avoca Street and Belmore Road, notable for its distinctive castellated sandstone tower and the adjacent statue of Captain James Cook. The pairing of the Coach and Horses Hotel and the former Post Office, located on diagonally opposite corners of the intersection of Alison Road and Avoca Street is also prominent.

### Historic Significance

Randwick Junction has been the centre for commercial activity in Randwick since the establishment of the village in the mid-nineteenth century. The buildings in the heritage conservation area provide physical evidence of the process of growth and development of Randwick as a commercial centre. The heritage conservation area is at the intersection of three roads that have been the principal routes for travel between Randwick and other parts of Sydney since the establishment of the suburb. The first Randwick-Sydney horse omnibus and the first mail service were established on the site of the Coach and Horses Hotel in 1859, reflecting a strong relationship between Randwick Junction and early transport and communications in the district.

Many of the important sites in the early development of the commercial area were at the street intersections. The former Star and Garter Inn (circa 1859) was one of the earliest hotels in Randwick. No.119 Belmore Road, at the corner of Short Street, was the site of the post office from 1878 to 1897.

The most rapid period of growth began after the introduction of steam trams in 1881. The 1880's were a period of large scale subdivision in Randwick. In the Federation and Inter-War periods development of the commercial centre continued. There was considerable expansion on the western side of Belmore Road. Earlier, less intense residential uses, such as "Sandgate" at No.128 Belmore Road, were displaced.

The foundation stone for Randwick Post Office 1897, is on the northwest corner of Alison Road and Avoca Street. This building provides historical evidence of the importance of the heritage conservation area as a centre of communication and reflects the connection to government and institutions within Randwick.

### Social Significance

The heritage conservation area continues as Randwick's main commercial centre, developing around the earliest hotels in Randwick, namely the former Star and Garter Inn and the Coach and Horses Hotel. The Victorian, Federation and Inter-War buildings provide a sense of historical continuity throughout the centre and the streetscape character of the conservation area are well recognized throughout the community. In 1923, the Catholic Church acquired the Brisbane Villa Estate on Alison Road for a monastery. This site later became the Marcellin College, an



important and enduring centre for education within the local community.

When considered further in the context of the two adjacent conservation areas of St Judes and High Cross, with their significant administrative, cultural and institutional roles, Randwick Junction may be seen as the focal point of the city, as many of the enduring symbols of Randwick's development are located either within or immediately adjacent to the conservation area. Important community services such as mail services and government savings bank (initially operated from the post office), as well as educational and commercial activities have been centred in and around Randwick Junction for as long the suburb has been established.

#### **4.14.2 Themes Represented**

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Industry and commerce
- Promotion of culture, religion and education
- Recreation, entertainment and leisure
- Transport and communications

The following themes are indirectly represented:

- Speculation and promotion
- Government and institutions
- Suburbanisation

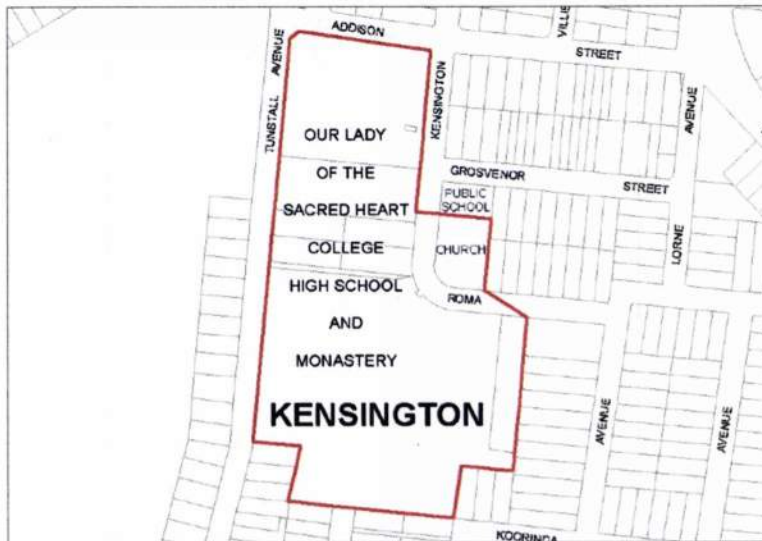
#### **4.14.3 Existing character values and controls**

Refer to the site specific controls in Part D of this DCP.

## 4.15 Sacred Heart Heritage Conservation Area

A landmark church precinct which includes the Sacred Heart Monastery and Chapel, Convent and Our Lady of the Rosary Church.

A large area of church-owned land bounded by Addison Street in the north, and Tunstall Avenue in the west and extending east of Kensington Road and south of Roma Avenue, Kensington.



### 4.15.1 What is the area's significance?

#### Aesthetic Significance

The Sacred Heart precinct is dominated by a notable group of brick religious buildings with tile roofs, mostly Federation Gothic style, located on a prominent knoll in the western half of the City of Randwick.

The buildings are highly visible from many parts of Randwick City, due to their height, elevated siting, and roof turrets and spires. The Monastery and Chapel are located on the axes of two streets, Kensington Road and High Street. The buildings' appearance is enhanced by their setting in spacious grounds, with large areas of lawn, large copses or Moreton Bay figs, plantings of palms, camphor laurels and other mature trees, and brick walling on most street frontages.

#### Historic Significance

The Monastery and Chapel, Convent and Church have historic significance. They demonstrate the pioneering role of the Catholic Church in the early development of this part of the City of Randwick, and the contemporary religious and institutional practices of the Church. The grouping has been in continuous use since the completion of the monastery, convent and school in 1897.



The site has significance as an early land grant to Samuel Terry, a convict who became the Colony's first millionaire. The monastery and convent site have an association with the flour mill and early industries of the Lachlan Mills Estate. These preceded the area's dedication as a water catchment. The boundaries of Terry's grant are still reflected in the street pattern. This part of the grant was favoured by its elevated position, above surrounding wetlands, and made it the logical site for the first development of the area.

### **Social Significance**

The Sacred Heart precinct has particular social significance for the school community and other current and former users of the site. The precinct is readily identifiable by the wider Randwick community as a landmark element in the suburb of Kensington. The elevated position was the original reason for the site's selection.

#### **4.15.2 Themes Represented**

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the conservation area:

- Modifying the landscape
- Government and institutions
- Promotion of culture, religion and education

The following themes are indirectly represented:

- Industry and commerce
- Transport and communications
- Suburbanisation

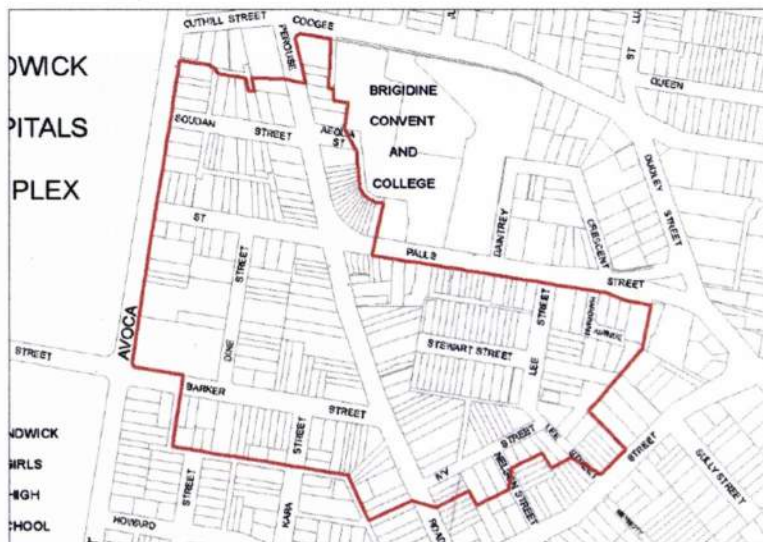
#### **4.15.3 Existing Character Values and Controls**

A conservation management plan for the church/school precinct should be prepared if any major development is planned by the Church. The conservation plan should develop policies for preservation of significant garden areas and vistas, as well as the period fabric of the buildings.

## 4.16 The Spot Heritage Conservation Area

Groupings of nineteenth and twentieth century residential and commercial buildings including the outstanding Art Deco Ritz cinema.

Located within the suburb of Randwick, The Spot heritage conservation area consists of the commercial centre on Perouse Road and St Pauls Street, and surrounding residential areas.



### 4.16.1 What is the area's significance?

#### Aesthetic Significance

The Spot is a large precinct exhibiting an interesting diversity of streetscapes. In the commercial centre the facades are mostly two storeys, continuous and built to the street alignments. They create a distinctive urban space, particularly at the curved corner of Perouse Road and St Pauls Street. The most common building styles of the commercial buildings are Victorian Italianate and Federation Free Classical. There are also Inter-War Art Deco style buildings. The Randwick Ritz, at No39 St Pauls Street is an excellent example of an Inter-War Art Deco style cinema.

The residential areas contain representative groupings of buildings from the Victorian, Federation and Inter-War periods.

Residential buildings from the Federation period are the most common. Most are Bungalow style. The row of detached houses at Nos 77-93 Perouse Road is only one example of several excellent groupings of Federation period detached or semi-detached houses in the conservation area.

There is a concentration of Victorian period houses in the western half of the conservation area, north of Barker Street and west of Perouse Road. Some are Italianate style detached houses. There

are several rows of Filigree style two storey terraces, which give streetscapes such as St Pauls Street, a distinctive character.

The most common types of Inter-War period residential buildings are California Bungalow style detached and semi-detached houses, and two or three storey residential flat buildings. A large number of the Inter-War period flat buildings are in the western half of the conservation area. However, the most intact grouping of Inter-War period buildings is on Hardiman Avenue. These buildings are detached houses or flat buildings, and are characterised by their liver brick external walls and fences.

Tree plantings, such as the Moreton Bay Figs in St Pauls Street, make a major contribution to the visual quality of streetscapes in the conservation area.

### Historic Significance

The Spot heritage conservation area has historic significance for its origins as "Irishtown", a poor working area on the fringe of Randwick Village, dominated by Irish Catholics. It came to be considered a settlement in opposition to Simeon Pearce's "Struggletown", the housing area he developed for his own workers. The original group maintained a long association with the area and contributed to its strong sense of local identity.

The original shanties, located along Perouse Road, have long since disappeared. The redevelopment of The Spot, in the late 1800's, was an attempt to clear the temporary dwellings of Irishtown and displace the inhabitants.

The Spot is now a cohesive residential and commercial neighbourhood. It demonstrates the later processes of large scale urban subdivision and development, which began after the establishment of the tramway route between Randwick and Coogee in 1883. The commercial centre developed around a tram stop at the intersection of Perouse Road and St Pauls Street.

The Inter-War period flat buildings demonstrate the intensification of land use which resulted from increases in population and scarcity of other land for subdivision.

The design of the Victorian, Federation and Inter-War period dwellings and commercial buildings, and their range of types, are representative of contemporary lifestyles and economic conditions.

### Social Significance

The Spot is a popular local name for the precinct and there is a strong sense of individual identity, dating back to its origins as "Irishtown". The precinct remains something like a suburban "village". The existing neighbourhood character has social significance for local residents and the general community. The heritage conservation area continues in its traditional residential and commercial use.

#### 4.16.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the conservation area:



- Speculation and promotion
- Industry and commerce
- Transport and communications
- Suburbanisation

The following themes are indirectly represented:

- Modifying the landscape
- Promotion, culture, religion and education
- Recreation, entertainment and leisure

#### 4.16.3 Existing character values and controls

Refer to the Part D for site specific controls for the business zoned part of The Spot conservation area. The table below provides a summary of key values or characteristics of the residential zoned part of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b><i>Landscape and public domain elements</i></b>	Character of some streets enhanced by sandstone retaining walls and mature street planting.
<b><i>Scale &amp; Form</i></b>	Diversity of scale including single storey detached cottages and villas, single storey and two storey semi-detached houses and two or three storey residential flat buildings.
<b><i>Siting &amp; Setbacks</i></b>	Diversity of setbacks including smaller setbacks for cottages and larger setbacks for villas.
<b><i>Roofs</i></b>	Traditional pitched roofs.
<b><i>Materials</i></b>	Walls are stucco for Victorian buildings, face brickwork for Federation and Interwar buildings. Terracotta tiles and slate roofing.
<b><i>Detailing</i></b>	Decorative metalwork and timberwork.
<b><i>Verandahs &amp; Balconies</i></b>	Front verandahs integral to each of the architectural styles which are represented in the area.
<b><i>Carparking</i></b>	Wider lots provide access for parking to the rear. Narrower lots do not allow for on site carparking, unless a rear lane is available.
<b><i>Fences</i></b>	Front fencing is sympathetic to the style of the dwelling.



#### 4.16.4 Guidelines for change

##### Alterations & Additions

The Spot heritage conservation area comprises a range of building types including single storey detached cottages and villas, single storey and two storey semi-detached houses and two or three storey residential flat buildings. Rear additions should not be prominent in the streetscape nor comprise the integrity of the original roof. Rear additions to attached and semi-detached cottages should be consistent with the scale and form of surrounding rear wings.

##### Outbuildings to the rear

The scale and bulk of outbuildings to the rear should not dominate the main building on the site. Outbuildings should be of a 1 ½ storey scale with upper floor accommodation within available attic space. The maximum wall height of outbuildings is to be 3.5m and roof pitch is to be consistent with that of the main building on the site.

##### Carparking

Where rear lane access is available, carparking to the front or side of the property will not be permitted.

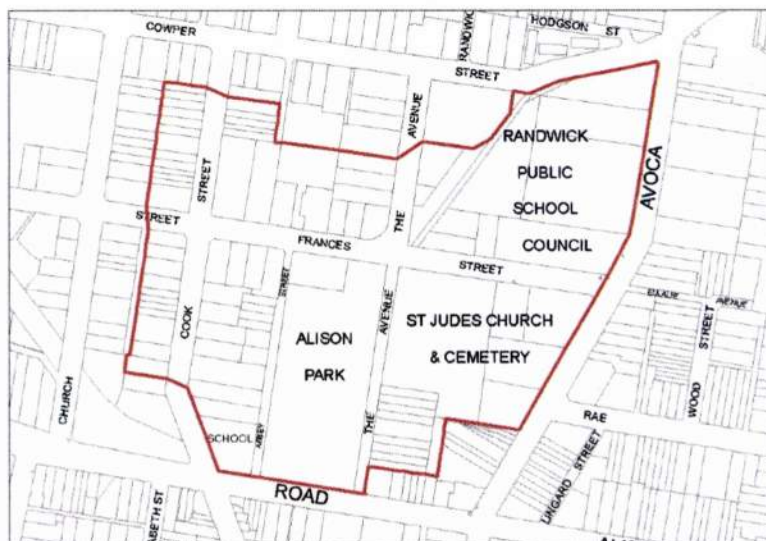
Where driveway access along the side of the dwelling was available, garages were traditionally provided in the rear yard of the dwelling, and this remains the preferred location. Otherwise an open carport can be provided to the side of the dwelling, set back from the front wall of the dwelling.

On site carparking is generally not able to be provided to narrow properties with minimal front setbacks and no rear lane access.

## 4.17 St Judes Heritage Conservation Area

Randwick's earliest church and civic buildings together with some fine groups of nineteenth and twentieth century houses.

Located within the suburb of Randwick, this area falls into two distinct precincts. One is the historic St Judes grouping. The other is the residential precinct centred on Alison Park and the intersection of Cook and Frances Streets.



### 4.17.1 What is the area's significance?

#### Aesthetic Significance

The St Judes precinct is an outstanding building grouping centred on early church and civic buildings. The church and civic groupings are prominent on Randwick's original main thoroughfare, the Frenchman's Road.

The church group includes two notable early stone buildings, set in open grounds, with St Jude's cemetery in the background. Each of the three main buildings in the group is significant in its own right, namely St Judes Church, the Rectory, and the former Borough Council Chambers. The buildings and their setting have changed little since the time they were built.

The civic group consists of the late nineteenth century Town Hall, the buildings of the former Randwick Public School, and a fire station. These buildings remain distinctive despite the presence of a number of more recent buildings.

The Alison Park precinct survives as a notable grouping of late nineteenth and early twentieth century houses. The building stock is a rich mixture of types, ranging from small semis and row houses, to Victorian terraces, Federation and Inter-War cottages, and grand mansions on generous allotments. Alison Park provides an important focus, as does the intersection of Cook and Frances Streets.

Immediately adjoining the church group there is a fine three storey terrace known as "Avonmore", overlooking Alison Park. This terrace precedes the Federation and Inter-War housing to the north and west. The row is an outstanding Victorian grouping in its own right. Such grand London style terraces are rare for the Sydney region.

Particularly prominent in the Federation housing area is the ornate home at the Cook and Frances Street intersection. This building has achieved landmark status and is prominent on approaches from both streets. Despite intrusions by a number of Post-War flat buildings, and some unsympathetic alteration to older houses, this grouping persists as one of the best preserved examples of Federation housing in Randwick.

### Historic Significance

The establishment of St Judes Church assisted Simeon Pearce's promotion of Randwick as a semi-rural retreat for the Colony's elite. The church symbolised the strength and stability of the new community. The church, cemetery and grounds continue as a clear reminder of the original English village model Pearce sought to imitate.

The establishment of the Borough Council was another of Pearce's initiatives. The council was one of the first established in the Colony. The later Town Hall, close by, marked the considerable progress of the early municipality.

The 1883 public school was typical of many established following the passing of the Public Instruction Act. The Act made education "free, compulsory and secular". The route of the former tramway, now part of the school grounds, has considerable historical interest. The tramways greatly assisted the establishment and growth of the settlement. Its boundaries are still well marked by fencing and different landscape treatments.

Housing in the Alison Park precinct is representative of the range of housing types and styles built in the City during the Late Victorian and Federation periods. The grander homes are in keeping with Simeon Pearce's original ambitions for the area, but the presence of smaller and simpler cottages adds to the historical interest and diversity.

### Social Significance

The church, school and civic precinct remains a major community focus and its institutions have been held high in local esteem for over 100 years.

The mixture of grand homes and simple cottages is notable as a continuing record of the area's rich social mix.

### 4.17.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:



- Speculation and promotion
- Government and institutions
- Promotion of culture, religion and education
- Recreation, entertainment and leisure
- Transport and communications
- Suburbanisation

The following themes are indirectly represented:

- Modifying the landscape

#### 4.17.3 Existing character values

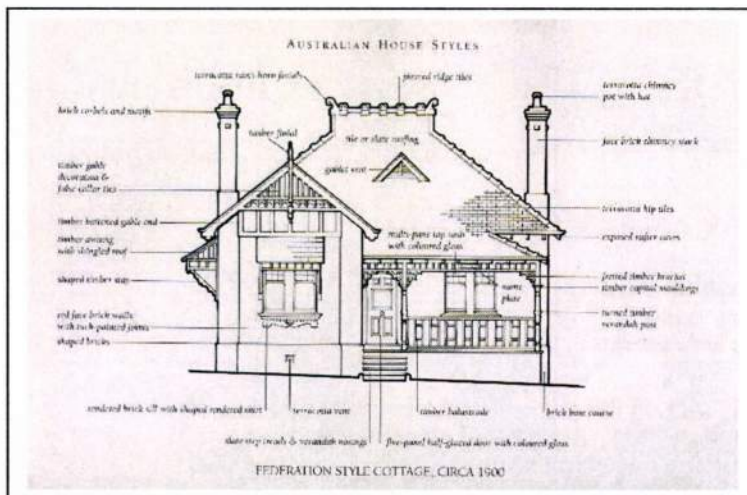
The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b>Subdivision</b>	Varied subdivision pattern including larger and smaller lots.
<b>Landscape and public domain elements</b>	Alison Park provides a landscape focus for the area.
<b>Scale &amp; Form</b>	Diversity of scale including landmark church buildings, three storey terraces, two storey villas and single story detached and semi-detached cottages.
<b>Siting &amp; Setbacks</b>	Diversity of setbacks including smaller setbacks for terraces and larger setbacks for villas.
<b>Roofs</b>	Traditional pitched roofs.
<b>Materials</b>	Walls are stucco for Victorian buildings, face brickwork for Federation and Interwar buildings, stone for the church group. Terracotta tiles, slate roofing.
<b>Detailing</b>	Decorative elements in stone, metal, timber and brick.
<b>Verandahs &amp; Balconies</b>	Front verandahs integral to each of the architectural styles which are represented in the area.
<b>Carparking</b>	Wider lots provide access for carparking to rear. Narrower lots do not allow for on site carparking.
<b>Fences</b>	Front fencing is sympathetic to style of dwelling.





### Typical Federation style façade detailing

**Sourced from "Australian House Styles". Maisy Stapleton & Ian Stapleton. Flannel Flower Press Pty Ltd. 1997.**

#### 4.17.4 Guidelines for Change

##### Alterations & Additions

The St Judes heritage conservation area comprises a range of building types including single storey and two storey villas, two storey terraces and attached and semi-detached cottages. Rear additions should not be prominent in the streetscape nor compromise the integrity of the original roof. Rear additions to attached and semi-detached cottages should be consistent with the scale and form of surrounding rear wings.

##### Outbuildings to the rear

The scale and bulk of outbuildings to the rear should not dominate the main building on the site. Outbuildings should be of a 1 ½ storey scale with upper floor accommodation within available attic space. The maximum wall height of outbuildings is to be 3.5m and roof pitch is to be consistent with that of the main building on the site.

##### Carparking

Where rear lane access is available, carparking to the front or side of the property will not be permitted.

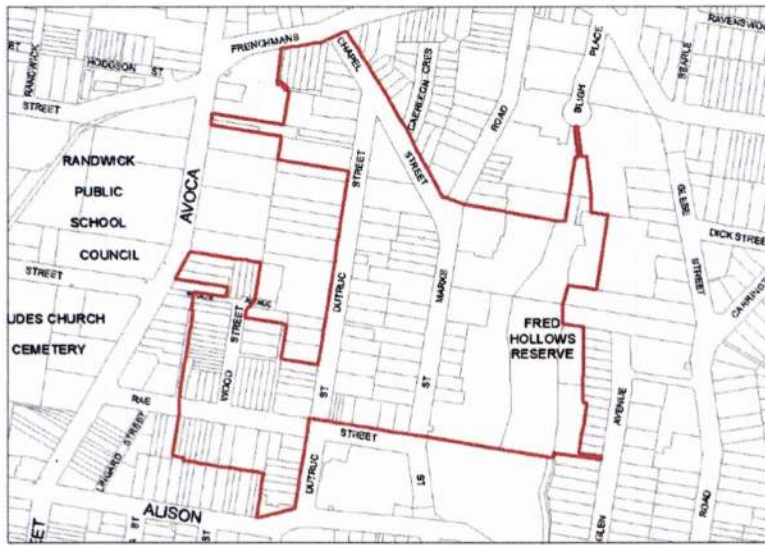
Where driveway access along the side of the dwelling was available, garages were traditionally provided in the rear yard of the dwelling, and this remains the preferred location. Otherwise an open carport can be provided to the side of the dwelling, set back from the front wall of the dwelling.

On site car parking is generally not able to be provided to narrow properties with minimal front setbacks and no rear lane access.

## 4.18 St Mark's Heritage Conservation Area

A fine collection of residential buildings, including nineteenth century villas and terraces and twentieth century cottages, adjacent to an important area of remnant bushland.

The area extends west from Glebe Gully to include parts of Dutruc Street, St Marks Road, Rae Street and Wood Street, Randwick.



### 4.18.1 What is the area's significance?

#### Aesthetic Significance

The St Mark's precinct boasts the City's largest, most consistent collection of nineteenth century dwellings. There are two or three main building groupings, which together provide a very good representation of styles, types and densities.

The first main grouping features several outstanding Victorian villas, on large lots, fronting St Mark's Road and Dutruc Street. The second includes impressive terraces, and more modest Victorian, Federation and Inter-War cottages and semi-detached, centred on Rae and Wood Streets. A third grouping consists of a mixture of styles and periods extending north to Frenchmans Road.

Although there are several modern and disruptive buildings present, there are two fine rows of intact buildings, one on the west side of St Mark's Road, and one on the north side of Rae Street. Most of these are individually listed as heritage items. The recently restored house on the pivotal corner of Rae and Dutruc Streets has become something of a landmark, and is an outstanding example of a Late Victorian villa.

Buildings and gardens combine well with the topography and some good street planting. The street pattern provides some interesting internal vistas, and there is a notable view south along Dutruc



Street to the Brigidine Convent on the other side the Coogee valley.

### Historic Significance

St Mark's Road and Dutruc Streets have considerable historical interest. They were created by subdivision of the former Church of England Glebe Estate in 1888. The strong demand for land in the area ensured the establishment of substantial homes for the well-to-do, all within the significant Late Victorian "boom period".

The Church's continuing ownership of the adjoining Glebe gully was also of interest, as it ensured the gully's eventual preservation.

Other housing in the precinct is historically representative of the wide range of house types and styles built on smaller lots during the Victorian, Federation and Inter-War periods.

### Scientific Significance

The Glebe gully, now the Fred Hollows Reserve, has considerable natural heritage value. It is a rare surviving example of a well vegetated watercourse in the midst of an intensely developed residential area. The reserve is a habitat for significant local flora and fauna, including the rare Gully Skink.

### Social Significance

The surviving villas on St Mark's Road and Dutruc Street have social significance for what they reveal of the tastes and life styles of Randwick's elite, in the late nineteenth century. Randwick had, by now, become a settled residential area, in contrast to its semi-rural origins. The subdivisions of the Glebe lands provided generous lots for those wishing to build prestigious homes close to the commercial and civic centre. The highly ornamented "Boom Style" buildings reflected the prosperity of the time.

#### 4.18.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the heritage conservation area:

- Modifying the landscape
- Speculation and promotion
- Promotion of culture, religion and education
- Recreation, entertainment and leisure
- Suburbanisation

The following themes are indirectly represented:

- Government and institutions
- Transport and communications

#### 4.18.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b>Subdivision</b>	Varied subdivision pattern including larger and smaller lots.
<b>Landscape and public domain elements</b>	Glebe gully, now Fred Hollows Reserve has natural heritage value as a rare surviving example of a well vegetated watercourse in an intensively developed residential area.
<b>Scale &amp; Form</b>	Diversity of scale including two storey villas and single storey detached, semi-detached and attached dwellings.
<b>Siting &amp; Setbacks</b>	Diversity of setbacks including smaller setbacks for cottages and larger setbacks for villas.
<b>Roofs</b>	Traditional pitched roofs.
<b>Materials</b>	Walls are stucco for Victorian buildings, face brickwork for Federation buildings. Terracotta tiles, slate roofing.
<b>Detailing</b>	Decorative metalwork and timberwork.
<b>Verandahs &amp; Balconies</b>	Front verandahs integral to each of the architectural styles which are represented in the area.
<b>Carparking</b>	Wider lots provide access for carparking to the rear. Narrower lots do not allow for on site carparking.
<b>Fences</b>	Front fencing is sympathetic to style of dwelling.

#### 4.18.4 Guidelines for change

##### Alterations & Additions

The St Marks heritage conservation area comprises a range of building types including single storey and two storey villas, two storey terraces and attached and semi-detached cottages. Rear additions should not be prominent in the streetscape nor compromise the integrity of the original roof. Rear additions to attached and



semi-detached cottages should be consistent with the scale and form of surrounding rear wings.

### Outbuildings to the rear

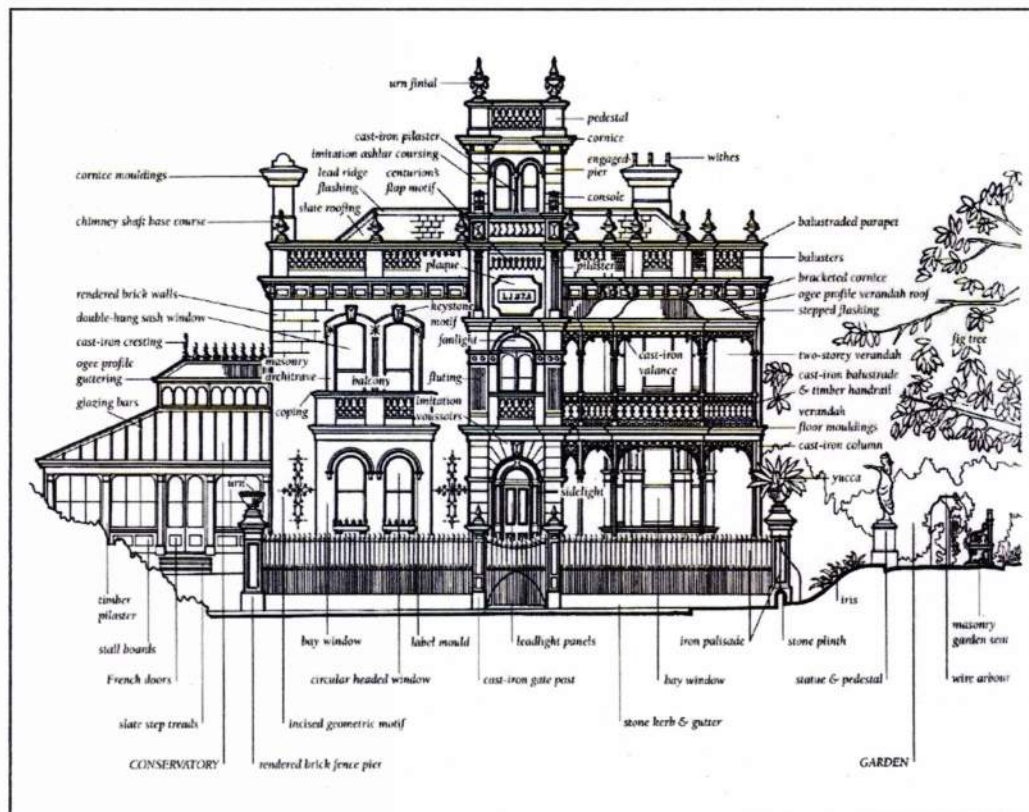
The scale and bulk of outbuildings to the rear should not dominate the main building on the site. Outbuildings should be of a 1 ½ storey scale with upper floor accommodation within available attic space. The maximum wall height of outbuildings is to be 3.5m and roof pitch is to be consistent with that of the main building on the site.

### Carparking

Where rear lane access is available, carparking to the front or side of the property will not be permitted.

Where driveway access along the side of the dwelling was available, garages were traditionally provided in the rear yard of the dwelling, and this remains the preferred location. Otherwise an open carport can be provided to the side of the dwelling, set back from the front wall of the dwelling.

On site carparking is generally not able to be provided to narrow properties with minimal front setbacks and no rear lane access.



**Victorian Italianate villa façade detailing**

**Sourced from "Australian House Styles". Maisy Stapleton & Ian Stapleton. Flannel Flower Press Pty Ltd. 1997.**

## 4.19 Struggletown Heritage Conservation Area

One of the earliest settlements in Randwick, it includes a number of mid nineteenth cottages and stables buildings associated with the horse racing industry.

The Struggletown heritage conservation area consists of several street blocks of housing and stables between Young Street, Barker Street and Botany Street in Randwick.



### 4.19.1 What is the area's significance?

#### Aesthetic Significance

The heritage conservation area has a streetscape character which differs markedly from other parts of Randwick. The heritage conservation area has a rectilinear layout of narrow streets with sandstone kerbing, on a flat topography. Building allotments are narrow and buildings are set back a small distance from the streets.

Many of the buildings in the heritage conservation area are single-fronted weatherboard, stone or brick Victorian Georgian workers' cottages. There are also cottages from the Federation period, in Bungalow or Georgian style and the Inter-War period.

There is a small grouping of Federation and Inter-War period shops, at the corner of Barker Street and Jane Street.

The range of housing types and styles is complemented by stables buildings, often at the rear of sites. The Newmarket Complex, on the eastern side of Young Street, is not in the heritage conservation area. However, the trees and buildings on the site, including the Big Stable, and the main residence, make a major contribution to the visual amenity of the conservation area and its character as a precinct for the horse racing industry.



### Historic Significance

The heritage conservation area has historic significance as one of the earliest settlements in the Randwick City area, and its connection with Simeon Pearce. Pearce created a market garden here in the 1850's. Stone cottages were constructed by Pearce for his workers from the late 1850's onwards. Many of the early inhabitants were domestic workers who were employed locally by middle and upper class residents of Randwick. St Jude's Mission Hall, on the north-east corner of Jane and Middle Streets, was built on land granted by Pearce for the building of a church for the community.

In the 1860's Struggletown became a centre for the horse racing industry. More stabling was introduced into the area when the Sydney Omnibus Company moved its operations to the Newmarket complex, in 1870.

The primary uses of the heritage conservation area for housing and the horse racing industry, have continued throughout the twentieth century. The Randwick Equine Centre, on the block between Jane Street, Middle Street, Young Street and Barker Street, is currently the largest horse racing establishment within the conservation area.

### Social Significance

The heritage conservation area has social significance for local residents and the wider Randwick community. The area is well recognised for its streetscape qualities, its rare Victorian period workers' housing, and its long-term associations with the horse racing industry.

#### 4.19.2 Themes Represented

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the conservation area:

- Speculation and promotion
- Industry and commerce
- Suburbanisation

The following themes are indirectly represented:

- Modifying the landscape
- Transport and communications

#### 4.19.3 Existing character values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b>Subdivision</b>	Rectilinear layout of narrow sites.
<b>Landscape and public domain elements</b>	Trees on the Newmarket site and sandstone kerb and guttering contribute to the amenity and character of the area.
<b>Scale &amp; Form</b>	Two storey shops on the corner of Barker St and Jane St, but otherwise modest single storey cottages. Stables buildings at the rear of sites.
<b>Siting &amp; Setbacks</b>	Minimal front setbacks
<b>Roofs</b>	Simple pitched roofs.
<b>Materials</b>	Walls of weatherboard, stone or brick. Generally corrugated iron roofs.
<b>Detailing</b>	Plainly detailed metalwork and timberwork.
<b>Verandahs &amp; Balconies</b>	Early buildings incorporate a simple verandah across the entire front of the cottage.
<b>Carparking</b>	Narrow lots without rear lanes do not allow for on site carparking
<b>Fences</b>	Traditional fencing probably low timber pickets.

#### 4.19.4 Guidelines for change

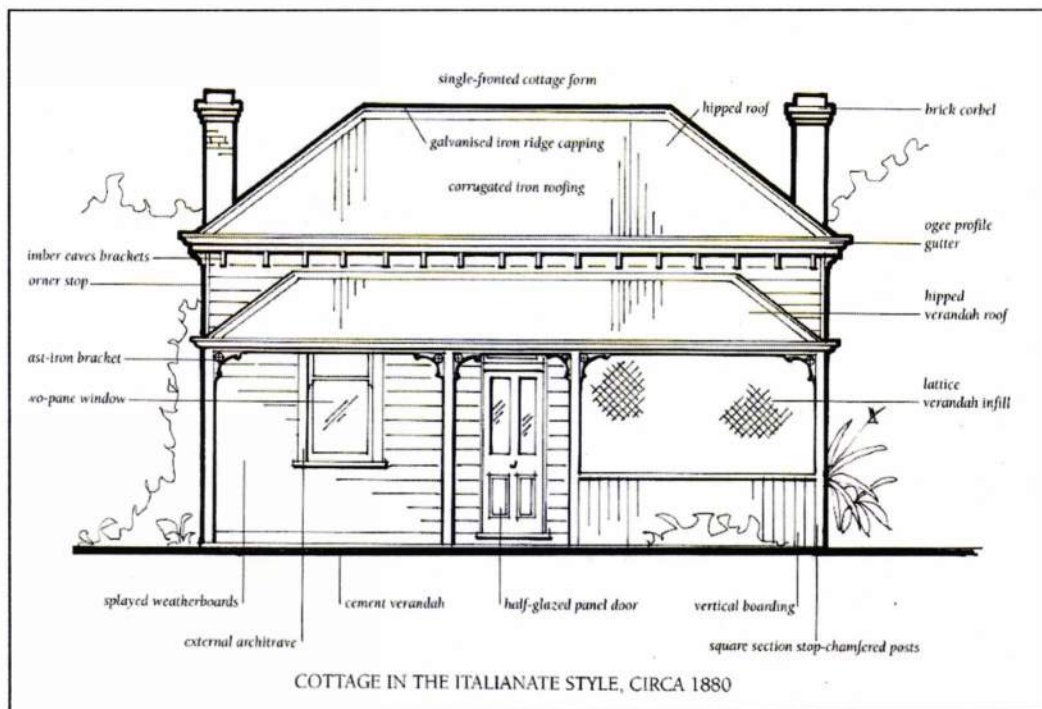
##### Alterations & Additions

The dwellings are generally modest workers cottages on small blocks, and in order to increase the size of the dwelling, may be necessary to provide some upper level floor space. The bulk and prominence of any upper level addition should be minimised however. Any upper level addition should be set well to the rear to minimise streetscape visibility and retain the integrity of the original roof. As the dwellings are generally of quite early construction, they should be subject to careful and timely maintenance and repair.

##### Carparking

Where sites are of sufficient width, a rear garage or a side carport can be provided (set back from the front of the dwelling). On site carparking may not be able to be provided on narrow sites with minimal front setbacks.





Victorian Italianate cottage façade detailing

Sourced from "Australian House Styles". Maisy Stapleton & Ian Stapleton. Flannel Flower Press Pty Ltd. 1997.

## 4.20 West Kensington Heritage Conservation Area

Highly consistent early twentieth century streetscapes with an unusual triangular street layout.

A large area of land generally bounded by Samuel Terry Avenue to the west, Todman Avenue to the north, and the Australian Golf Course to the south.



### 4.20.1 What is the area's significance?

#### Aesthetic Significance

The West Kensington heritage conservation area is significant for its highly consistent early twentieth century streetscapes. The unusual triangular street layout, overlaid on a former water supply catchment, has produced a unique subdivision pattern. It features interesting street junctions, many of which are T-junctions, and streets which range in length. This results in a great variety of

internal vistas, long and short, most of which are terminated by buildings at an intersection or bend. Some of the more interesting views out include views to the elevated areas to the south-east, where the Sacred Heart Church still stands.

The area's visual interest is mostly a consequence of built character, and the geometry of the subdivision, with all allotments orientated at 45 degrees to the main compass points. The landscape remains predominantly flat, though there are a few notable variations in level. Street planting is variable, but there is a particularly notable street tree canopy in Milroy Avenue.

The heritage character of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, the originally consistent face brick construction, and the highly visible tiled and slated roofs. Whilst many buildings have been substantially altered, there has been very little redevelopment relative to other parts of Randwick. Most buildings and streetscapes still retain their essential period character.

### **Social and Historical Significance**

The area has historical interest for its early importance as a water catchment, the boundaries of which expanded beyond those of the conservation area. This delayed its development, as did subsequent speculation and the 1890s recession. The eventual and long-awaited release in 1912 saw it develop relatively quickly. The area was almost fully settled within 15 to 20 years. The consistency of the area is strengthened by its being almost wholly residential. Commercial intrusions are minimal.

The area has important historical associations with early industries established on the Lachlan Stream.

The development of the area also has interest for its historical and physical associations with the former tobacco factory on the eastern side of Todman Avenue. The original developer of the West Kensington Estate, George Frederick Todman, was one of the founders of the factory. There was also a later association with the glass manufacturer, AGM, which had a factory nearby on Samuel Terry Avenue. There is a fine group of Inter-War buildings on Todman Avenue which was purpose built for employees of AGM. The area also has interest for its association with the local racing industry. A number of horse stables in the area are still in use, some of them quite old.

The housing (Federation/Inter-War) is representative of the second stage of Kensington's suburban development, after the Doncaster Avenue / Anzac Parade precinct (Victorian/Federation) and prior to South Kensington (Inter-War). The unusual triangular street layout was probably a simple response to the shape of the residue parcel of the former water catchment, retained by Todman after the collapse of the earlier speculative joint venture for the wider area. It was as close as the area came to the original grand town planning vision for Kensington.

#### **4.20.2 Themes Represented**

The following historical themes, identified in the 1989 Randwick Heritage Study, are directly illustrated in the conservation area:



- Modifying the landscape
- Speculation and promotion
- Suburban action

The following themes are indirectly represented:

- Industry and commerce
- Transport and communications

#### 4.20.3 Existing Character Values

The table below provides a summary of key values or characteristics of the heritage conservation area. These character values should be retained for contributory buildings.

New development including alterations and additions to existing buildings and infill development should generally respect these character values in order to be compatible with their surroundings.

These key values and characteristics, and the guidelines for change that follow, need to be considered in addition to the general guidelines and controls contained in this DCP.

<b>Subdivision</b>	Unusual triangular street subdivision layout with very consistent lot sizes.
<b>Landscape &amp; public domain elements</b>	Notable street tree canopy in Milroy Avenue.
<b>Scale &amp; Form</b>	Single storey detached cottages.
<b>Siting &amp; Setbacks</b>	Generous setbacks allow for attractive front gardens.
<b>Roofs</b>	Traditional pitched roofs, hipped and gabled forms.
<b>Materials</b>	Walls predominantly face brickwork- smooth faced red or liver bricks. Marseilles pattern terracotta tiles and slate roofing.
<b>Detailing</b>	Predominantly timber decoration to verandahs, sunhoods, gables etc. Heavy brick/timber verandah decoration. Timber and stucco gable decoration.
<b>Verandahs &amp; Balconies</b>	Front verandahs provide depth to facades, an interface to the street and contribute to dwelling character.
<b>Carparking</b>	Generous setbacks allow for car parking to rear.
<b>Fences</b>	Many low brick fences, some plain timber picket fences.
<b>Gardens &amp; garden elements</b>	A number of early stables buildings are found in the area, some retaining their original use.



#### 4.20.4 Guidelines for Change

##### Alterations & Additions

Part of the heritage significance of the area is its predominantly single storey scale. As the dwellings are on generous blocks, it is generally feasible to increase the floor space with a single storey rear addition, without detracting from its garden setting of the dwelling.



Additions should utilise attic roof forms located to the rear of the main ridgeline

##### Outbuildings to the Rear

The scale and bulk of outbuildings to the rear should not dominate the main building on the site. Outbuildings should be of a 1 ½ storey scale with upper floor accommodation within available attic space. The maximum wall height of outbuilding is to be 3.5m and roof pitch is to be consistent with that of the main building on the site.



Additions set back from the existing ridgeline retain the form and detail of the existing residences. Use of simple roof forms and subtle detailing further enhances the relationship of new and existing works.

##### Original Stables

There are a number of original stables building in the area, associated with the racecourses which were located in the vicinity. These should be retained and conserved wherever possible.

##### Carparking

Garages were traditionally provided in the rear yard of the dwelling, and this remains the preferred location. Otherwise an open carport can be provided to the side of the dwelling, set back from the front wall of the dwelling.



Additions to the rear of residences on corner sites should provide greater emphasis to the secondary street frontage.

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# 1 Introduction

This section sets out objectives and controls to provide a framework for the application of sustainable development principles in the design, construction and operation of buildings across Randwick City.

The built environment is a major contributor to greenhouse gas emissions and energy consumption in Australia, accounting for approximately 22% of the nation's total greenhouse emissions (COAG July 2009). Much of this is attributed to the resources and materials used in building construction as well as pollution and waste resulting from development activity. The actual operation of a building can also contribute significantly to energy and water consumption.

Sustainable development (as referenced in this DCP) refers to a building that is environmentally responsible and resource efficient throughout its life cycle, while reducing the overall impact on the environment and human health.

Buildings that are sustainable use environmentally friendly construction materials and fittings, are energy and water smart, have healthy and comfortable indoor environments, and yield considerable cost savings to property owners and tenants.

Key environmental, economic and social benefits of sustainable development include:

- A reduction in greenhouse emissions
- Savings in household bills and business running costs
- Improved health and well being of building occupants
- Potable (drinking) water and energy conservation
- Improved indoor temperature moderation
- Assists in retaining infrastructure capacity
- Waste reduction and improved storm water management.

Sustainable development is a fundamental element of the planning framework and is part of all land use, development and environmental management decisions in Randwick City.

This section applies to all developments in Randwick City. The integration of sustainability measures into a building is the most effective and least costly when considered at the earliest stage of development.

This section of the DCP should be read in conjunction with:

- Part A – Introduction, Part B - General Controls; and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the application.



### 1.1 Objectives

- To ensure that the design, construction and operation of development minimises adverse impacts on the natural and built environment.
- To reduce the use of resources, pollution and waste resulting from development activity.
- To improve the quality of life, health and well being of residents and workers.
- To promote the use of renewable energy sources and materials.
- To promote education on key elements of sustainable development and maintenance.

## 2 Building Materials and Finishes

### Explanation

The materials used in construction, renovation and/or refurbishment can significantly enhance or impact on the environment and/or the health and well being of building occupants.

### Objectives

- To maximise the selection and use of environmentally responsible and robust construction materials and finishes.
- To ensure healthy indoor environments.
- To encourage use of materials that are non-polluting in manufacture, use and disposal.

### Controls

- i) Submit a schedule of materials with the DA that maximises the use of the following:
  - Materials that are durable with low maintenance requirements.
  - Materials with low embodied energy content.
  - Renewable materials.
  - Locally sourced products.
  - Salvaged or recycled materials.
  - Timber from plantation or sustainable managed re growth forests.
  - Low volatile organic compound (VOC) emitting materials.
  - Mechanical fittings instead of adhesives or glues.
  - Toxin free flooring.
- ii) Rainforest timbers or timbers cut from old growth forest must not be used.



- iii) Design for the adaptive re use of existing building facades, building structures and fittings where feasible.

**Notes:**

*1. Examples of materials that should be minimised include:*

- Chrome, cadmium, lead, mercury, cyanide and formaldehyde
- Materials, sealants and adhesives containing volatile organic compounds (VOCS)
- PVC
- Wood treated with Copper Chrome Arsenate (CCA)
- Solvents.

*2. Examples of common building materials that can contain recycled content include: concrete, steel, insulation, composite timber products, carpet, underlay and many cladding materials. Consideration should be given to recycling and re using bricks within a development.*

*3. Renewable natural materials encouraged for interior finishes and furnishings include: bamboo, jute, sisal and, cork. Applicants should also consider using low VOC/plant based paints and plant based oils for floor boards.*

*4. PVC products produced in compliance with 'Best Practice Guidelines for PVC in the Built Environment' are supported.*

*5. The Forest Stewardship Council (FSC) is an international, independent, not-for-profit organisation that provides standards for responsible forest management and an accreditation system for sustainable forest products. Further information is available at [www.fscaustralia.org](http://www.fscaustralia.org)*

*6. Good Environmental Choice Australia (GECA) is an independent, not-for-profit organisation that runs an internationally recognised Ecolabelling Program that certifies products in line with ISO 14024. Further information is available at [www.geca.org.au](http://www.geca.org.au)*

*7. Further information on the use of environmentally friendly materials in the design, construction or renovation of homes is available at [www.yourhome.gov.au](http://www.yourhome.gov.au)*

### 3 Energy and Water Efficiency

#### Explanation

Buildings that are energy and water efficient offer substantial benefits including savings on the running costs of heating, cooling, lighting and equipment, as well as reducing greenhouse gas emissions and potable water use.

The Building Code of Australia (BCA) Section J contains minimum energy efficiency standards.

In NSW energy and water efficiency measures for most residential development is covered by BASIX (the Building Sustainability Index), a web based tool aimed at reducing water usage and greenhouse gas emissions. The tool provides a framework to assess energy and potable water consumption against specific targets which vary according to location and building type. Proposals that meet the targets are issued with a BASIX certificate which must be submitted with a DA before it is processed.

For further information on the implementation of BASIX refer to [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

These controls apply to buildings not affected by BASIX.

#### Objectives

- To promote energy and water efficiency in the design and operation of buildings.
- To minimise greenhouse gas emissions.
- To reduce the reliance on mechanical heating and cooling.
- To reduce energy and water bills and the whole of life cost of energy services.

#### Controls

##### 3.1 Residential alterations and additions not affected by BASIX

- i) All new or replacement electrical appliances must achieve the highest available energy rating at the time of development.
- ii) All new or replacement domestic type gas hot water systems must be the most energy efficient option available at the time of development.
- iii) Electric hot water heating must not be installed.
- iv) All new or replacement products regulated for water efficiency under WELs must achieve the highest rating at the time of development (e.g. dishwashers and washing machines). WELs rated water saving devices must be installed including: 4 star dual flush toilets, 3 star shower heads, 4 star taps, and 3 star urinals.

#### Note:

**BASIX does not apply to residential alterations and additions valued < \$50,000, swimming pools with a capacity of 40,000 litres or less or visitor accommodation.**

### 3.2 Non- Residential Development (commercial premises, industrial and hotel and motel accommodation)

- i) Buildings are to be oriented and designed to achieve optimum solar access and natural ventilation where practical.
- ii) On site renewable energy systems (e.g. solar energy, heat pump technology and the like) are to be installed where practical and effectively integrated to complement the overall building design.
- iii) New or replacement solar and heat pump hotwater systems must be eligible for at least 24 Renewable Energy Certificates (RECs). All new or replacement domestic type gas hot water systems must be the most energy efficient option available at the time of development.
- iv) Electric hot water heating must not be installed.
- v) Heating and cooling systems are to be designed to target only those spaces which require heating or cooling at any one time, not the whole building.
- vi) All new or replacement air conditioners of domestic/residential scale are to be MEPs rated: minimum 4 star on one cycle and 3 star for reverse-cycle models.
- vii) All new or replacement electrical appliances must achieve the highest available energy rating at the time of development.
- viii) Energy efficient LED lighting, dimmers, motion detectors and/or automatic turn off switches are to be installed where appropriate. Lighting systems should be designed to target only those spaces which require lighting at any "off-peak" time, not the whole building.
- ix) Openable windows are to be installed in common areas to improve natural ventilation where appropriate (e.g. staff rooms, bathrooms etc).
- x) Internal walls and partitions are to be positioned to provide cross flow ventilation through the building.
- xi) All new or replacement products regulated for water efficiency under WELs must achieve the highest rating at the time of development (e.g. dishwashers and washing machines). WELs rated water saving devices must be installed including: 4 star dual flush toilets, 3 star shower heads, 4 star taps, and 3 star urinals.
- xii) New commercial premises and hotel and motel accommodation with a floor area of 1,000m<sup>2</sup> or more must achieve a minimum 4 star NABERs rating for the base building and undertake a Commitment Agreement. DAs must include an ESD Statement prepared by an accredited professional providing design evidence that the required NABERs rating can be achieved.



**Notes:**

1. Details on type and location of renewable energy systems and water heaters must be clearly marked on relevant plans and specifications. Details on energy and water efficient appliances must be provided with the DA.

2. Renewable Energy Certificates reduce the purchase cost of solar and heat pump water heaters. Further information is available at [www.rec-registry.gov.au/home.shtml](http://www.rec-registry.gov.au/home.shtml)

3. The Federal Government's website [www.energyrating.gov.au](http://www.energyrating.gov.au) lists the Minimum Energy Performance Standards (MEPs) and Energy Rating Labels (ERLs) on a range of products and appliances including refrigerators, washing machines, televisions, air conditioners etc.

4. The Federal Water Efficiency Labelling and Standards Scheme (WELS) labels a range of products for water efficiency, helping households to save water and money. Further information is available at [www.waterrating.gov.au](http://www.waterrating.gov.au)

5. The National Australian Built Environment Rating System (NABERS) managed by the NSW Office of Environment and Heritage, measures the environmental performance of buildings and/or tenancies during their operation.

For the purposes of clause (xii), owners and/or occupiers are required to sign a NABERS – Energy Commitment Agreement to deliver the required rating and submit a copy to the Principal Certifier prior to the issue of a Construction Certificate. Further information on the NABERS rating system including a list of accredited professionals to prepare the ESD Statement is available at ([www.nabers.gov.au](http://www.nabers.gov.au)).

6. The Green Star rating system, managed by the Green Building Council of Australia, is a voluntary environmental rating system that evaluates the environmental design and construction of buildings. A 4 star rating signifies 'Best Practice' in environmentally sustainable design and/or construction.

Although Green Star certification is not mandated by this DCP, applicants are encouraged to use the Green Star tools to improve the environmental attributes of their proposed development. Further information including guidance on the certification process is available from ([www.gbca.org.au](http://www.gbca.org.au))



## 4 Environmental Education

Education has a fundamental role in informing the community about the sustainable design features of a development and encouraging environmentally responsible practices that will help to achieve a more sustainable built environment.

The ability to make informed choices and ways of dealing with environmental problems can assist towards sustainable living.

**Note:**

Tips on sustainable household/office practices are available at [www.savepower.nsw.gov.au](http://www.savepower.nsw.gov.au) and [www.yourhome.gov.au](http://www.yourhome.gov.au)

**Objectives**

- To educate residents, workers and other building occupants on the sustainability features of development.
- To encourage the use and maintenance of water efficient and energy efficient design features of the development over time.

**Controls**

- i) Submit an Environmental Toolkit with all DAs for new residential and mixed use development containing 5 or more dwellings, and commercial and industrial development with a floor area of more than 1,000m<sup>2</sup>.

The Environmental Toolkit must detail the sustainability features of the development and maintenance requirements including (but is not limited to these):

- Rainwater tanks.
  - Total water cycle management (including water conservation devices and stormwater treatment).
  - On site renewable energy systems (including information on connection options and wiring).
  - Lighting, energy and water efficient appliances, fixtures and fittings and associated ratings.
  - Composting.
  - Landscaping.
  - Transport (including access to public transport).
  - Any other site specific initiatives where relevant.
- ii) Maintenance instructions are to be attached to the particular feature where practical (e.g. rainwater tank, solar panel).
  - iii) The Environmental Toolkit may be complemented with information from Randwick City Council (such as the *Local Native Plants for Sydney's Eastern Suburbs* brochure) and/or other relevant material.
  - iv) The Environmental Toolkit is to be retained by building management with copies readily available to maintenance personnel, residents, tenancies and the like.

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# 1 Introduction

Randwick City has a rich diversity of natural, cultural and scenic landscapes and significant areas of remnant bushland, wetland and habitat corridors.

Landscape plays an essential role in integrating development into the streetscape and neighbourhood, enhancing appearance and amenity of the site and locality, providing for recreation and leisure, preserving natural areas and biodiversity and providing opportunities for improved stormwater management, environmental performance and micro-climatic conditions.

This section of the DCP outlines controls for preparing landscape plans and addressing various landscape design matters, including controls for development in and near areas of biodiversity significance.

This section of the DCP should be read in conjunction with:

- Part A - Introduction and other sections in Part B - General Controls (e.g. B5 – Preservation of trees and vegetation); and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the DA.

## 1.1 Objectives

- To promote high quality landscape design as an integral component of the overall design of a development.
- To provide landscape design and plantings that are compatible with the site and locality.
- To contribute to the preservation of and extension to native fauna and flora habitats.

# 2 Landscape Plan

## Explanation

A landscape plan is required to accompany DAs for all new buildings, and for major alterations/additions which will impact on the existing tree coverage or landscaped area of a site.

## Controls

Prepare a landscape plan in accordance with the Randwick DA Guide, including, but not limited to, the following elements and details:

- i) Details (e.g. location, height, condition, etc) of all existing trees within or adjacent to the site (including Council properties) and trees proposed to be removed/retained/relocated or pruned.

## Note:

Different requirements are set out for landscape plans prepared for dwelling house development and other development types. Refer to the DA Guide for more details, including minimum qualifications required for preparing landscape plans.



- ii) Details of existing natural features (e.g. rocky outcrops, cliff lines, water bodies, etc).
- iii) Details of design, including location of hard and soft landscaped areas and open space in relation to existing and proposed buildings.
- iv) Details, including locations, of selected plant species.
- v) Basic drainage details, i.e. location of all pits and lines, irrigation, hose cocks, etc.
- vi) Erosion and sediment control measures.

### 3 Landscape Design

The design of landscaped areas and deep soil planting forms an integral part of the overall site planning for a development. Controls relating to location, minimum size and dimensions allocated for landscaped areas and deep soil zones are therefore incorporated into relevant DCP sections for various development types (as listed below):

- Low density residential
- Medium density residential
- Neighbourhood centres
- Local centres
- Industrial uses, and
- Specific sites

#### 3.1 Existing vegetation and natural features

##### Explanation

Significant natural features and vegetation on the site, such as rocky outcrops, cliff lines, water bodies, trees, shrubs and groundcover vegetation should be retained and incorporated into the landscape design of the development.

##### 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.
- iii) Retain and stockpile topsoil for reuse in the landscaped area.

##### Note:

**Refer to DCP section – B5 Preservation of Trees and Vegetation for more detailed requirements on tree works.**



### 3.2 Selection and location of plant species

#### Explanation

Suitable location and choice of plant species for the site is essential for achieving high standards of landscape design, residential amenity and biodiversity conservation.

#### Objectives

- To encourage the planting of appropriate native plants to contribute to the maintenance and extension of fauna and flora habitats.
- To ensure suitable plant species are selected for the existing aspect, soil and micro-climatic conditions.
- To ensure plants are appropriately selected and located to enhance the appearance and amenity of the development.

#### Controls

- i) Native species must comprise at least 50% of the plant schedule, incorporating a mix of locally indigenous trees, shrubs and groundcovers appropriate to the area and surrounds. Plant species, such as noxious weeds or invasive species must not be included in the landscape design.

Note: This control may not be applicable for the setting of some heritage buildings or areas where a predominance of ornamental species may be more suitable.

- ii) Link, extend and enhance existing fauna and flora habitats through appropriate selection and location of plant species, where relevant.
- iii) Where suitable, incorporate food growing areas as part of the landscape design.
- iv) Select and locate plants to improve the environmental performance and living amenity of the development, such as:
  - a) plant deciduous shade trees to control solar access (e.g. providing shade in summer and allowing solar access in winter)
  - b) intercept glare from hard surfaces
  - c) channel air currents into the building
  - d) provide windbreaks where desirable, and
  - e) screen noise and reduce visual impacts to enhance privacy.

#### Note:

**Refer to Appendix B5-2 of DCP Section - Preservation of Trees and Vegetation for a list of undesirable species. Please also contact Council's bushland/landscape officers for advice on appropriate native plant species.**

### 3.3 Water efficiency

#### Explanation

Landscape design has a significant effect on the quality and quantity of stormwater leaving the site and amount of water needed for irrigation.

Water efficient landscaping can assist in meeting BASIX water conservation targets for residential development and provide economic and environmental benefits to other development types (e.g. commercial, industrial and public open space).

### Objectives

- To minimise landscape-related water consumption.
- To facilitate rainwater infiltration and minimise run-off through landscape design and plantings.

### Controls

- i) Maximise the capture and absorption of rainfall and prevent runoff, by:
  - a) minimising the amount of hard surface area,
  - b) directing the overland flow of rainwater to permeable surfaces, such as garden beds, and
  - c) utilising semi-pervious surfaces for paved areas.
- ii) Plant low water consumption and deep rooting plants.
- iii) Avoid large areas of lawn, which generally require greater amounts of water and fertiliser than native groundcovers, shrubs and trees.
- iv) Design water features to function with non-potable water.
- v) Use water efficient irrigation systems, such as:
  - a) automated sub-soil drip systems,
  - b) soil moisture sensors, and
  - c) use of non-potable water sources (e.g. rainwater).

### Note:

**Other water conservation practices should also be considered, such as hydrozoning (grouping species with similar water needs) and providing adequate soil depth to increase water storage capacity.**

## 3.4 Outdoor car parks & circulation areas

### Explanation

Landscaping, as an integral part of outdoor parking design, offers a variety of benefits, such as shade for parked vehicles, screening the car parks from the street and public areas and softening the visual impact of large parking areas. Landscape in open car parks can also facilitate rainwater infiltration and help prevent runoff.

### Objective

- To ensure outdoor ground level car parking areas are landscaped to provide shade for parked vehicles and improve the visual amenity of the car parks and adjacent areas.

### Controls

- i) Incorporate landscape planting in outdoor ground level car parks containing 5 or more car spaces.
- ii) If landscaping is required, it must be designed in accordance with the following:

- a) Planting should be provided along the perimeter and internal to the parking area.
- b) Perimeter planting should provide adequate screening of the car park at street level and integrate with streetscape planting.
- c) Planting must not hinder the visibility of both drivers and pedestrians, with open sightlines maintained between the car park, public roads and paths.
- d) Internal planting should provide shade for vehicles. As a guide, 1 canopy tree per 4 adjoining car spaces should be provided.
- e) Planter beds must provide adequate aeration and water to the root zones of plants.
- f) The following plant species should be used for car parks:
  - Trees with tall trunks and ample shade coverage.
  - Plants that do not drop fruits, branches, sap or bark.
  - Plants of vigorous growth and with minimum long-term maintenance requirements.
- g) Conflicts with utility services must be avoided by ensuring adequate distances between planting and lamp posts, above ground electricity lines, footpaths, kerbs and underground services, etc.
- h) Appropriate vehicle barriers are required to protect the planter beds and plants from damage by moving vehicles.

## 4 Green roofs and green walls

### 4.1 Green roofs

#### Explanation

A green roof is a roof top that is partially or completely covered with vegetation. It can enhance the building's appearance, reduce visual mass, improve environmental performance (e.g. thermal performance), create habitats and minimises stormwater runoff. Green roofs offer a good option for renovating and improving the amenity of existing buildings with limited landscaping.

A green roof system generally contains a waterproofing membrane and root barrier system, drainage system, filter fabric, a lightweight growing medium and plants.

Council will determine if green roofs can be considered as landscaped area on a site-by-site basis. Applications considering green roofs are encouraged to contact Council's landscape officer prior to lodgement.

#### Objective

- To encourage well designed and maintained green roofs in suitable buildings and locations.

#### Controls

Any proposal for a green roof shall:



**Application of Green Roof at Council's Prince Henry Centre**



- i) Undertake a detailed site analysis to assess the site suitability, including consideration of the climate conditions (e.g. solar orientation and wind loads), surrounding environment and the structural capacity, age and condition of the roof, etc.
- ii) Suitably identify roof access (e.g. frequency and types of access), growing medium type and depth, function and type of green roof and plant schedule in accordance with the roof structural capacity.
- iii) Select native and drought/heat tolerant plant species.
- iv) Be designed with high standard components, including waterproofing membrane, growing medium, vegetation layer, root barrier, insulation and drainage system, etc.
- v) Maximise retention and reuse of stormwater.
- vi) Identify the most suitable irrigation system based on growing medium characteristics and plant needs.
- vii) Consider integration of solar panels on the green roof.
- viii) Prepare a maintenance plan detailing the maintenance arrangements for the following aspects as a minimum:
  - a) Inspection and maintenance of the waterproofing roof membrane
  - b) Drain inspection
  - c) Care of plants and growing medium, and
  - d) Maintenance of the irrigation system.

## 4.2 Green walls

### Explanation

A green wall is a vertical garden, either free-standing or part of a building, that is partially or completely covered with vegetation.

Similar to green roofs, green walls can potentially offer a range of benefits, such as enhancing the appearance of the buildings, lowering energy consumption through increased thermal performance, reducing noise transmission, improving air quality and increasing biodiversity.

Green walls can only be considered as a supplement to the required landscaped area for any development.

### Objective

- To achieve well designed and maintained green walls in suitable buildings and locations.

### Controls

Any proposal for a green wall shall:



- i) Design and locate green walls to suit the orientation and microclimatic conditions and enable access for maintenance.
- ii) Select a mix of native and ornamental species.
- iii) Provide details of the support system, demonstrating that the green wall can be removed without affecting the structural integrity or waterproofing of the building.
- iv) Ensure green walls are designed to function with an irrigation system using non-potable water.
- v) Suitably establish control and timing of the watering system.
- vi) Prepare a maintenance plan detailing the maintenance arrangements.

## 5 Development in or near areas of biodiversity significance

Areas of biodiversity significance in Randwick City are identified in the RLEP and are either zoned E2 Environment Conservation or identified on the RLEP Biodiversity Map. These identified sites are scattered across the City, including large areas of Eastern Suburbs Banksia Scrub (ESBS) and *Acacia terminalis*, listed as endangered ecological community or species.

It is of vital importance for development in or adjoining these natural areas to carefully address any potential impacts on the biodiversity values at all development stages.

### Note:

**S5A of the EP&A Act requires a series of factors be taken into account to determine whether a development or activity (under Part 4 or 5 of the Act) is likely to significantly affect threatened species, populations, EEC or their habitats. The Threatened Species Assessment Guidelines have been prepared to help proponents with interpreting and applying the factors of assessment (see OEH's website <http://www.environment.nsw.gov.au/threatenedspecies/tsaguide.htm>). This assessment of significance is the first step in considering potential impacts. When a significant effect is considered likely, a species impact statement is required to be prepared in accordance with Division 2 of Part 6 of the *Threatened Species Conservation Act 1995*.**

**Other legislation and policies, which also provide guidance for development within/near natural areas, include the *Environment Protection and Biodiversity Conservation Act 1999*, *SEPP 19 Bushland in Urban Areas*, *SEPP 71 Coastal Protection and Recovery Plans* prepared by the Office of Environment and Heritage.**

### Objective

- To ensure development in or adjacent to areas of biodiversity significance is designed, constructed and operated to appropriately manage the interface between the natural landscape and urban environment and protect the significant fauna and flora habitats.

### Controls

Development (including landscape works) in or adjacent to areas of biodiversity significance:

- i) must not impact on the environmental processes of natural areas, such as:
  - a) erosion of soils
  - b) siltation of streams and waterways
  - c) overland flows and stormwater runoff
  - d) overshadowing
  - e) removal or degradation of existing vegetation.
- ii) must consider and undertake appropriate protective measures during the design, construction and operation phases, such as:
  - a) adequate buffer areas between any building structures and the natural areas
  - b) ongoing management arrangements to control invasive species and maintain natural features
  - c) silt/protective fencing
  - d) erosion and run off controls
  - e) appropriate site access points to prevent offsite disturbances, and
  - f) clear and informative signage
- iii) must select suitable plant species for landscape works with consideration of the following general criteria:
  - a) Species shall not directly or indirectly jeopardise the functioning of remnant bushland areas, ie. having potential to create monocultures, affect the local native gene pool, impact on the hydrology or alter light levels;
  - b) Species should improve on the ecological, cultural and aesthetic values of existing native plant communities and aim to link bushland remnants.

#### Note:

**This is to ensure protection of the genetic integrity of individual species contained in the natural areas through careful sourcing and selection of plant species.**

**Please also contact Council's bushland/landscape officers for advice on selection of appropriate plant species. A list of appropriate site-specific species would be provided upon request.**



# Preservation of Trees and Vegetation

B5

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# 1 Introduction

A healthy urban forest provides significant aesthetic, ecological and environmental benefits to residents, workers and visitors of Randwick City. It is of vital importance to protect and enhance the City's urban environment through long term preservation and management of trees and other vegetation in our urban forest.

This DCP section applies to trees and other vegetation in Randwick City and supplements the RLEP Clause 5.9 (Preservation of Trees or Vegetation) by specifying additional types of tree works which require Council approval and providing detailed guidance for preparation of applications seeking Council approval.

This section of the DCP should be read in conjunction with:

- Part A - Introduction and other sections in Part B - General Controls (e.g. B4 – Landscaping and Biodiversity) ; and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the DA.

## 1.1 Objectives

- To effectively protect the urban forest in Randwick City, with particular emphasis on retaining trees with cultural, heritage and natural significance.
- To encourage the preservation of trees and vegetation that contribute to native flora and fauna habitat.
- To establish a clear framework and requirements for the proper management of trees and other vegetation.

# 2 Tree works requiring Council approval

RLEP sets out circumstances where development consent is required for carrying out tree works, such as works proposed to a heritage item, in a heritage conservation area, or at locations with acid sulfate soils. Clause 5.9 of the RLEP requires listing of additional circumstances in a DCP where Council approval is also required.

In response to Clause 5.9, this DCP further specifies that the following tree works require Council approval, either in the form of development consent or a tree permit, to ensure the appropriate preservation and maintenance of trees or vegetation with aesthetic, environmental and cultural values.

Refer to Appendix B5-1 for a list of matters to be considered by Council when determining applications seeking development consent or a tree permit.

**An urban forest is the totality of all trees and shrubs on public and private land in and around urban areas (including bushland, open space, gardens and street trees) measured by its canopy cover.**

**Tree works are works affecting the form, structure or foliage of a tree including root cutting, crown lifting, reduction pruning, selective pruning, crown thinning, remedial or restorative pruning or complete tree removal.**



### Development consent

- i) Development consent is required for tree works to any tree listed on Council's Register of Significant Trees.

### Tree permit

- i) A tree permit must be obtained for tree works proposed to any of the following (when development consent is not required):
  - a) any palm tree, cycad or tree fern of any size;
  - b) any tree on 'public land' (as defined in the *Local Government Act 1993*) by any persons not authorised by Council;
  - c) any hollow bearing trees; or
  - d) any other tree with:
    - a height equal to or exceeding 6 metres;
    - a canopy width equal to or exceeding 4 metres;
    - for a single trunk tree species, a trunk circumference equal to or exceeding one (1) metre at a height of one (1) metre above ground level; or
    - for a multi-trunk tree species, a combined trunk circumference (measured around the outer girth of the group of trunks) equal to or exceeding one (1) metre at a height of one (1) metre above ground level.

### Exceptions

RLEP Clause 5.9 also specifies numerous exceptions where Council approval is not required, for example:

- if the tree is dying or dead, and is not required as the habitat of native fauna;
- if the tree is a risk to human life or property; or
- exceptions under other legislation.

This DCP identifies the following additional exceptions, such as works which are considered of a minor nature or where Council approval is not necessary. Prior written notification however must be made to Council before any work is carried out, providing information such as tree species, reasons for proposed works and digital photos.

The additional exceptions include:

- i) Tree works to undesirable species as listed in Appendix B5-2;
- ii) Minor or maintenance tree works, including :
  - a) crown thinning by a maximum 10% of the existing canopy in any two year period;
  - b) the pruning of deadwood more than 50mm in diameter;
  - c) the removal of live branches to a height of 2.5 metres from ground level; and

### Note:

All trees listed on Council's Register of Significant Trees are considered to have historic, cultural and natural significance. The Register can be viewed at Council's website.

### Note:

Refer to the website of Office of Environment and Heritage (OEH):  
<http://www.environment.nsw.gov.au/determinations/lossofhollowtreesktp.htm> and  
<http://www.environment.nsw.gov.au/resources/pnf/07353hollowtrees.pdf> for details on how to identify hollow bearing trees.

### Note:

Refer to the information sheet prepared by the OEH  
(<http://www.environment.nsw.gov.au/resources/cpp/AssessHabitat.pdf>) for guidance on how to identify if a tree or vegetation is required as habitat of native fauna.

- d) formative pruning of young trees and powerline clearance, as defined in Australian Standard AS 4373 – 2007 - *Pruning of Amenity Trees*;

Note: For minor/maintenance works to a heritage item, in a heritage area or in an Aboriginal place of heritage significance, Council must be notified of and support in writing the proposed activity before any work is carried out.

**Note:**

**Refer to RLEP Clause 5.10  
Heritage Conservation  
(3)(a) for specific  
requirements.**

- iii) The removal of any tree growing within two (2) metres of any building (excluding an outbuilding) measured horizontally from the closest point of the trunk at one (1) metre from ground level to the closest point of the vertical alignment of the building structure which may be the eave, guttering or fixed awning of the building.

- iv) Tree works to give effect to a development consent that permits the pruning or removal of the tree/s;

Note: If approval is given for the pruning and removal of tree/s as part of DA consent, tree works can only be carried out when construction work physically and substantially commences.

- v) Tree works on public land owned by or under the care, control and management of Council and carried out by persons authorised by Council;
- vi) Anything authorised by or under the *State Emergency and Rescue Management Act 1989* or *State Emergency Service Act 1989* in relation to an emergency (within the meaning of that Act) and that was reasonably necessary in order to avoid an actual or imminent threat to life or property; and
- vii) Any emergency fire fighting act or bush fire hazard reduction work within the meaning of the *Rural Fires Act 1997* that is authorised or required to be carried out under that Act.

**Note:**

Applicants must refer to other legislation and policies for requirements and controls where relevant, including the *National Park and Wildlife Act 1974 (NPW Act)*, *Threatened Species Conservation Act 1995 (TSC Act)*, *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, *State Environmental Planning Policy (SEPP) 19 Bushland in Urban Areas*, *SEPP 71 Coastal Protection and Recovery Plans* prepared by the NSW Office of Environment and Heritage. For example:

- Any proposed tree work involving a threatened species or an endangered population/ecological community or their habitats, are subject to Part 8A of the *NPW Act*, which requires any such work to be carried out with relevant approvals (e.g. development consent or a licence/certificate issued under the *TSC Act*).



- Under S5A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, where a development or activity (under Part 4 or 5 of the Act) is likely to significantly affect threatened species, populations, ecological communities or their habitats, assessment of likely impacts is required, which may also require a species impact statement prepared in accordance with the *TSC Act*. Refer to B4 of this DCP for controls on development in or near areas of biodiversity significance.
- *SEPP 19 – Bushland in Urban Areas* requires development consent for any disturbance of bushland zoned or reserved for public open space purposes. Tree works proposed in ‘bushland’ therefore could only be carried out with development consent.

### 3 Information required with applications

- i) Any application for a permit or development consent to carry out tree works must contain the following information, as a minimum:
  - a) written consent of the owner of the land where the tree is growing;
  - b) details of the reasons for the proposed tree works;
  - c) a description of the existing tree/s, including:
    - site plan showing the location of the tree/s to be removed or pruned, drainage and sewer pipes and mains, all buildings, paved areas and overhead powerlines;
    - species type (botanical name and common name, if known); and
    - approximate height, canopy spread and trunk diameter at one (1) metre above ground level of individual trees (or groups of trees). Trees to be inspected should be identified on site with tape, spray paint or non-permanent marker.
- ii) The following additional information is required when seeking development consent:
  - a) a description of existing trees (containing information as required above) on adjoining land:
    - within three (3) metres of the site boundaries (including street and park trees); or
    - where the canopy of a tree/s overhangs the site boundaries.
  - b) any proposed landscape treatments, identifying:
    - trees to be retained and protected;
    - methods of retention and/or protection during any works;

- proposed new plantings (species, mature heights and canopy spread);
- altered soil levels, including cut and fill details;
- site drainage, including siltation and erosion controls to be implemented where necessary; and
- proposed horticultural details, including growing mediums, mulching and irrigation.

iii) An Arborist's Report is required to be submitted with an application:

- a) for tree works to a tree on Council's Register of Significant Trees;
- b) for tree works identified in Clause 5.9 (7) and 5.10 (2) of the RLEP, as activities requiring development consent; or
- c) other circumstances where Council requires further information/clarification on the pruning or removal of the tree/s.

Refer to Appendix B5-3 for guidelines for preparing an Arborist's Report.

**Note:**

Where a dangerous tree is removed in an emergency situation due to obvious instability or hazard (e.g. following storm damage), evidence of the tree's condition must be retained for a period of at least six (6) months after the event and provided to Council upon request.

Such evidence should include:

- photographs of the tree/s; and/or
- a report by a qualified arborist; and/or
- a written statement from the State Emergency Service (SES), if the tree works are carried out by SES at the owner's request.

Except for specified emergency situations, expert advice from an arborist should always be obtained with respect to dangerous trees to confirm their condition and that they do not provide habitat for protected species.

Cutting or removal of threatened species, endangered communities, or their habitats, which pose a threat to life and property, can only be authorised to be done under the *State Emergency and Rescue Management Act 1989* or the *State Emergency Service Act 1989*. Otherwise, the action could be in breach of the *NPW Act* and penalty will apply.

## 4 Notification

In circumstances where an adjoining owner/s may be directly affected by a proposal relating to tree works, Council may determine to notify adjoining owner/s in accordance with the Public Notification section in Part A.



However, if in the opinion of Council any proposed tree works are of a minor or ancillary nature and not likely to result in any adverse impacts on adjoining land, notification will not be required.

## 5 Penalties

Under Section 629 of the *Local Government Act 1993*, penalties may apply to the injury or unnecessary disturbance of plants in or from public place, including road reserves.

Under Sections 125 and 126 of the *Environmental Planning and Assessment Act 1979*, court action (in addition to any pecuniary penalty) may apply to the destruction of or damage to a tree or vegetation. Offenders may be required to rehabilitate the site, plant new trees and vegetation and maintain these until maturity,

Further penalties may also apply to the damage or removal of trees or vegetation covered by the *NPW Act*, *TSC Act* and the *EPBC Act*.

## Appendices

### Appendix B5-1: Matters Council considers for applications for a tree permit or development consent

The following matters are considered, but not limited to, when determining an application:

- i) whether the tree has significant amenity or aesthetic value or is ecologically significant, with particular emphasis placed on retaining trees listed on Council's Register of Significant Trees;
- ii) the condition, maturity and Safe Useful Life Expectancy (SULE) of the tree/s;
- iii) a report from a qualified arborist, if required;
- iv) whether the tree is affected by the provisions of any other Act, Regulation or State Environmental Planning Policy applying to the land;
- v) the potential hazards to persons and/or property in the context of:
  - a) the structural soundness of the particular tree (including condition of the canopy, amount of deadwood, any prolonged decline, significant and sustained insect attack, etc); and/or
  - b) the characteristics and risk potential of the particular species; and/or
  - c) siting issues such as ground conditions, building proximity, etc, which may give rise to a hazardous situation (particularly structural damage to public infrastructure and/or private property caused by the tree/s, its trunk or its root system); and/or
  - d) ill health, such as allergies, where specific evidence is provided by an expert in the relevant medical field and a link between the ailment and the species is reasonably established; and/or
  - e) existing (or potential for) traffic obstruction in relation to proximity to a roadway, intersection or driveway, where pruning would be an insufficient remedy;
- vi) the demonstrated need for reasonable solar access to windows, openings of a building, solar appliances, clothes drying and outdoor living areas;
- vii) whether a tree should be replaced by a more suitable species given its location or proximity to services such as overhead powerlines, sewer or drainage pipes or the like;
- viii) whether an amenity tree no longer fulfils its original purpose in the landscape;
- ix) whether the species' natural propagation method is likely to create a nuisance in the landscape (e.g. Camphor laurel, Hackberry and Sweet Pittosporum);
- x) whether the proposed work needs to be carried out by a suitably qualified and experienced person;
- xi) whether appropriate additional (or replacement) planting has been or should be undertaken;
- xii) the need for, and suitability of, soil erosion and siltation controls;
- xiii) whether permanent and/or temporary fencing or barriers are required prior to works commencing;

#### Note:

Relevant forms are 'Application for Permit to Prune/Remove Tree/s' and 'DA for Tree Works'. Both can be downloaded from Council's website.

- xiv) whether another alternative measure is required to ensure protection of trees on-site and on adjoining public land;
- xv) whether a tree or vegetation is or provides habitat of a threatened species or ecological communities listed in Schedule 1 or 2 of the *Threatened Species Conservation Act (TSC Act) 1995*;
- xvi) whether, prior to the felling of a tree, special measures should be in place to reduce the potential for injury or death of animals likely to inhabit the tree. Such measures may include:
  - a) inspection of hollows and other potential habitat sites on the tree;
  - b) sectional dismantling;
  - c) supervision of works by an arborist and/or a licensed wildlife carer or handler.

Note: Provided that no significant hazard or other safety issues are caused by the existing tree/s, the following should not generally be considered as valid reasons to remove a tree/s or native vegetation:

- i) leaf drop to gutters, downpipes, pools, lawns, etc.;
- ii) to increase natural light, where it is the sole consideration;
- iii) to improve street lighting into private property;
- iv) to enhance views or reduce the height of trees;
- v) to reduce shade created by a tree/s – particularly species such as *Ficus* or *Araucaria*;
- vi) to reduce fruit, resin or bird droppings falling onto driveways and/or cars;
- vii) minor lifting of driveways, front fences, paths and footpaths by tree roots;
- viii) to erect a fence;
- ix) bushfire hazard control, which has not been verified by Council; or
- x) potential damage to sewer mains or stormwater pipes, unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of mains and replacement of damaged pipes in PVC plastic).

Note:

Refer to the OEH website <http://www.environment.nsw.gov.au/threatenedspecies/> for threatened species identification (by region).



## Appendix B5-2: Listing of undesirable species

Species name	Common name
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Cotoneaster species</i>	Cotoneaster
<i>Erythrina species</i>	Coral tree
<i>Ficus elastica</i>	Rubber tree
<i>Ligustrum species</i>	Privet
<i>Nerium oleander</i>	Oleander
<i>Ochna serrulata</i>	Ochna
<i>Olea europaea var. africana</i>	African Olive
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Bambusa species</i>	Bamboo species
<i>Celtis occidentalis</i>	Hackberry
<i>Cupressocyparis x leylandii</i>	Leyland Cypress
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus
<i>Morus species</i>	Mulberry
<i>Populus species</i>	Poplars
<i>Salix species</i>	Willows
<i>Toxicodendron succedaneum</i>	Rhus tree

## Appendix B5-3: Guidelines for preparing an Arborist's Report

Where necessary, Council will require an arborist to prepare a tree/vegetation report and the minimum accepted qualification for an arborist is the Australian Qualification Framework level 4 (AQF4).

Where trees are listed on Council's Register of Significant Trees, a report must be prepared by a qualified arborist. The minimum accepted qualification for a qualified arborist is the Australian Qualification Framework level 5 (Diploma) (AQF5).

The following information is required to be included in any Arborist's Report:

- i) name, address, telephone number, ABN, qualifications and experience of the arborist who inspected the tree/s and prepared the report;
- ii) address of the site, where the tree/s are located;
- iii) who the report was prepared for, date site inspected, date report prepared and the aims of the report;
- iv) methods and/or techniques used in the inspection;
- v) a plan (to scale) accurately showing:
  - a) location of tree/s on the subject site and any adjoining trees which may be affected by any development. Trees identified on the plan shall be named and numbered;
  - b) optimum and minimum tree protection zones - if recommended by the arborist;
  - c) lot boundaries, dimensions and North point;
  - d) proposed development including services, driveways and any alteration to existing and proposed soil levels and drainage, as well as distances (in mm) between tree/s and works.
- vi) a table showing, for each tree to be pruned/removed:
  - a) number of the tree - as indicated in the plan;
  - b) species name;
  - c) conservation status (whether or not is a threatened species or a component of Endangered Ecological Community);



- d) age class;
- e) height;
- f) canopy width;
- g) trunk circumference at one (1) metre above ground level;
- h) health and condition, and estimated Safe Useful Life Expectancy.
- vii) a discussion of other relevant information, including details of tree hollows for wildlife, tree structure/defects, root form and distribution, pests and diseases and/or a Tree Hazard Assessment;
- viii) supporting evidence such as photographs and laboratory results to confirm the presence of soil pathogens or to support soil assessment, where relevant;
- ix) proposed replacement plantings, landscaping and/or soil remediation;
- x) tree protection measures and a post-construction tree maintenance program which can be used as development consent conditions, should the application be approved;
- xi) sources of information referred to in the report;
- xii) measures to minimise impacts of proposed/approved development - eg, footing designs, excavation techniques, vents to atmosphere, etc;
- xiii) any other relevant matters or information such as Resistograph or Picus Sonic Tomograph reports.

Qualified arborists and their contact details may be obtained from the Institute of Australian Consulting Arboriculturists (IACA) ([www.iaca.org.au](http://www.iaca.org.au)) or from Arboriculture Australia ([www.arboriculture.org.au](http://www.arboriculture.org.au)).

These organisations are not specifically recommended and Council will accept arborist's reports from any registered member of a nationally recognised arboricultural organisation or association.

#### **Appendix B5-4: Definitions**

**Dead tree** means a tree with no living vascular tissue.

**Destroy** means any activity leading to the death, disfigurement or mutilation of a tree.

**Height** means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree/s which is immediately above ground level and the horizontal plane of the uppermost point of the tree/s.

**Injury or injuring** means damage to a tree and includes:

- a) lopping and topping;
- b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- c) cutting and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as 'pruning' (as defined within AS 4373 – 2007 – Pruning of Amenities Trees), or which is done for invalid reasons;
- d) ringbarking, scarring the bark when operating machinery, fixing objects (eg, signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and

significantly restrict the normal vascular function of the trunk or branches;

- e) damaging a tree's root zone by compaction, excavation or asphyxiation (including unauthorised filling or stockpiling of materials);
- f) underscrubbing, particularly carried out by mechanical tools such as brushcutters and the like.

**Lopping** means the cutting of branches or stems between branch unions or at internodes on trees.

**Prune or pruning** means cutting branches from a tree/s in a planned and systematic manner that is carried out in accordance with the provisions of Australian Standard AS 4373 - 2007 - Pruning of Amenity Trees, and which consists of the following pruning types:

- a) Crown maintenance pruning involving:
  - General pruning
  - Thinning
  - Deadwooding
  - Selective pruning
  - Formative pruning

(Crown maintenance pruning relates to pruning according to the growth habit of the tree/s without reducing the area of the crown, while retaining the structure and size of the tree/s.)

- b) Crown modification pruning involving:
  - Reduction pruning
  - Crown lifting
  - Pollarding
  - Remedial pruning
  - Powerline clearance

(Crown modification pruning relates to pruning that changes the structural appearance and habit of the tree/s.)

**Remove or removal** means to cut down, fell, destroy, kill, take away, uproot or transplant a tree from its place of origin.

**Topping** means cutting away part or all of the tree canopy, leaving a trunk and stubbed main branches.

**Tree works** are works affecting the form, structure or foliage of a tree including root cutting, crown lifting, reduction pruning, selective pruning, crown thinning, remedial or restorative pruning or complete tree removal.

**Trunk** means the main stem of the tree, as distinguished from the branches and roots.

**Undesirable species** are plants listed in this control which are deemed undesirable due to characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or bushland invasion.

**Width** means the distance measured horizontally (in metres) between the two (2) widest points of a tree's canopy.

# Recycling and Waste Management B6

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# 1 Introduction

This DCP section provides guidelines and requirements for sustainable and efficient recycling and waste management practices during the demolition, construction and on-going operation of a development.

It must be read in conjunction with Council's Waste Management Guideline, which details and specifies waste management requirements for various development types.

This section of the DCP should also be read in conjunction with:

- Part A - Introduction and other sections in Part B - General Controls; and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the DA.

## 1.1 Objectives

- To encourage best practice in waste management that minimises waste generation, facilitates waste separation and maximises reuse and recycling.
- To ensure quality design of waste management facilities that complement the building design and minimise noise, odour and visual impacts on adjacent uses and the public domain.
- To ensure suitable and efficient waste storage, recycling and collection in all development.

# 2 Recycling and Waste Management Plan

## Explanation

A Site Recycling and Waste Management Plan (hereafter referred to as 'Waste Management Plan') estimates volume and type of waste and recyclables to be generated and outlines waste avoidance and resource recovery activities to be carried out during demolition, construction and operation of a proposed development.

## Controls

- i) Submit a Waste Management Plan with DAs involving:
  - a) demolition;
  - b) construction of a new building(s); or
  - c) change of use or alterations/additions to existing premises (only when this would result in a change of waste generation).
- ii) Prepare the Waste Management Plan in accordance with Council's Waste Management Guideline and the template plan in Appendix B6-1.



### 3 Demolition and Construction

#### Controls

- i) Identify in the Waste Management Plan, the type and estimated volume of waste to be generated during demolition and construction and respective recycling, reuse and disposal methods.  
Note: See Appendix B6-2 for potential reuse/recycling opportunities for various building materials.
- ii) Illustrate on the DA plans/drawings:
  - a) the location and space allocated for the storage of demolition and construction waste or materials;
  - b) waste collection point(s) for the site; and
  - c) path of access for collection vehicles.
- iii) Provide separate bins or storage areas for materials to be reused, recycled and directed to landfill.
- iv) Storage areas must be easily accessible for collection vehicles, clearly signposted indicating purpose and content and managed appropriately to prevent stormwater pollution, damage to vegetation and odour and health risks.
- v) Demonstrate in the Waste Management Plan the use of second hand building materials and recycled building products during building design and construction.
- vi) Retain records (including receipts) on site demonstrating recycling and lawful disposal of waste.

### 4 On-going operation

#### Controls

- i) Provide suitable and sufficient waste storage facilities for all development, in accordance with Council's Guideline.
- ii) Identify in any required Waste Management Plan:
  - a) estimated volume of general waste, recyclables, garden waste and bulky waste likely to be generated on the premise;
  - b) required type, size and number of bins and space for storage of bins and bulky waste; and
  - d) details of on-going management arrangements, including responsibility for cleaning, transfer of bins between storage facilities and collection points and maintenance of the storage facilities.
- iii) Illustrate on the DA plans/drawings:
  - a) storage space and layout for bins;
  - b) storage room for bulky waste;
  - c) waste collection point(s) for the site;
  - d) path of access for users and collection vehicles; and

#### Note:

**Waste storage facilities include waste/recycling bins and storage space for bins (e.g. bin enclosures/rooms) and bulky waste, etc.**

- e) layout and dimensions required to accommodate collection vehicles when on-site collection is required.
- iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.
- v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.
- vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.
- vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).
- viii) Provide sufficient storage space within each dwelling/unit to hold a single day's waste and to enable source separation.
- ix) Bin enclosures/rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.
- x) For mixed use development, provide separate waste storage facilities for residential and commercial uses.
- xi) Consult with Council and the NSW EPA with regards to any proposed storage and collection of special wastes (e.g. medical and household hazardous chemical wastes).

## Appendices

### Appendix B6-1: (template plan)

### Site recycling and waste management plan

Part 1 Applicant and development details			
Applicant details			
Application No.			
Name			
Address			
Phone Numbers			
Email			
Development details			
Type of development (please tick)			
Residential	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Residential & Commercial	<input type="checkbox"/>	Industrial	<input type="checkbox"/>
No. of proposed residential dwellings		No. of proposed commercial/industrial tenancies	
Total industrial/commercial floor area			
Address of development			
Description of existing building/structures on site			
Description of proposed development			

Part 2 Recycling and waste management details
General information and requirements
<p>A Site Recycling and Waste Management Plan (the Waste Management Plan) must be submitted with DAs involving:</p> <ul style="list-style-type: none"> <li>• demolition;</li> <li>• construction of a new building(s); or</li> <li>• change of use or alternations/additions to existing premises (only when this would result in a change of waste generation).</li> </ul> <p>The Waste Management Plan must be prepared in accordance with the DCP, demonstrating waste management arrangements during demolition, construction and on-going operation of the development.</p> <p>In addition, details of the waste storage facilities must be clearly shown on the DA plans/drawings, illustrating location and layout of the bin and bulky waste storage, type and number of bins, waste collection points and associated path of access for users and collection vehicles, etc.</p>



Part 2 Recycling and waste management details				
1) Demolition phase				
Type of material (e.g excavation material, bricks/pavers, concrete, tiles, timber, etc)	Est.Vol (m3) and Wt (t)			Specify proposed on-site and off-site reuse and recycling methods, landfill site to be used and contractor details
	Reuse (on-site and off-site)	Recycling (on-site and off-site)	Off-site disposal	

2) Construction phase				
Type of material (e.g excavation material, bricks/pavers, concrete, tiles, timber, etc)	Est.Vol (m3) and Wt (t)			Specify proposed on-site and off-site reuse and recycling methods, landfill site to be used and contractor details
	Reuse (on-site and off-site)	Recycling (on-site and off-site)	Off-site disposal	



Part 2 Recycling and waste management details			
3) On-going operation			
	General waste	Recyclables	Green waste
Amount generated (L/development/week)			
Size and number of bins required			
Frequency of collections (for commercial only)			
Other management arrangements			
Location and space of storage areas			
On-site management (e.g. garbage chute, composting, and compaction equipments)			
Floor area and height required for manoeuvrability (if on-site collection is required)			
Roles/responsibilities for cleaning, transfer of bins between storage facilities and collection points and maintenance of the storage facilities			
Contractor details			

Your declaration
<p>The information provided on this Recycling and Waste Management Plan and the accompanying plans provides an accurate indication of the manner in which recyclable/waste materials are to be managed.</p> <p>All records demonstrating recycling and lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Council, WorkCover NSW or the NSW EPA.</p> <p><b>Applicant(s) name:</b></p> <p><b>Applicant(s) signature:</b></p> <p><b>Date:</b></p>

**Appendix B6-2: Reuse and recycling opportunities**

Materials	Reuse/recycling potential
Concrete	Reused on-site as fill; crushed for road base
Bricks	Cleaned and/or rendered for reuse; sold or provided to a recycled materials yard
Roof tiles	Crushed for reuse in landscaping and driveways or sold or provided to a recycled materials yard
Plasterboard	Crushed for reuse in manufacture of new plasterboard
Hardwood beams	Reused as floorboards, fencing, furniture
Other timber	Reused in formwork; ground into mulch for garden
Doors, windows, fittings	Reused in new or existing buildings
Glass	Recycled; aggregate for concrete production
Metal, steel/copper pipe	Recycled metal recycling facility
Cardboard packaging	Recycled
Synthetic and recycled rubber	Reused in manufacture/construction of safety barriers, speed humps
Green waste (organics)	Mulched, composted for reuse as
Top Soil	Stockpiled on-site for reuse in landscaped areas
Soil	Stockpiled on-site for reuse as fill

There are many opportunities to reduce the volume of waste generated during demolition and construction:

- Consider adaptive reuse of building materials by reusing or recycling materials onsite.
- Facilitate reuse/recycling by 'deconstruction', where various materials are carefully dismantled and sorted.
- Consider sourcing used or recycled building materials.
- Unwanted construction materials and reusable demolished building materials should be taken to a second hand building centre which will reduce waste disposal costs.
- Large quantities of single items like bricks may be picked up by recycling yards for free.
- Some specialist demolition companies will remove waste materials from a site and recycle off-site.
- Avoid purchasing materials that are individually wrapped and prefer purchasing materials that can be delivered in returnable packaging, i.e. timber pallets.

**Appendix B6-3: Types and number of bins required for residential development**

Type of development	General Waste Weekly collections	Recycling Fortnightly collections	Green Waste Fortnightly collections
Single dwelling houses and semi-detached dwellings	1 x 140 L each	1 x 240 L	1 x 240 L
Dual occupancies and secondary dwellings	1 x 140 L each or 1 x 240L shared between 2 dwellings	1 x 240 L each or shared between 2 dwellings	1 x 240 L each or shared between 2 dwellings
Multi-dwelling housing (e.g. town houses) and attached dwellings (e.g. terrace houses)	If bins stored in each residence		
	1 x 140 L	1 x 240 L	1 x 240 L
	If bins stored in a communal storage area		
	1 x 240L per 2 units	1 x 240L per 2 units	240L bin/s available on request
Residential flat buildings	1 x 240L per 2 units OR 660L bulk bins based on 120L/Unit	1 x 240L per 2 units	240L bin/s available on request
Boarding houses; hostels; residential care facilities; and tourist & visitor accommodation	1 x 240 L per 6 rooms OR 1 x 240L per 2 rooms if each room has individual kitchen	1 x 240 L per 6 rooms OR 1 x 240L per 2 rooms if each room has individual kitchen	240L bin/s available on request

Note: Waste bins for residential component of mixed-use development must be provided in accordance with the above requirements for relevant development types.



# Transport, Traffic, Parking and Access

B7

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# 1 Introduction

The RLEP aims, among other things to:

- Support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses.
- Promote sustainable transport, public transport use, walking and cycling.

This section of the DCP incorporates a range of initiatives to promote sustainable transport including: small car parking spaces (within large commercial and shopping centre development), dedicated car share spaces, bicycles facilities, motorcycle and scooter parking. It also encourages the integration of development with the public transport network and an improved public domain.

The section applies to all development in Randwick City. It sets out the objectives, controls and options for development proposals to investigate, design and manage parking demand, access, and parking spaces and provide for alternative modes of transport. It also covers the requisite studies which may be needed when submitting a development proposal.

This section of the DCP should be read in conjunction with:

- Part A - Introduction and other sections in Part B - General Controls; and
- Other sections of the DCP for specific development types, locations or sites, if relevant to the DA.

Note:

Where a reference is made to a published Australian/New Zealand Standard it is to the most recent version.

## 1.1 Objectives

- To promote sustainable transport options for development, particularly along transport corridors, in commercial centres and strategic/key sites.
- To manage the provision of car parking within the broader transport network.
- To support integrated transport and land use options which can demonstrate shared and effective car parking provision with car share facilities, motorbikes/scooters, bikes and links to public transport.
- To ensure car parking facilities, service and delivery areas and access are designed to enhance streetscape character and protect pedestrian amenity and safety.

## 2 Sustainable transport

### 2.1 Public transport

Randwick City relies on a bus based public transport system providing services particularly to and from the Sydney CBD. Local and regional connections provide access to other centres and activities such as Bondi Junction, Waverley, Maroubra Beach and Coogee Beach.

Increasing pressure on the bus networks, over the last decade, has seen substantial interest and investigations into the re-establishment of a light rail system from the City to Randwick.

An integrated light rail system would facilitate access to large entertainment, employment, health and learning venues such as the Randwick hospitals campus, the University of NSW, NIDA, Centennial Park and Moore Park, Royal Randwick Racecourse, Randwick TAFE, the Entertainment Quarter, Sydney Cricket Ground, and the Sydney Football Stadium.

Commitment by the State Government to light rail will deliver benefits for local residents and businesses. Development along potential routes and in and around destination venues/activities will need to integrate with the overall public transport network.

Accessibility to public transport is critical, requiring suitably located services and infrastructure (eg. bus stops) integrating with pedestrian and cycle networks.

At a State level, the NSW Bike Plan aims to double the number of people cycling in NSW over the next 5 to 10 years, and to double the mode share in Metropolitan Sydney. This DCP supports those efforts with controls to improve walking, cycling and its integration with development and the public transport network.

While recognising the need for car travel this DCP also introduces the potential for sustainable and integrated transport solutions.

#### Objective

- To integrate development with the public transport network and improve walking, cycling, sustainable transport options and public transport use.

#### Control

- i) All development in addressing transport, parking and access requirements must consider and integrate transport measures that provide for greater use of public transport, walking and cycling.

**An integrated response to land use and transport planning is supported by the Metropolitan Plan for Sydney 2036, the draft East Sub Regional Strategy and planning policies and direction.**

**For information on car sharing in Australia, refer to Australian Greenhouse Office 2004: Car Sharing – An Overview.**

## 2.2 Car share

### Explanation

Car share schemes provide an economical alternative to car ownership for residents and businesses. A number of commercial schemes operate in Sydney providing on-line booking of vehicles linked to dedicated parking spots. These schemes are more viable in locations where private car ownership is discouraged or where available on street parking is limited.

Membership of a car share scheme provides access to a network of new cars parked locally - without the expense of owning one. Car sharing also helps to reduce the number of cars on the road and alleviate problems associated with traffic congestion. Council has partnered with a carshare provider to promote car sharing in Randwick City. Council has also resolved to establish preferential parking for car-share and hybrid vehicles.

For large development, therefore, there may be an opportunity to provide dedicated on-site parking spaces for car share vehicles. This would be particularly effective for development on sites such as the University and Hospital, key strategic sites and within or adjoining commercial centres.

Car share schemes are effective on sites or in areas with higher density and ready access to good public transport and services. To operate successfully car share vehicles need to be highly visible, easily and safely accessed at any time (whether on or off the street) by residents and business operators on the site, as well as those in the surrounding precinct.

Car share spaces can also be dedicated for the exclusive use of building occupiers, if desired. In this case, the cost of the car share can be met through strata levies and must be organised by the developer.

Where car parking rates are being considered, Council will look more favourably on proposed reductions within close walking distance to strategic bus corridors and areas of high public transport provision and where a car share scheme is provided on site.

### Objective

- To encourage car share spaces in developments with high public transport access.

### Controls

- i) Car share spaces are to be provided in residential and/or commercial development where public transport accessibility is high and/or where a Transport Assessment Study is required.
- ii) Locate the car share space/s in a convenient, accessible, secure area.

**Any development can consider car share, however it is larger development where a car share space/s will be sought by Council.**

**Car share spaces can be provided where there are site constraints, or other restrictions on car parking provisions.**



- iii) Ensure good visibility, 24 hour access and close proximity to the street. If in a basement it must be near exit/entry areas and not difficult to find or be out of sight.
- iv) Identify (sign and road/pavement markings) the car share space for use only by car share vehicles in accordance with RMS standards.
- v) The establishment and operation of a car share scheme must occur soon after completion or occupation of the development.
- vi) Parking spaces for car share schemes located on private property are to be retained as common property by the Owners Corporation of the site.

### **2.3 Fuel efficient cars**

#### **Explanation**

Priority parking spaces can be allocated, within certain developments, to targeted users to promote equity of access and encourage use of environmental vehicles over conventional vehicles.

The term "environmental vehicles" most typically covers very small cars, hybrid cars and fully electric cars.

The provision and management of priority spaces for smaller cars and environmental vehicles with easy access to entry/exits and lifts should be part of commercial, office and shopping centre developments.

Spaces allocated to these vehicles should be marked and managed according to the specific vehicle type targeted. In the case of fully-electric cars, it may be appropriate to provide recharging facilities adjacent to the parking space.

#### **Objectives**

- Encourage the use of smaller and fuel efficient vehicles within the community.
- Provide convenient, accessible parking spaces in commercial, office or shopping centres development.

#### **Controls**

- i) A minimum of 10% parking spaces are to be designed and labelled for small & environmental vehicles in commercial, office or shopping centre development wherever 10 or more spaces are required.
- ii) Give priority location to these spaces with easy access to entry/exits and lifts of the office/shops/buildings.



## 2.4 Resident parking schemes

### Explanation

Resident parking permits are used to exempt residents from some kerbside time restrictions in areas where on street demand is high arising from shoppers, commuters and visitors. These circumstances are most likely to exist in and around business or neighbourhood shopping centres, centres of activity such as the University of NSW and Hospital Specialised Centre, public swimming pools, sports fields, beaches etc.

In the Randwick LGA a major objective of the resident parking scheme is to improve the amenity for those residents who **do not** have access to an off-street parking space and where there is time limited on-street parking in place.

No parking permits will be issued to residents of new developments that have been approved by Council in accordance with this DCP. This will be a condition of consent and recorded on Section 149(5) planning certificates and must be notified to all prospective buyers and tenants of the building. This is to ensure that new developments do not increase congestion and parking demands in busy areas while encouraging developers to adopt sustainable transport options and new residents to use public transport, car share, walking and cycling.

### Student housing

Student housing and other forms of residential development, such as boarding houses approved by Council in accordance with this DCP will also not be permitted to apply for parking permits.

### Controls

- i) No resident parking permits will be issued for new development or for significant alterations and additions to residential flat buildings and this must be notified to all prospective owners and tenants.

Note: This applies to development determined under this DCP and the RLEP.

- ii) A notice shall be placed in the foyer/common area of all buildings advising tenants that they are in a building which does not qualify for on-street resident parking exemptions.

## 2.5 Traffic and parking study requirements

### Explanation

To enable Council to manage transport demand generated by development a suitable assessment must be provided by the developer/applicant.

### Controls

- i) Depending on the type of development one or more of the following will be required to be submitted with the development application:
  - a. Transport Assessment Study and Travel Plan
  - b. Parking and Access Study
  - c. Construction Traffic Management Plan (Preliminary) for busy arterial roads

Note: Table 1 Vehicle Parking Rates sets out where one or more of these studies are required, depending on types of development.

- ii) The Transport Assessment Study must be prepared by a qualified traffic engineer. The study/report must then be signed by the author with their qualifications and MIE membership number quoted.

### Transport Assessment Study Requirements

A Transport Assessment Study is a technical investigation into the transport and safety issues that might arise from a development. It also assesses the transport related impacts on the surrounding transportation network that are generated by a development and how those impacts are to be managed. Such a study recognises the role of traffic within a broader transport system that includes public transport, walking and cycling.

**Refer to Section 2 of the RMS Guide to Traffic Generating Development 2002.**

The RMS Guide to Traffic Generating Development, in particular Section 2 should be used as a guide to the detail required in the Transport Assessment Study which complements the matters listed in this DCP – see Appendix B7-1 for the Transport Assessment Study.

### Parking and Access Report

A parking and access report is to assist in determining the most appropriate level of car parking for a development and is to accompany DAs for smaller scaled development. The requirement to provide such a report will depend on the type, scale and potential traffic impact of the proposed development and will be determined by Council at pre DA stage.

The Parking and Access report should incorporate a survey of available on-street parking within walking distance from the site (including Thursday evening and Saturday morning).

### **Construction Traffic Management Plan (CTMP)**

A CTMP is a practical response to ensuring that demolition and construction works do not adversely impact on the public domain or vehicular and pedestrian movements in an area.

A construction traffic management plan should detail how proposed development located on busy roads, bus or light rail stops or on difficult sites will be able to undertake loading and unloading, demolition and construction including the manoeuvring of trucks in and out of a site with minimum disruption to vehicular and pedestrian traffic or transportation networks.

#### **2.6 Traffic Generating Development**

Council is required under State Environmental Planning Policy (Infrastructure) 2007 to refer to the Roads and Maritime Services (RMS) certain DAs. The development to be referred is listed in the SEPP.

In certain circumstances Council may also refer development to the Regional or Local Traffic Committee.

## **3 Parking & Service Delivery Requirements**

This section provides vehicle parking rates, design and location requirements.

#### **3.1 Relationship to other documents**

Development applications requiring car parking will need to consider the following documents:

- Australian Standards (AS)
  - i) AS 1428 Design for access and mobility
  - ii) AS 2890 Parking facilities series
    - AS 2890.1 Off-street car parking
    - AS 2890.2 Off-street commercial vehicle facilities
    - AS 2890.5 On-street parking
    - AS 2890.6 Off-street parking for people with a disability
- State Environmental Planning Policy (Infrastructure) 2007
- RMS Guide to Traffic Generating Development 2002
- Austroads guides



### 3.2 Vehicle Parking Rates

#### Explanation

The vehicle parking rates apply to all new development, alterations and additions to existing development and change of use.

The provision of motor cycle or scooter parking areas is included in the rates to encourage this mode as a viable, energy efficient transport option.

Service delivery rates are in Table 2 and Bicycle rates are set out in Table 3.

#### Objective

- To ensure that an appropriate level of off-street vehicle parking is provided.

#### Controls

- i) Development must comply with the vehicle parking rates as detailed in Table 1 Vehicle Parking Rates. Any excess provisions over and above the parking rates will be included in GFA calculations.
- ii) Parking for service/delivery vehicles, bicycles and people with a disability need to be considered for the relevant land use and in accordance with this DCP.
- iii) Where a parking rate has NOT been specified in the table, the RMS Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development and/or a Transport Assessment Study may be used to determine the parking, subject to approval by Council.
- iv) Minimise the use of mechanical parking devices (car stackers or turntables) particularly on difficult (eg constrained access) sites and where queuing may result or safety is jeopardised.
- v) For mixed use development the allocation of car spaces among the uses is to be indicated on the DA plans.

#### Note:

**See sub-section 2 of this section for rates for car share spaces, fuel efficient cars and study requirements**

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

#### Note:

**Parking calculations should be rounded to the nearest whole number. Where the fraction is 0.5, then the figure must be rounded up to the next whole number.**



**Table 1 Vehicle Parking Rates**

(See also Tables 2 and 3, for service/delivery and bicycles rates)

Proposed use	Vehicle	Motor cycle/scooter
<b>RESIDENTIAL</b>		
Dwelling houses/dual occupancies, semi-detached dwellings, attached dwellings	1 space per dwelling house with up to 2 bedrooms 2 spaces per dwelling house with 3 or more bedrooms Note: Tandem parking for 2 vehicles is allowed	
Boarding Houses and student accommodation  Note: The Affordable Rental Housing SEPP contains controls for boarding houses, including parking requirements, which overrides the DCP. Refer to the SEPP for parking provisions for boarding houses.	1 car space per 5 bedrooms 1 space per resident caretaker	1 motorcycle space per 5 bedrooms
Group Homes	2 spaces per group home.  Tandem parking is not allowed.	
Home business/industry	1 space in addition to the parking for the dwelling.	
Hostels	1 space per 10 beds; 1 space per 2 staff; 1 service and delivery space depending on size (e.g. 30+ beds)	
Multi dwelling housing and residential flat buildings	1 space per 2 studio 1 space per 1 bedroom apartments (over 40 m2) 1.2 spaces per 2 bedroom apartments 1.5 spaces per 3 or more bedroom apartments 1 visitor space per 4 dwellings (but none where development is less than 4 dwellings)  Note: Car share facilities in certain locations are a viable option and should be discussed with Council staff.	5% of the car parking requirement

Proposed use	Vehicle	Motor cycle/scooter
<p>Seniors housing</p> <p>Note: These parking rates for seniors housing are contained in the SEPP (Housing for Seniors or People with a Disability) as 'standards that cannot be used to refuse development consent'. The SEPP overrides the DCP. Refer to the SEPP for parking provisions for seniors housing.</p>	<p>Hostels</p> <p>(i) 1 space per 5 beds in the hostel (ii) 1 visitor space per 10 beds; (iii) 1 parking space per 2 staff; and (iv) 1 parking space suitable for an ambulance.</p> <p>Residential care facility</p> <p>(i) 1 space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility includes care for persons with dementia); (ii) 1 space for each 2 staff; and (iii) 1 parking space suitable for an ambulance.</p> <p>Self-contained dwellings</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider; or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p> <p>Note: Resident spaces should be designed to be suitable for people with a disability.</p>	
<b>BUSINESS AND RETAIL</b>		
Business premises, retail premises and office premises	1 space per 40m2 Gross Floor Area (GFA)	5% of the car parking rate
Business and office premises in residential zones	1 space per 100m2 GFA	
Entertainment facilities and function centres	A Transport Assessment Study is required.	5% of the car parking rate
Bulky goods premises and passenger transport facilities	Transport Assessment Study is required.	5% of the car parking rate

Proposed use	Vehicle	Motor cycle/scooter
Pubs, registered clubs, and nightclubs	1 space per 10 person as endorsed as the maximum number on the subject liquor license; or 1 space per 6m2 bar, lounge, entertainment venues, restaurant, dining room, games rooms, auditoriums and disco etc, where the liquor license does not specify maximum number of persons. 1 space per 3 staff; 1 space per manager and 1 taxi/bus pick up point on site.	
Restaurants or cafes	1 space per 40m2 GFA for the first 80m2 GFA then 1 space per 20m2 GFA thereafter.  Note1: Parking rate applies to restaurant uses, over a public road such as a balcony. Note2: Parking rates do not apply to dining on footpaths or on community land.	
Take away food and drink premises	Transport Assessment Study including provision for queuing for drive through facilities.	
Service stations and vehicle repair stations	6 spaces per work bay; and 1 space per 25m2 GFA.	
<b>TOURIST AND VISITOR ACCOMMODATION</b>		
Backpackers' accommodation	1 space per 10 beds or 1 space per 5 bedrooms (which ever is the greater) plus 1 space per 2 staff	5% of the car parking rate
Bed and breakfast accommodation	1 space for guest use (plus parking for the dwelling)	
Hotel or motel accommodation	1 space per 4 units; and 1 space per 2 staff.	
Serviced apartments	1 space per 4 apartments; and 1 space per manager/caretaker	
<b>HEALTH, EDUCATION AND COMMUNITY FACILITIES</b>		
Child care centres	Transport Assessment Study or Parking and Access Study (depending on development size) is required, with 1 space per 8 children for drop off and pick up; and 1 space per 2 staff.	
Community facilities	Transport Assessment Study is required.	5% of the car parking rate



Proposed use	Vehicle	Motor cycle/scooter
Educational establishments <ul style="list-style-type: none"> <li>Schools</li> <li>Tertiary institutions (except the UNSW)</li> </ul>	Schools <ul style="list-style-type: none"> <li>0.7 spaces per staff.</li> </ul> Tertiary <ul style="list-style-type: none"> <li>0.7 spaces per staff member plus 1 space per 10 full time students in a tertiary institute.</li> </ul> Note: For larger developments a Transport management and accessibility plan (TMAP) maybe required. See Transport NSW - Draft Interim Guidelines for the Preparation of TMAPs.	5% of the car parking rate
Health consulting rooms	2 spaces per consulting room (plus parking for the dwelling)	
Hospital	1 visitor space per 3 beds; plus 1 space per 2 staff; plus 1 space per doctor plus adequate space for ambulance parking.	5% of the car parking rate
Medical centre	1 space per 25m2 GFA	5% of the car parking rate
Places of public worship	1 space per 20m2 GFA	5% of the car parking rate
Respite day care centres	1 space per 2 staff plus 1 mobility access space plus drop/off pickup area.	
<b>LIGHT INDUSTRY</b>		
Truck depots and shipping container storage	Transport Assessment Study required.	
Garden centres, Plant nurseries, Hardware and building supplies, landscape materials supply	1 space per 40m2 GFA	5% of the car parking rate
Light industry; warehouse or distribution centre; wholesale supplies	Light industry 1 space per 80m2 GFA Warehouse or distribution centres and wholesale supplies 1 space per 300m2 GFA.	5% of the car parking rate
<b>RECREATION</b>		
Indoor recreation facility	1 space per 25m2 GFA or Transport Assessment Study	5% of the car parking rate
Outdoor recreation facility	Transport Assessment Study	5% of the car parking rate
Major recreation facility	Transport Assessment Study	5% of the car parking rate



### 3.3 Exceptions to the Parking Rates

#### Explanation

Council transport investigations note that Randwick City's car parking rates are higher than adjoining comparable councils and the recommendations of the RMS. The rates for residential and business uses have **not** been altered in this DCP, except for minor adjustments made for specific development types (e.g. business premises in residential zones and backpackers' accommodation). The DCP provisions continue to acknowledge that applicants may seek variations where suitable and sustainable transport alternatives are considered and incorporated into the development.

There may be circumstances where it may not be physically possible or aesthetically desirable to provide parking (eg the provision of off street parking in the frontage of a heritage item or in areas of significant streetscape value).

It is the responsibility of the applicant through the development assessment process to demonstrate that the proposed level of parking provision is adequate, or that the overall planning benefits of the proposed development outweigh the deficiencies.

#### Controls

- i) Any variation to the parking rates must address the following issues (as relevant to the particular development):
  - (a) Type and scale of the development and its potential impact on local traffic and parking conditions.
  - (b) Survey of parking provision in comparable recent development.
  - (c) Existing parking facilities already provided prior to further development.
  - (d) Site and building constraints.
  - (e) Heritage and urban design considerations including significant streetscape elements such as sandstone retaining walls, significant mature trees etc
  - (f) On street and public parking in the area, as well as proximity and access to public transport.
  - (g) Location of local services, employment, retail and recreational facilities.
  - (h) Safety of vehicles, pedestrians and cyclists.
  - (i) Provision of any integrated, sustainable transport options on site.

### 3.4 Parking requirements for accessible spaces

#### Explanation

The Federal Government's *Disability Discrimination Act (DDA 1992)* 1992 sets the framework for ensuring that people with a disability have the same rights to equality before the law as the rest of the community and are not discriminated against in areas such as housing, education, employment, access and provision of goods and services. The Building Code of Australia (BCA) and Disability (Access to Premises—Buildings) Standards establish the access requirements and rates for car parking for people with a disability.

All development must provide accessible car parking for people with a disability as set out in the BCA and the relevant (and most current) Australian Standard (AS).

The dimensions for car spaces including headroom and access requirements for people with a disability are set out in AS 2890.6.

### 3.5 Parking requirements for adaptable housing – aging in place

#### Explanation

Where adaptable housing units are provided in accordance with Part C3 of this DCP, the car parking rate will be the same as that required for residential flat buildings.

#### Objectives

- To ensure that the design of parking areas is safe and compatible with best practice standards for people with a disability.
- To provide a sufficient number of designated car parking spaces for vehicles used by people with a disability.

#### Controls

- i) Comply with the minimum requirements of AS 4299 Adaptable Housing regarding car parking (e.g. internal dimension of 3.8m by 6m for garages and carports; 1 space per adaptable unit) or otherwise comply with the access and dimensions for car spaces for people with a disability as specified in the BCA and the Australian Standard AS 2890.6.
- ii) Parking spaces for people with a disability are to be provided in close proximity to lifts or access points and be linked by a continuous path of travel.
- iii) The location of the accessible parking spaces must be indicated at the entrance to the car park.
- iv) Parking spaces must be well lit and clearly line marked.

- v) Parking areas, signage and directions must be well lit and easily read for convenience and safety.
- vi) Parking areas that use lifts should include audio cues and tactile control panels incorporated into the design of the lift.
- vii) For residential development, accessible car parking spaces are to be allocated to adaptable units or as visitor parking. Accessible car parking spaces allocated to adaptable dwelling units are to be a part lot to an adaptable unit in the strata plan.

### **3.6 Car park location and design, streetscape and heritage**

#### **Explanation**

The Australian Standards and RMS Guidelines provide the base requirements for parking location and design.

Car park location and design needs to be carefully considered to ensure pedestrian safety, clear sight lines and to maintain streetscape character and amenity.

In older established areas, uniform streetscapes and heritage conservation areas the provision of car parking needs to maintain the character of the area and the significance of the item or conservation area.

#### **Controls**

- i) Minimise loss of existing on-street parking supply by:
  - a. Careful location of crossings and laybacks
  - b. Tapering the driveway at the property boundary
  - c. Amalgamating driveway crossings with adjoining property where possible
  - d. Considering the overall streetscape, continuity of footpaths and the need for safe pedestrian movement.
- ii) Ensure pedestrian and cycling safety is maintained or improved.

Refer to other relevant Parts and Sections of this DCP, for example, Residential or Heritage for detail on car parking design, provision and location particularly for older areas or areas with heritage value. Note: In some cases, it may not be possible to provide off-street car spaces.



### 3.7 Parking layout, configuration & dimensions

#### Explanation

The specific requirements for parking layout and dimensions (for car spaces, aisles, disabled, grades etc.) are provided in the relevant Australian Standard and the RMS Guidelines. All development must comply with these standards as a minimum level of provision to ensure car parking facilities are efficient, adequate and safe.

In new commercial development the provision of a percentage of small car spaces with ready access to facilities is encouraged.

In residential areas, smaller car spaces are sometimes sought for dwelling houses or semi-detached dwellings on narrow lots with access from the primary street frontage. These carports or hard stand spaces may only be suitable where they are able to accommodate medium sized cars as this avoids overhanging the footpath and creating a potential sight and physical hazard to pedestrians and other road users. Off street parking often also involves the loss of valuable on-street car parking spaces and disrupts the continuity and safety of footpaths.

#### Controls

- i) An off-street car space must be a minimum of 2.4m by 5.4m long and comply with AS 2890.1.
- ii) Small car spaces as provided for in the Australian Standard are not permitted for dwelling houses, terraces, semi-detached dwellings or attached dwellings.
- iii) Motor cycle parking spaces must be a minimum 2.5m by 1.2m and clearly marked.
- iv) Motor cycle spaces are to be designed and located so they are not vulnerable to being struck by manoeuvring vehicles.
- v) Motor cycle spaces must be located on flat and even surfaces as they rely on side-stands to park.
- vi) In all development except dwelling houses, semi-detached dwellings or attached dwellings, all vehicles must enter and exit in a forward direction.
- vii) Unless otherwise stated, development is to comply with the relevant Australian Standard and the RMS Guidelines for car parking layout, dimensions, aisle widths, grades, access requirements for different uses & users (eg those with disabilities), driveway widths, service and delivery needs.

Refer also to the relevant sections of this DCP for car parking details relating to specific land uses such as residential, commercial, industrial and specific locations such as UNSW.



### 3.8 Access to Dwellings Elevated Above Retaining Walls in Public Domain

#### Explanation

The historical subdivisions in the coastal areas of Randwick City have created a number of urban blocks that are elevated above public roads due to the sloping topography. The frontage to these allotments is supported by masonry block retaining walls aligning the carriageway boundaries, with public footpaths running above.

The provision of off-street parking to these sites often proves to be problematic as it necessitates significant demolition and modification to the retaining walls. In some occasions, the height of the retaining walls does not possess sufficient clearance for parking facilities required by the Australian Standard. The public footpaths above need to be raised along the frontage of the development site, which further compromises the visual integrity of the retaining walls, streetscape character and pedestrian accessibility. Any successive developments for vehicular access would incrementally remove wall sections and lead to cumulative visual impacts.

Due to the likely adverse implications on streetscape amenity, the partial demolition of existing retaining walls within the public domain for the sole purpose of gaining vehicular access to a private property will generally not be supported.

#### Controls

- 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.



### 3.9 Service and Delivery Vehicles

#### Explanation

The number of service bays required for a development depends on the size and nature of the development. The following rates are based on the RMS Guideline. However, given the age of the data used, major developments should quantify their service vehicle requirements through new surveys of similar developments.

The following minimum requirements for service delivery parking apply to new development:

**Table 2 Service and Delivery Rates**

TYPE OF DEVELOPMENT	MINIMUM REQUIREMENTS
Commercial premises	1 space per 4,000m <sup>2</sup> GFA up to 20,000m <sup>2</sup> GFA plus 1 space per 8,000m <sup>2</sup> thereafter (50% of spaces adequate for trucks)
Department Stores	1 space per 1,500m <sup>2</sup> GFA up to 6,000m <sup>2</sup> GFA plus 1 space per 3,000m <sup>2</sup> thereafter (all spaces adequate for trucks)
Supermarkets, shops and restaurants	1 space per 400m <sup>2</sup> GFA up to 2,000m <sup>2</sup> GFA plus one space per 1,000m <sup>2</sup> thereafter (all spaces adequate for trucks)
Warehouse, Industrial	1 space per 800m <sup>2</sup> GFA up to 8,000m <sup>2</sup> GFA plus 1 space per 1,000m <sup>2</sup> thereafter (all spaces adequate for trucks)
Hotels and Motels	1 space per 50 bedrooms or bedroom suites up to 200 plus one per 100 thereafter plus one space per 1,000m <sup>2</sup> of public area set aside for bar tavern, lounge and restaurant, (50% of space adequate for trucks)
Residential flat buildings	1 space per 50 units up to 200, plus 1 space per 100 units thereafter. PLUS 1 space per 1,000 m <sup>2</sup> of public area set aside for bar, tavern, lounge and restaurant.
Other uses	1 space per 2,000m <sup>2</sup> GFA (50% of spaces adequate for trucks)

(Source: RTA Guidelines 2002)

#### Controls

- i) Development must comply with the minimum requirements for the parking of service and delivery vehicles as set in Table 2.
- ii) Service vehicle dimensions, layout and service/loading bays must comply with Australian Standard AS 2890.2 Off street commercial vehicle facilities.

## 4 Bicycles

### Explanation

Environmentally healthy, vibrant and sustainable cities support alternative modes of transport such as bicycles and the provision of suitable infrastructure and safe bikeways.

Major activity nodes, such as the University of New South Wales, Prince of Wales Hospital, Centennial Park and the beaches generate demand for non-car transport. Through improved facilities for cyclists, there is an opportunity to promote sustainable transport by reducing car dependency, encouraging walking and cycling and improving community health.

The following provides bicycle parking rates for certain development in the City. Where a type of use is not specified a merit assessment is required to ensure bicycle parking is not over or under provided.

### Objectives

- To support active, healthy lifestyles via the provision of cycling infrastructure.
- To promote cycling as a safe, convenient and clean form of transport.
- To provide equitable access to parking facilities.

#### 4.1 Relationship to other documents

DAs requiring the provision of bicycle facilities will need to consider the following documents:

- Australian Standard AS 2890.3 Bicycle parking facilities
- NSW Planning Guidelines for Walking and Cycling
- Austroads Part 14 Bicycles
- RMS Guide to Traffic Generating Development

#### 4.2 Bike parking rates and controls

##### Controls

- i) All new development is to provide on-site bike parking additional to other parking requirements, in accordance with the minimums set out in Table 3 below.
- ii) The design and construction of bicycle facilities must comply with AS2890.3.
- iii) Parking requirements for cyclists will vary. Developments therefore must consider the following categories:
  - a. All day parking for employees and students.
  - b. Permanent parking or storage of bicycles for residents.

##### Note:

**While there are no requirements stated for a dwelling house or semi detached dwelling the inclusion of suitable internal/covered bike space is encouraged**



- c. Short term parking for visitors to shopping centres, offices, industrial buildings and other public and private buildings.
  - d. All day parking at transport nodes.
- 
- iv) Bicycle parking for residents/staff should be located close to building entry/exits and lifts and be given priority over other parking uses to ensure they are well located, designed and ultimately used. Avoid locating bicycle parking in hidden niches, at the end of aisles and under staircases etc.
  - v) Where parking is located in basement levels, bicycle parking must be located on the upper most basement level close to pedestrian exits.
  - vi) Bicycle parking spaces must be clearly marked and easily accessible, have good surveillance and provide a means of securely locking bicycle frames and wheels.
  - vii) One-wheel racks are not acceptable nor are facilities that require a wheel to be removed.
  - viii) A safe path of travel from bike parking areas to entry/exit points is to be marked and have a minimum width of 1.5m. Adequate sight lines are to be provided to ensure safety.
  - ix) Bike parking for visitors must be provided in an accessible on-grade location near a major public entrance to the development and is to be sign posted.
  - x) Minimum locker provisions for work places should be in accordance with Table 3 of the NSW Planning guidelines for walking and cycling and development.



**Table 3 Bicycle provision rates**

Proposed use	Residents/Employees	Customers/Visitors	Shower & change facilities for workplaces
<b>Residential housing &amp; accommodation</b>			
Shop top housing, multi dwelling housing, residential flat buildings	1 bike space per 2 units	1 per 10 units	<u>Showers</u> 1 per 0-12 2 per 13-49 4 per 50-149 staff.  2 change rooms (one male/one female) where 13 or more staff
Boarding Houses and student accommodation	1 bike space per 2 rooms	1 per 10 rooms	Nil
Back packers' accommodation	1 bike space per 2 staff	1 per 10 beds	Nil
Serviced apartments, hotels and motels	1 bike space per 4 staff	1 per 20 rooms	<u>Showers</u> 1 per 0-12 2 per 13-49 4 per 50-149 staff  2 change rooms (one male/one female) where 13 or more staff
<b>All other development</b>			
Commercial, retail, industrial, community, educational, recreational etc.	1 bike space per 10 car parking spaces.  Accessible showers 1 in 10 spaces.  Changing facilities (next to the showers) with one secure locker per bike space.		<u>Showers</u> 1 per 0-12 2 per 13-49 4 per 50-149 6 per 150-299 8 per 300-500 staff  2 change rooms (one male/one female) where 13 or more staff

Sources: Marrickville Council, Sydney City and NSW Planning Guidelines for Walking and Cycling

**Note:**

**The minimum number of bike parking spaces is to be rounded up to the nearest whole number**

## **APPENDIX B7-1: Transport Assessment Study**

A Transport Assessment Study is to consider:

- a) The accessibility of the site by a range of transport modes including car, public transport, walking and cycling;
- b) The ability of the public transport network to service the site in the peak and off peak and weekend periods;
- c) Mode share targets;
- d) Means of minimising travel demand by car and maximising the share of travel by other modes including public transport, cycling and walking;
- e) Compliance with the requirements of the LEP and DCP;
- f) A justification of car parking provision and site servicing arrangements in accordance with the objectives of the LEP and DCP;
- g) The proposed allocation of parking to apartment types in residential developments;
- h) Access for the mobility impaired;
- i) Estimates of trip generation by the development and the impacts of trips generated by the development on the road network and other movement systems;
- j) Means of accommodating and integrating trips generated by the development including necessary improvements to public transport services and infrastructure (eg. bus shelters), pedestrian systems, bicycle routes, and the road network;
- k) Means of mitigating any adverse impacts of the development on movement systems;
- l) Means of improving access to the site having regard to vehicular, pedestrian, cycle and public transport access;
- m) Impacts on and means of improving pedestrian accessibility to public transport (including proximity to services), shops, schools, open spaces; community centres and the like.
- n) Impacts on and means of improving pedestrian safety including demonstrating that access driveways are not in undesirable locations;
- o) Availability of on street parking and potential on street parking controls to discourage all day residential parking demand generated by the development.

### Vehicle Trip Generation

In relation to trip generation by vehicles, reference should be made to the 'RTA Guide to Traffic Generating Developments' which provides a summary of basic vehicular trip generating rates for both daily and peak hour vehicle trips. Surveys of existing developments similar to the proposal, can also be taken and comparisons drawn.

Two periods of traffic generation need to be considered:

- a) The peak activity time of the development itself
- b) The peak activity time on the adjacent road network.

This assessment should identify whether any on road improvements, traffic management or pedestrian measures are required to accommodate the increased movement on the system.

The Transport Assessment Study is to include a comparison between the vehicle trip generation rates in the 'RTA Guide to Traffic Generating Developments', availability of parking, access to public transport and access to neighbourhood shopping centre, community facilities and open spaces where relevant. Adjustments factors for each land use may include:

- a) Mode split by time period;
- b) Persons per vehicle;
- c) Trip purpose; and
- d) Availability of on-site parking.

A number of traffic facilities can be incorporated to ameliorate the impact of traffic and parking generated by the development including traffic signals, signs, pedestrian crossings, channelization, roundabouts, angled parking, and traffic calming devices, storage bays and median islands.

### Bicycles

End-of trip facilities such as storage, parking spaces, lockers and showers need to be provided in developments in accordance with the rates specified in the DCP.

Refer also to the Planning NSW, 'Planning Guidelines for Walking and Cycling' (December 2004) and the NSW Bike Plan (May 2010) and Council's Bike Plan.

### Travel Plans

A travel plan is a work place plan developed to make it easier for employees to get to and from work and reduce reliance on private vehicles and parking spaces. Such a plan typically includes support for walking, cycling, car pooling and public transport use. It is an important part of managing the transport demand generated by a development.

The travel plan should be based on the findings of the Transport Assessment Study and be prepared with reference to the Premiers Council for Active Living and section titled Workplace Travel Plan Resource.

Source: Draft Sydney City Council DCP 2010.



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## 1 Introduction

This section of the DCP contains objectives and controls for development in relation to water conservation, stormwater management, groundwater and flooding, with an overall focus on Water Sensitive Urban Design.

Water Sensitive Urban Design (WSUD) is the sustainable management of water in urban areas through intelligent and integrated design. It seeks to ensure that development is designed, constructed and maintained to minimise impacts on the natural water cycle.

It includes a wide range of technologies to reduce potable water consumption and reduce the pollution from stormwater ending up in local waterways. These can include rainwater tanks, gross pollutant traps, on site stormwater retention and reuse, landscaped swales, and infiltration systems.

For further information and examples of WSUD refer to [www.urbanwater.info](http://www.urbanwater.info) or [www.wsud.org.au](http://www.wsud.org.au)

## 2 Water Conservation

State Environmental Planning Policy (SEPP) - Building Sustainability Index (BASIX) includes targets for water conservation for most residential development.

The following controls, while not specifically mandated for residential development under BASIX, are encouraged to be applied, and are required to be addressed in all other development.

### Objectives

- To promote the sustainable use of water across the City of Randwick.
- To minimise the development's reliance on mains supplied water and encourage water conservation and reuse.

### Controls

- i) Provide rainwater tanks to meet all non-potable water demands including outdoor use, car washing, toilets and laundry.
  - a. Include a site-specific analysis to determine tank capacity based on potential collection area, and internal and external demands.
  - b. Encourage installation of dual reticulation systems to link collected rainwater to non-potable water uses such as irrigation or toilet flushing.

- c. Where site constraints restrict rainwater tank capacity or installation, an alternative off-set provision (in addition to standard requirements) promoting sustainability and innovation may be considered.
- ii) Encourage grey water recycling and reuse. Note that grey water treatment systems will require separate Council approval.

**Contact Council's Environmental Health Section for further information on grey water reuse, or refer to the NSW Office of Water:**  
<http://www.water.nsw.gov.au/Urban-water/Recycling-water/Greywater/Greywater/default.aspx>

### 3 Stormwater Management

Randwick LEP includes provisions for stormwater management which aim to minimise the impact of urban stormwater on land in Randwick City, including adjoining downstream properties, native bushland and receiving waters.

This section supports these LEP provisions, and contains specific requirements for developments in relation to managing the quality and quantity of stormwater impacting on Randwick City and surrounding catchments, waterways and coastlines.

Other sections in this DCP also contain related requirements for water permeable surfaces in landscaped open space. Refer to the sections on specific development types for further details.

#### 3.1 Water Quality

##### Explanation

Water bodies and coastlines in urban areas often suffer from decreased water quality resulting from stormwater run-off from roads and other impermeable surfaces. This run-off collects sediments, oils, chemicals and other pollutants, and adversely impacts on the biodiversity and recreational amenity of waterways and coastlines.

Management of stormwater quality is particularly important to larger developments with open areas of hardstand or car parking that have higher potential to collect and direct sediments and pollutants into the stormwater system.

##### Objectives

- To prevent the transportation of pollutants and sediments from a site by stormwater runoff.
- To ensure that stormwater runoff is of suitable quality to protect the recreational amenity of water bodies and coastlines; aquatic ecosystems and downstream receiving waters.
- To prevent pollution spills or contaminants from leaving a site via the stormwater network.

##### Controls

- i) All development proposing open car parking or hard stand areas exceeding 200 square metres, or incorporating new



*Green sea turtle at Clovelly Beach*



roads shall capture sediments and pollutants from the site via:

- a) A minimum of one pollutant trap located between the last downstream stormwater pit and prior to discharge from the site, or
  - b) A system of water sensitive urban design treatments such as vegetated swales, bio-retention systems and buffer strips to achieve the same performance as the pollutant trap(s), and;
  - c) Submit a design report with the DA from a suitably qualified environmental consultant demonstrating how sediments and pollutants will be captured.
- ii) All other development must consider the use of water sensitive urban design technologies to improve the quality of stormwater run-off from a site prior to entering the drainage system, nearby catchments or waterways.

### 3.2 On-site Detention and infiltration

#### Explanation

On-site Stormwater Detention (OSD) temporarily stores excess stormwater on a site. It acts to restrict the rate that the stormwater leaves the site with the aim of better managing the rate and quantity of stormwater entering the drainage system, and reducing the risk of downstream flooding effects.

On-site detention will be required for certain development types, and certain locations within Randwick City. These are specified in Council's Private Stormwater Code

#### Objectives

- To control the release of private stormwater into Council's drainage system to maintain its capacity.
- To require the use of on-site detention systems and, where practical, to encourage the use of stormwater infiltration in lieu of on site detention.

#### Controls

- i) On-site detention and infiltration systems shall be designed and constructed to comply with the requirements of Council's Private Stormwater Code.
- ii) On-site detention storage volume may be reduced through the use of stormwater infiltration systems.

### 3.3 Construction water management

#### Explanation

Discharging site stormwater, groundwater or seepage water from a building site can introduce excess sediments and harmful

#### Note:

**For further details on requirements for on-site detention and the design and application of infiltration systems, refer to Council's Private Stormwater Code**

pollutants into Council's stormwater drainage system and downstream receiving waters. Construction sites are required to manage erosion of sediment and stormwater run-off during construction. Council will include conditions of consent describing requirements during construction.

#### Objective

- To protect the drainage system, downstream receiving waters and the surrounding environment from harmful contaminants from construction sites.

#### Controls

- All DAs involving excavation or other site disturbance shall submit a soil and erosion management plan demonstrating how sediment and contaminants from construction shall be contained and managed.
- Separate approval will be required from Council for any proposals to discharge stormwater, seepage water or groundwater from a construction site into Council's stormwater drainage system. Council may require water quality testing of the discharged water by a suitably qualified environmental consultant.

### 3.4 Stormwater infrastructure

#### Explanation

This sub-section applies to all development in proximity to public stormwater infrastructure or inter-allotment drainage, and all development proposing new connections to Council's drainage system.

#### Objectives

- To ensure stormwater infrastructure is designed and constructed to an acceptable standard.
- To prevent adverse impacts of development on the performance, serviceability and integrity of publicly owned stormwater systems and inter allotment drainage lines.
- To ensure that private stormwater systems discharge to the public stormwater system in an acceptable manner.

#### Controls

- Design and install stormwater infrastructure in accordance with Randwick City Council's Private Stormwater Code.
- New structures may not be constructed above public stormwater infrastructure or inter-allotment drainage.
- Redevelopment of existing structures above public stormwater infrastructure or inter allotment drainage shall occur only where:

#### Note:

**The public stormwater infrastructure is the system of drainage pipes and pits owned by Council or another public authority.**

**Inter-allotment drainage lines carry stormwater from more than one lot across private property before connecting to the public stormwater system.**



- a. relocation of the stormwater conduit or structure is not feasible,
  - b. the conduit is reconstructed to meet relevant standards, and
  - c. the conduit is upgraded to ensure structural soundness and serviceability for the life of the structure and the life of the conduit;
- iv) A drainage easement may be required for development impacting existing Council stormwater infrastructure or an inter-allotment drainage line
  - v) Separate approval from Council will be required for development proposing to connect private stormwater to the public drainage system.

## 4 Groundwater

Several areas within Randwick City are underlain by the Botany Sands aquifer. The level of the aquifer can vary with seasonal conditions, and in some areas is quite close to the surface. As a consequence some developments in locations above the aquifer may be affected by the groundwater system.

This sub-section applies to all development proposing basement construction or other forms of excavation that may interact with the groundwater table.

### 4.1 Site investigations

#### Explanation

It is important to establish the potential for a development to be impacted by groundwater early in the design process, to ensure appropriate investigations are undertaken that inform the design and construction of the development.

#### Objective

- To ensure appropriate site investigations are undertaken to identify the potential for a development to be affected by groundwater.

#### Controls

- i) All development proposals incorporating a basement level are required to undertake a preliminary geotechnical investigation to establish whether the development may be affected by groundwater
- ii) This investigation must be undertaken by a suitably qualified geotechnical or hydrogeological engineer, and shall be submitted with the DA.

### 4.2 Basement design and construction

#### Explanation

Basements that may intersect the water table must be designed and constructed to preclude the need for dewatering after construction, while also avoiding unreasonable adverse effects on groundwater flows and quality, and on neighbouring properties.

This sub-section sets out requirements for documentation to be included with DAs. Council will also include conditions of development consent requiring design details and certification of the suitability of the basement design prior to approval to commence works on site, and certification upon completion that the works have been implemented in accordance with the approved documentation.

#### Objective

- To require sufficient information to demonstrate that the proposed works may be feasibly constructed without unreasonable impacts to neighbouring properties, groundwater conditions, or the structural integrity of the development.

#### Controls

- i) Provide a letter or report prepared by a suitably qualified engineer experienced in the design of structures below a water table, confirming that the proposed basement will be designed and constructed in a manner that is suitable for the site conditions.
- ii) The report shall be submitted with the DA and include confirmation that the basement:
  - will be designed and certified by a suitably qualified and experienced engineer
  - will preclude the need for dewatering after construction
  - will be suitably water-proofed and tanked in all areas where groundwater may impact on the development
  - will include groundwater management systems if needed to maintain natural flowpaths of groundwater around the development.

### 4.3 Groundwater during construction

#### Explanation

Where a development intersects the groundwater table, temporary pumping (dewatering) may be required to allow construction to proceed. Dewatering is the process of removing groundwater from an aquifer to lower the water table below the lowest level of the excavation. This allows construction to proceed safely by limiting the potential for excavation instability and water-logged ground conditions.

Development proposals involving dewatering are referred for assessment, review and approval from the NSW Government's Office of Water. If approval is granted, they will issue general terms of approval which will be incorporated into any development consent issued by Council. It is also necessary to obtain a Water license from the Office of Water after development consent is issued, to permit the extraction of water from an aquifer.

Note that the Office of Water will not endorse continuous extraction of groundwater. Temporary de-watering may be approved by the Office of Water provided the design of basement areas precludes the need for dewatering after construction.

Council will also include conditions of development consent relating to excavation, shoring, piling, dewatering and other construction activities relating to basements affected by groundwater, including requirements for information/certification to be provided prior to approval to commence construction works.

### Objectives

- To ensure that construction activities do not adversely impact on groundwater conditions or neighbouring properties.
- To identify requirements for development proposals that may require temporary de-watering during construction.

### Controls

- i) All DAs involving excavations that may require temporary de-watering, shall include a letter or report prepared by a suitably qualified engineer experienced in the construction of structures below a water table. The letter/report shall:
  - a. outline the proposed method of construction and dewatering; and
  - b. confirm that the basement can be feasibly constructed without causing unreasonable impacts on the groundwater system or neighbouring properties.

## 5 Flooding

### Explanation

Flooding in NSW is managed in accordance with the NSW Government's Flood Prone Lands Policy, which aims to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

Randwick City Council is in the process of undertaking flood studies, Floodplain Risk Management Studies and Plans for its catchments to quantify flooding risks and potential measures in accordance with the NSW Government's Floodplain Development Manual.

RLEP includes flood planning provisions (CI 6.3) applying to land at or below the defined flood planning level, and which require the consent authority to consider the impacts of development on flooding. This sub-section of the DCP supports RLEP, and provides controls for development consistent with the NSW



## Government's Flood Prone Land Policy and the Floodplain Development Manual.

This sub-section applies to:

- Residential development on land below the 1% Annual Exceedance Probability (AEP) flood plus the required freeboard, and
- All other development on land below the Probable Maximum Flood (PMF) plus the required freeboard

Applicants are encouraged to liaise with Council early in the design process to identify any applicable flooding implications.

### Objectives

- To control development at risk of flooding in accordance with the NSW Government's Floodplain Development Manual.
- To ensure that the economic and social costs which may arise from damage to property due to flooding is minimised and can be reasonably managed by the property owner and general community.
- To reduce the risk to human life and damage to property caused by flooding by controlling development on land impacted by potential floods.
- To ensure that development is appropriately sited and designed according to the site's sensitivity to flood risk.

### Definitions

#### **Probable Maximum Flood (PMF):**

The largest flood that could reasonably occur.

#### **1% Annual Exceedance Probability (AEP) flood:**

A flood with a 1% (1:100) probability of occurring in any given year, also known as the 100 year ARI.

#### **5% Annual Exceedance Probability (AEP) flood:**

A flood with a 5% (1:20) probability of occurring in any given year, also known as the 20 year ARI.

#### **Freeboard:**

A factor of safety typically used in relation to floor levels, to ensure that the required standard of protection is achieved.

#### **Overland Flow Path:**

The path of rain-induced surface run-off that is not part of a defined watercourse, including run-off in excess of the capacity of the underground drainage system



## 5.1 Flood Studies and Plans

### Objectives

- To ensure that development addresses any relevant flood studies, and is consistent with the requirements of any floodplain risk management studies or plans.

### Controls

- DAs are to identify any flood related information including flood levels, locations of floodways or overland flow paths impacting the site.
- Submit a site specific flood study or other calculations to demonstrate there is no adverse impact on flooding if a flood study for the catchment has not been prepared.
- Comply with any catchment-specific controls in an adopted Floodplain Risk Management Plan in addition to the controls in this section.

## 5.2 Flood effects

### Objectives

- To ensure that development, either individually or cumulatively, minimises adverse impacts on flooding, conveyance of floodwaters and floodplain storage volume.
- To ensure that floodways and overland flow paths are not obstructed by development.

### Controls

- The development shall not increase flood effects elsewhere, having regard to loss of flood storage, changes in flood levels and velocities and the cumulative impact of multiple potential developments, for floods up to and including the 1% AEP flood.
- Floodways and overland flow paths must not be obstructed or diverted onto adjoining properties.
- Areas identified as flood storage areas must not be filled unless compensatory excavation is provided to ensure that there will be no net loss of floodplain storage volume below the 1% AEP flood.

## 5.3 Floor levels

Floor levels refer to the minimum required building floor levels. For development such as basements, the floor level refers to the lowest level at each access point.

### Objective

### Notes:

Refer to Council's website for status of flood studies, and availability of information for different catchments.

Information including locations of floodways and flood levels is available from Council where a flood study for a particular catchment has been prepared.

Property specific information, where available, can be obtained from Council by completing a Flood Report Application Form.

A flood study may be prepared either by Council, or by the applicant in instances where Council requires the applicant to submit a flood study.

- To ensure that floor levels are set at an appropriate height to reduce the frequency of inundation of structures and floors to an acceptable probability.

### Controls

- i) Building floor levels shall comply with the *Table A – Floor Levels for Buildings*, with exceptions noted below:

A single (once only) addition at the existing lowest habitable floor level may be permitted after a flood study has been prepared. Such an addition will be limited to:

- A maximum 10 square metres for existing single and dual occupancy dwellings,
  - up to 10 percent of the existing gross floor area for all other development (note for large buildings, this increase may be limited to a lower amount)
- ii) A certificate by a registered surveyor shall certify that the floor levels are not less than the required level.
- iii) Where the lowest habitable floor area is elevated more than 1.5m above ground level, a restriction is to be placed on the title of the land confirming that the sub-floor area is not to be enclosed.

**Table A - Floor Levels for Buildings**

Scenario	Floor level
<b>Habitable Floors - all development (excluding critical facilities)</b>	
Inundated by flooding	1% AEP + 0.5m freeboard
Inundated by overland flow path	Two times the depth of flow in the 1% AEP flood with a minimum of 0.3m above the surrounding surface
<b>Habitable floors - Critical facilities</b>	
Inundated by flooding	PMF + 0.5m freeboard
Inundated by overland flow path	Two times the depth of flow in the PMF with a minimum of 0.3m above the surrounding surface
<b>Non-habitable floors – residential outbuildings (excluding garages) *</b>	
Gross floor area less than or equal to 10 square metres.	1% AEP but not less than 0.15m above surrounding ground level
Gross floor area greater than 10 square meters.	The applicable habitable floor level
<b>Non-habitable floors – Industrial and commercial</b>	
Located on flooding or overland flow path	1% AEP but not less than 0.15m above surrounding ground level
<b>Material storage locations – all development</b>	
Materials sensitive to flood damage, or which may cause pollution or be potentially hazardous during flooding	1% AEP + 0.5m freeboard

\* Note: floor levels for car parking are covered in 5.5

### Notes:

Non habitable floors include areas such as laundries or sheds, but exclude garages. All other floor spaces are habitable areas.

Industrial and commercial facilities include areas such as office space, show rooms, child care facilities, residential floor levels for hotels and tourist establishments.

Critical facilities include: hospitals, police, fire, ambulance, SES stations, major transport facilities, major sewage or water supply or electricity or telecommunication plants, schools, nursing homes and retirement villages



Overland flow paths occur when:

- a. The maximum cross sectional depth flowing through and upstream of the site is less than 0.25m for the 1% AEP flood for other than critical facilities, or 0.25 for the PMF for critical facilities; and
- b. Existing surface levels within the site are above the floor level requirements, at the nearest downstream trapped low points, and
- c. The flood study demonstrates that blockage to any upstream trapped low point does not increase the depth of flow to greater 0.25m.

**Note:**

For more information on overland flow paths, contact Council's Development Engineering section.

#### 5.4 Building components

##### Objective

- To ensure the structure and construction of development is compatible with flooding up to the applicable floor level.

##### Controls

- i) All development shall have flood compatible building components below the floor levels identified in Table A.
- ii) All structures shall be constructed to withstand the forces of floodwater, debris and buoyancy up to and including the floor levels identified in Table A.

#### 5.5 Driveway access and car parking

##### Objectives

- To ensure car parking and site access is constructed to an acceptable flood standard.
- To require appropriate protection measures for warning and safe evacuation from basement car parking.
- To minimise the likelihood of cars or other objects becoming floating debris during a flood.

##### Controls

- i) Car parking floor levels shall comply with *Table B – Floor Levels for Car Parking*.
- ii) Locate vehicular access where the road level is greater than or equal to the required floor level for the car park. Where road access above the required floor level is not available, locate vehicular access at the highest feasible location.

**Note:**

For additional guidance on structural soundness and flood compatibility of buildings refer to: **Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone areas (Hawkesbury-Nepean Flood Plain Management Steering Committee, 2006)**

- iii) The level of the driveway between the road and car park shall be no lower than 0.3m below the 1% AEP flood or such that the depth of inundation during the 1% AEP flood is not greater than the depth of flooding at either the car park or the road where the site is accessed.
- iv) Underground car parking accommodating more than three vehicles shall have warning systems signage and exits to ensure adequate warning and safe evacuation.
- v) Barriers shall be provided to prevent floating vehicles leaving the site during the 1% AEP flood if the depth of flooding at the car space exceeds 0.3m.
- vi) Vehicle access to critical facilities that have an emergency function must be achieved for floods up to the PMF.

**Table B - Floor Levels for Car Parking**

Scenario	Floor Level
<b>Above ground level open car parking, car ports and garages</b>	
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)
<b>Underground car park (where floor level is more than 0.8m below surrounding ground level)</b>	
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



## 5.6 Safety and evacuation

### Objective

- To ensure development provides for the safety of persons and emergency access during a flood.

### Controls

- i) Include a description of the safety and evacuation methodology with all DAs, including:
  - a) the provision of reliable and safe egress for inhabitants from the lowest habitable floor level to a publicly accessible location above the PMF level.
  - b) the method of access for emergency personnel.

### Note:

For some developments a condition of consent may be imposed to require the placement of a safety and evacuation plan for all building occupants in a visible location

## 5.7 Management and design

### Objectives

- To ensure stored materials do not become hazardous during a flood.
- To ensure land subdivisions have suitable potential to be developed in accordance with the flooding requirements of this DCP.
- To ensure development does not increase erosion, siltation or destruction of natural or modified watercourses, wetlands or coastal areas.
- To ensure fencing does not obstruct the flow of flood waters, become unsafe during times of flood or become moving debris.

### Controls

- i) Land shall not be subdivided unless it is demonstrated that the newly created parcels of land can be developed in accordance with the flooding requirements of this DCP. Parcels created for the specific purpose of being transferred to Council ownership are exempt from this requirement.
- ii) The development shall not cause or increase erosion, siltation or destruction of natural or modified watercourses, wetlands or coastal areas.
- iii) Fencing within a floodway or overland flow path shall be of permeable open type design, and be constructed to withstand the forces of floodwaters or to collapse in a controlled manner.
- iv) Any proposed storage area shall be constructed and located to prevent stored materials or goods becoming hazardous during a flood.

### Note:

Permeable open type fences are fences with sufficient openings to allow the unobstructed flow of water

## Explanation

A Management Plan is a document which outlines how the operation of a premises will be managed to minimise any potential impacts on the amenity of surrounding properties and/or the locality.

A Management Plan may be required as a condition of development consent for proposals for late night trading premises, sex services premises, backpackers accommodation, boarding houses and amusement centres. It may also be required for any other land uses that in the opinion of Council may potentially have unacceptable amenity impacts if poorly managed.

The content and level of detail in a Management Plan will vary on a case by case basis depending on the nature and intensity of the proposed land use or its intended location. Applicants are advised to also refer to the relevant DCP section for additional Management Plan requirements for specific land uses.

A Management Plan should be in the form of a separate attachment with a DA.

## Controls

The Management Plan must address the following requirements:

### 1 Objectives

- i) Objectives articulating the need for preparation of the Management Plan and outcomes it sets out to achieve.

### 2 Site and Context Details

- (i) Street address and lot number of the land to which the Management Plan applies.
- (ii) Date of preparation.
- (iii) Registered business name and trading name of the premises.
- (iv) A description of the primary use of the premises as well as any secondary/ancillary uses. This may be in the form of a floor or site plan indicating the use of all areas within the building or site.
- (v) Types of activities within the premises including any variations at different times of the day, week or in different seasons.

- (vi) Any 'active areas' adjacent to the boundaries of the site associated with the premises (e.g. outdoor dining, queuing areas etc) where relevant.
- (vii) A brief description of surrounding land uses including:
  - Proximity to residential and other sensitive land uses (e.g. schools, places of worship etc).
  - Premises of a similar nature and scale.
- (viii) Maximum capacity of the premises.
- (ix) A schedule of proposed hours of operation for each day of the week for all areas of the premises.

### **3 Operational Details**

- i) Name and contact details of operator/manager and type of management arrangement (e.g. on site or managed through off site agent etc).
- ii) Organisational structure including number of staff, key roles and responsibilities. Information on any variation to staffing levels at different times of the day, week, or during different seasons should be provided.
- iii) The procedure for receiving, recording and handling complaints regarding the operation of the premises. A Complaints Register should be maintained on site which includes the following information:
  - Complaint date and time.
  - Name, address and contact details of person making the complaint.
  - Nature of complaint.
  - Name of staff on duty.
  - Action undertaken by premises to resolve the complaint.
  - Follow up and outcome.
- (iv) Details of training and induction procedures to ensure staff are aware of the provisions of the Management Plan and emergency procedures.
- (v) Any requirements in respect of the on-going management of the premises arising from any conditions placed on the Development Determination, if approved.

### **4 Amenity**

- i) Details on all measures to be undertaken to ensure that the operation of the premises will not adversely affect the amenity of the locality by way of noise, vibration, fumes, waste disposal and the like.

### **5 Safety and Security**

- i) Details on systems and procedures to ensure the safety and well being of staff, patrons/residents and/or other users of the premises including:



- Risk management procedures appropriate to the service provisions (e.g. accident and injury etc).
- Method of surveillance of common areas.
- Location and monitoring of security alarms.
- Security personnel and their duties.

## **6 Waste Management**

- i) Procedures for minimising and managing waste and litter that is generated on site.
- ii) Details on how and when waste will be collected.
- iii) Details of when (frequency) and how the premises will be cleaned and serviced.
- iv) Location of waste storage areas.

## **7 Fire Safety**

- i) Details on proposed fire safety regime including:
  - Annual certification (if required).
  - Maintenance of emergency systems.
  - Actions to reduce fire risks.
  - Provision of an emergency evacuation plan.

## **8 Deliveries and Loading/Unloading**

- i) Details on deliveries including frequency, hours and type of vehicles associated with delivery and loading/unloading.
- ii) Guidelines for service providers and staff on how to mitigate any adverse impacts.

## **9 Declaration**

- i) A signed declaration from the licensee/manager that they have read, understood and will ensure compliance with the approved Management Plan.



# Foreshore Scenic Protection Area B10

## Explanation

Randwick City covers almost 30km of coastline. The RLEP has identified visually prominent residential areas and commercial centres as the Foreshore Scenic Protection Area, to recognise, protect and enhance the scenic qualities of the coastline.

Development on any land located within the Foreshore Scenic Protection Area must be located and designed to minimise visual impact on public areas, including views to and from the coastline, foreshore reserves and open space.

This section includes controls to ensure future development is of high architectural quality and is sensitive to the aesthetic values of the foreshore areas.

## Objectives

- To protect the natural landscape qualities and aesthetic appeal of the foreshore areas.
- To encourage high quality designs for dwellings that are sensitive and sympathetic to the natural landform, colours and landscape character of the foreshore areas.
- To retain and provide an ambient landscape that is suitable to the coastal conditions and enhances the scenic qualities of the foreshore.

## Controls

- i) The design of buildings must consider their visual presentation to the surrounding public domain, including streets, lanes, parks, reserves, foreshore walkways and coastal areas. All elevations visible from the public domain must be articulated.
- ii) Outbuildings and ancillary structures must be integrated with the design of the main dwelling in a coherent architectural expression. They must not present as temporary or make-shift structures, nor constructed with non-durable, low quality materials.
- iii) The exterior colour scheme must complement the natural elements in the coastal areas. The colour palette must predominantly consist of light toned neutral hues.
- iv) High reflective glass in windows and doors visible from the public domain must not be used.

- v) Finishing materials to buildings must be capable of properly withstanding deterioration and weathering accelerated by the coastal conditions.
- vi) Plant species selected for landscaping must be capable of withstanding the exposed and windy coastal environment. Professional landscape advice must be obtained in the selection of species.
- vii) Adequate soil depth must be reserved around buildings for gardens and soft landscaping purposes.
- viii) Any exposed coping structures of swimming and spa pools must be minimised and screened from view from the public domain.
- ix) Any rock outcrops, shelves and large boulders must be retained on the site and integrated into the landscape design.
- x) Any retaining walls within the foreshore area (that is, encroaching upon the Foreshore Building Line) must be constructed or clad with sandstone.

# Development in Laneways Nominated for Road Widening

B11

## Explanation

A number of narrow laneways in Randwick City have been identified for road widening. In many of these nominated laneways, Council has already commenced widening works which are gradually transforming the lane character.

These nominated laneways are listed below:

- a) Ferguson Street, Maroubra, between Maroubra Road and Beauchamp Road
- b) Glanfield Street, Maroubra, between Bunnerong Road and Bruce Bennetts Place
- c) Green Street, Maroubra, between Anzac Parade and Cooper Street
- d) Galvin Street, Maroubra, between Cooper Street and Mulgray Avenue
- e) Mason Street, Maroubra, between Bunnerong Road and Anzac Parade
- f) Alma Road, Maroubra, between Anzac Parade and Cooper Street
- g) Metcalfe Street, Maroubra, between Garden Street and Flower Street
- h) Nevorie Crescent, Maroubra, between Royal Street and Hannan Street
- i) Marjorie Crescent, Maroubra, between Storey Street and Royal Street
- j) Eastmore Place, Maroubra, between Bunnerong Road and Marjorie Crescent
- k) Bundock Lane, Randwick, between Avoca Street and Canberra Street

The development of residential dwellings fronting these laneways is encouraged. Subject to dedication of land for the purpose of laneway widening, payment of relevant fees and compliance with the objectives of this DCP, subdivision for a dwelling to the rear lane may be permitted, notwithstanding the minimum allotment sizes required for subdivision under the RLEP.



The special land dedication requirements for corner blocks and specific allotments are detailed in Council's Subdivision Code.

#### Objectives

- To facilitate widening and streetscape improvement of specially nominated laneways in Randwick City.
- To achieve the dedication of land for laneway widening purposes through permitting subdivision and dwelling house development on nominated sites fronting the lanes.

#### Controls

Notwithstanding the minimum allotment size provisions of the RLEP and the minimum frontage width requirements of this DCP, the subdivision of land for a dwelling house fronting a nominated laneway may be permitted having regard to the following criteria:

- i) The merits of the proposal and compliance with the objectives of this DCP; and
- ii) The dedication to Council of a strip of land 4.57m in depth along the frontage of the lane for road widening purposes.



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## 1 Introduction

This section of the DCP contains objectives and design controls which apply to new development and alterations and additions for the purposes of medium density housing including the following types of development defined in the RLEP:

- Attached dwellings;
- Multi dwelling housing; and
- Residential flat buildings.

These controls are based on best practice design guidance under SEPP 65 – Design Quality of Residential Flat Buildings and the **‘Residential Flat Design Code’** (the Design Code) refer to <http://www.planning.nsw.gov.au/residential-flat-design-code> published by NSW Department of Planning and Infrastructure.

For residential flat buildings, applications must specifically address the ‘Design Code’ principles.

**State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65)** provides design principles for residential flat buildings containing three or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2m above ground level), and four or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops)

This section of the DCP should be read in conjunction with:

- Part A – Introduction and Part B - General Controls of the DCP; and
- Other sections for specific development types, locations or sites, if relevant to the application.

The following document should also be considered:

- *Randwick City Council’s ‘Design ideas for rejuvenating residential flat buildings’*



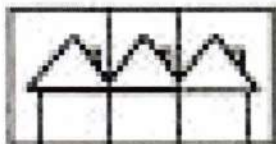
### 1.1 Medium density housing in Randwick LGA

Over half the housing stock in Randwick consists of medium density housing, characterised by pre and post war residential flat buildings, walk up flats, newer multi storey apartment buildings, villas and terraces.

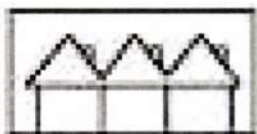
The following terms describe the dwelling types covered by this section and as defined by RLEP.

**Attached dwellings** such as terraces and townhouses means a building containing 3 or more dwellings, where:

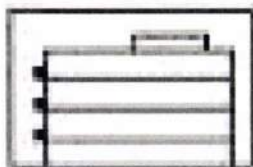
- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.



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



**Residential flat buildings** such as pre and post war walk up flats and newer multi storey buildings means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.



Attached dwellings ("terraces")



Multi-dwelling housing ("townhouses")



Newer residential flat building



Pre-war residential flat building



Post-war residential flat building

## 2 Site Planning

### 2.1 Site Layout Options

#### Explanation

A large proportion of properties in the R3 medium density zone consist of deep allotments with an average length of 30 to 40m. Many also have a narrow frontage width of less than 15m. To configure a building that would achieve adequate daylight access, natural ventilation and privacy on these properties requires careful and skilful execution of site planning and building layout.

In addition to the above, many properties that are suitable for redevelopment into medium density housing are situated among older style residential flat buildings, which generally occupy a large proportion of the land area with living spaces oriented to the side boundaries. This represents a considerable challenge in achieving good amenity outcomes between properties, and the constraints to be resolved during the design process.

This sub-section provides guidance for site planning by suggesting general solutions that are relevant to the context of Randwick City.

#### Objectives

- To ensure the site layout and building location respond to the unique characteristics of the site and the surrounding context.
- To ensure development achieves adequate levels of natural lighting and ventilation, privacy, visual amenity and spatial separation from the neighbouring properties.

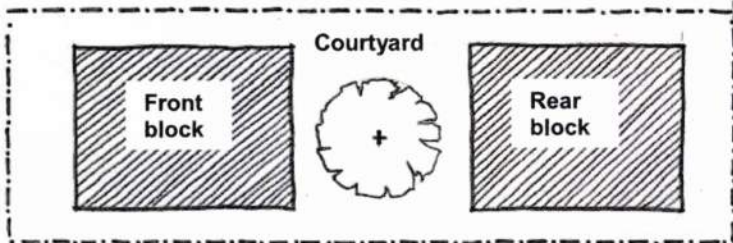
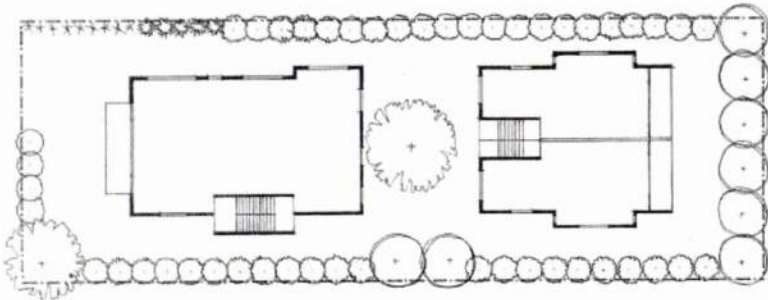
#### Controls

- i) The site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines in table 1 below.
- ii) For development fronting laneways, the building must incorporate operable windows enabling casual surveillance of the rear lane.
- iii) Laneway setbacks should be aligned with existing setbacks and where there is no consistent setback, a minimum of 1m setback is to be provided from the laneway.



Table 1 Site Planning Guidelines

*Note: The following site layout options are provided as examples only and are based on recently approved DAs. Refer to sections B1 Design: subsections 3.1 and 3.2 for further information on responding to site and contextual analysis*

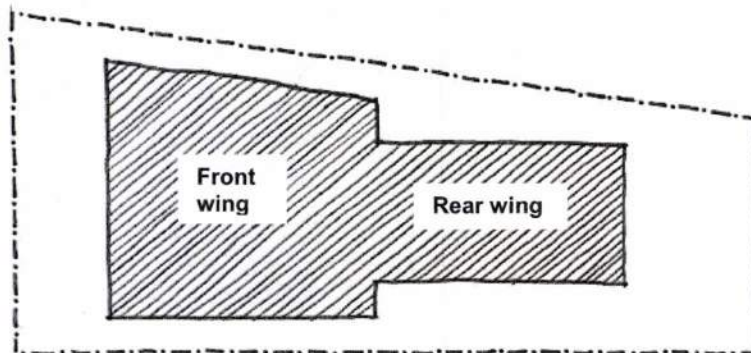
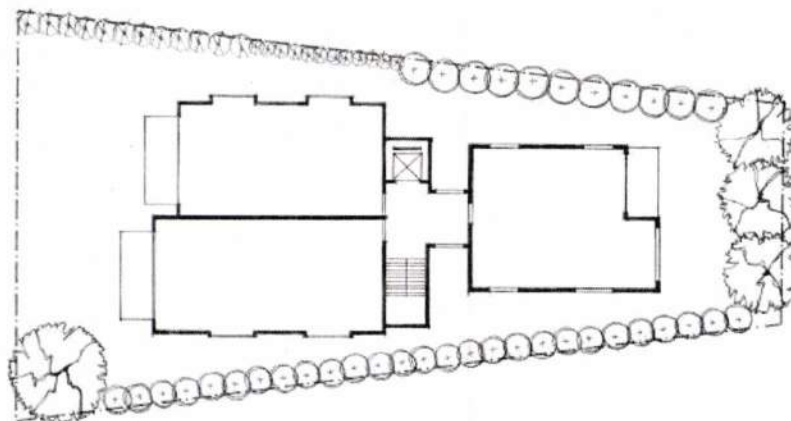
Site Planning Type	Details
Two Block / Courtyard Example	<p><b>Configuration:</b></p> <p>The floor space is distributed into two building blocks, with one building addressing the street, and the other situated at the rear. The two blocks may be situated above a common basement containing car parking facilities.</p> <p>The buildings are separated by a central courtyard that functions as communal garden with opportunities for canopy tree planting.</p> <p>The habitable room windows can be oriented to the front and rear of the allotment as well as the central courtyard.</p> <p><b>Application:</b></p> <ul style="list-style-type: none"> <li>• Both narrow, elongated allotments and wider allotments;</li> <li>• Allotments with rear lane access;</li> <li>• Allotments with significant level difference or steep slope;</li> <li>• East-west oriented allotments where overshadowing from the adjoining property to the north forms a major constraint; and/or</li> <li>• The adjoining developments have significant building mass with habitable room windows oriented to the common boundaries.</li> </ul> <p><b>Building layout concept:</b></p>  <p><b>Example:</b></p> 

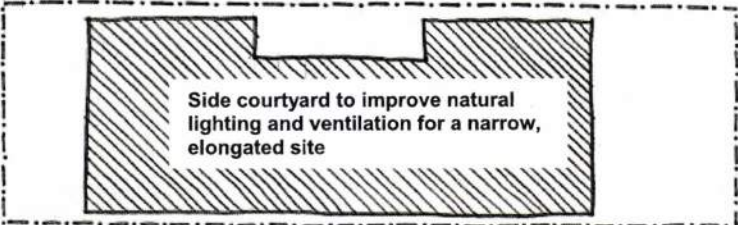
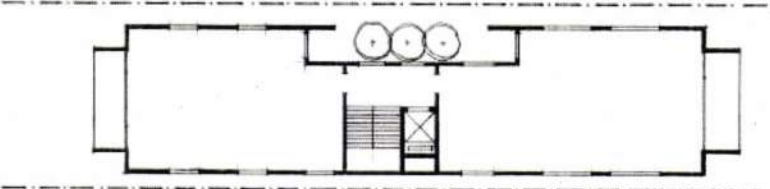
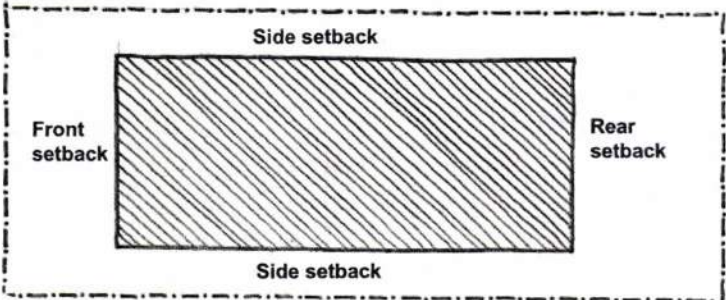
**T-Shape  
Example****Configuration:**

The floor space is distributed between two building wings. The wider wing is positioned at the front of the allotment addressing the street. A narrower wing with generous side setbacks is attached to the rear of the front block, forming a T-shape in plan view. The habitable room windows are oriented towards the street, rear and side boundaries. The side setback areas enable landscape planting.

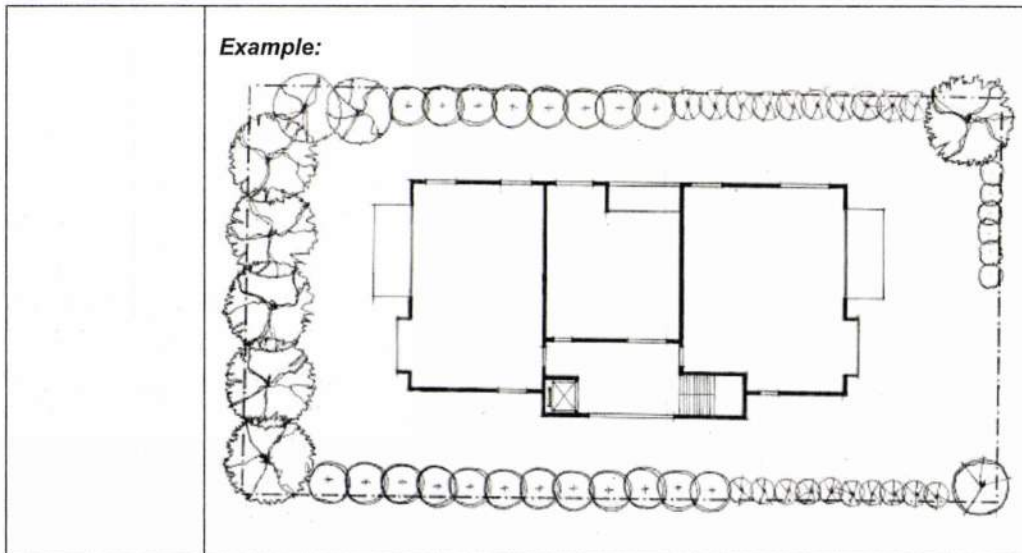
**Application:**

- Allotments with a frontage width of at least 15m;
- Wedge shaped allotments with a wider frontage (of at least 15m) towards the street, gradually tapered towards the rear; and/or
- Allotments (with a frontage of at least 15m) adjoined by residential buildings with long side walls and habitable room windows oriented towards the common boundaries.

**Building layout concept:****Example:**

<b>U-Shape Example</b>	<p><b>Configuration:</b> The floor space is contained in an elongated building block with narrow setbacks from the side boundaries. A courtyard or light well on the side elevation is provided to admit daylight and natural ventilation to the central part of the building.</p> <p><b>Application:</b></p> <ul style="list-style-type: none"> <li>• Narrow and elongated allotments with a site width of less than 12m; and</li> <li>• Allotments in more urban context, such as adjacent to local or neighbourhood centres.</li> </ul> <p><b>Building layout concept:</b></p>  <p><b>Example:</b></p> 
<b>Conventional Example</b>	<p><b>Configuration:</b> The floor space is contained within a single building block which is setback from the front, side and rear boundaries of the allotment. The setback areas enable landscaping and open space provision. Habitable room windows may be provided on all elevations.</p> <p><b>Application:</b></p> <ul style="list-style-type: none"> <li>• Allotments with a uniform configuration and a width of at least 15m; and/or</li> <li>• Corner allotments.</li> </ul> <p><b>Building layout concept:</b></p> 





## 2.2 Landscaped open space and deep soil area

### Explanation

Landscaped open space should provide a range of usable, attractive and accessible landscaped open space and recreation areas for the use of occupants of the dwellings. Landscaped open space also contributes to the relationship of the building to adjoining and nearby development and has a significant relationship to the level of amenity and quality of life for local residents.

Landscaped open space also includes deep soil zones suitable for the growth of vegetation and large trees. Deep soil zones enable planting of significant vegetation, which has the ability to grow to a mature size and provide a permeable ground surface alternative to paving or other hard surface treatments, which allows infiltration of surface water into the soil. Deep soil zones have important environmental benefits including supporting the healthy growth of large trees with large canopies, protecting existing mature trees and improving infiltration of stormwater.

### Objectives

- To provide landscaped open space of sufficient size to enable the space to be used for recreational activities, or be capable of growing substantial vegetation.
- To reduce impermeable surface cover including hard paving.
- To improve stormwater quality and reduce quantity.
- To improve the amenity of open space with landscaped design.



## Controls

## 2.2.1 Landscaped open space

- i) A minimum of 50% of the site area is to be landscaped open space (see clause (iii) below).
- ii) For multi dwelling housing and attached dwellings, a minimum of 50% of the site area is to be landscaped open space. A minimum width of 2m of landscaped open space is to be provided. For attached dwellings, this refers to each allotment individually.
- iii) The following items are considered to constitute landscaped open space:
  - (a) "Landscaped area" as defined in RLEP (including areas of deep soil planting)
  - (b) Outdoor recreation areas including communal open space (not located on the roof)
  - (c) Unroofed swimming pools
  - (d) Clothes drying areas
  - (e) Barbecue areas and ancillary structures
  - (f) Footpaths
  - (g) Landscaped podium areas (not more than 1.5m above ground level existing) and water tanks at ground level
  - (h) Paved areas
  - (i) Areas covered by shading structures that are located at ground level and substantially open on the side elevations without wall enclosure, such as cabanas, pergolas, canopies and the like but excluding verandas, balconies and decks (see clause iv) below .
- iv) Landscaped open space area excludes:
  - (a) Areas used for parking
  - (b) Driveways
  - (c) Balconies
  - (d) Rooftop gardens
  - (e) Areas used for garbage or recycling material
  - (f) Areas occupied by storage sheds and the like

## Note:

Refer to Part B of this DCP on standards for landscaping and how to prepare landscape plans

## 2.2.2 Deep soil area

- i) A minimum of 25% of the site area should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.

Note: The deep soil area is counted towards the required landscaped open space area

- ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings, or other structures.

- iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting (refer to Part B section on Landscaping).
- iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.
- v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.

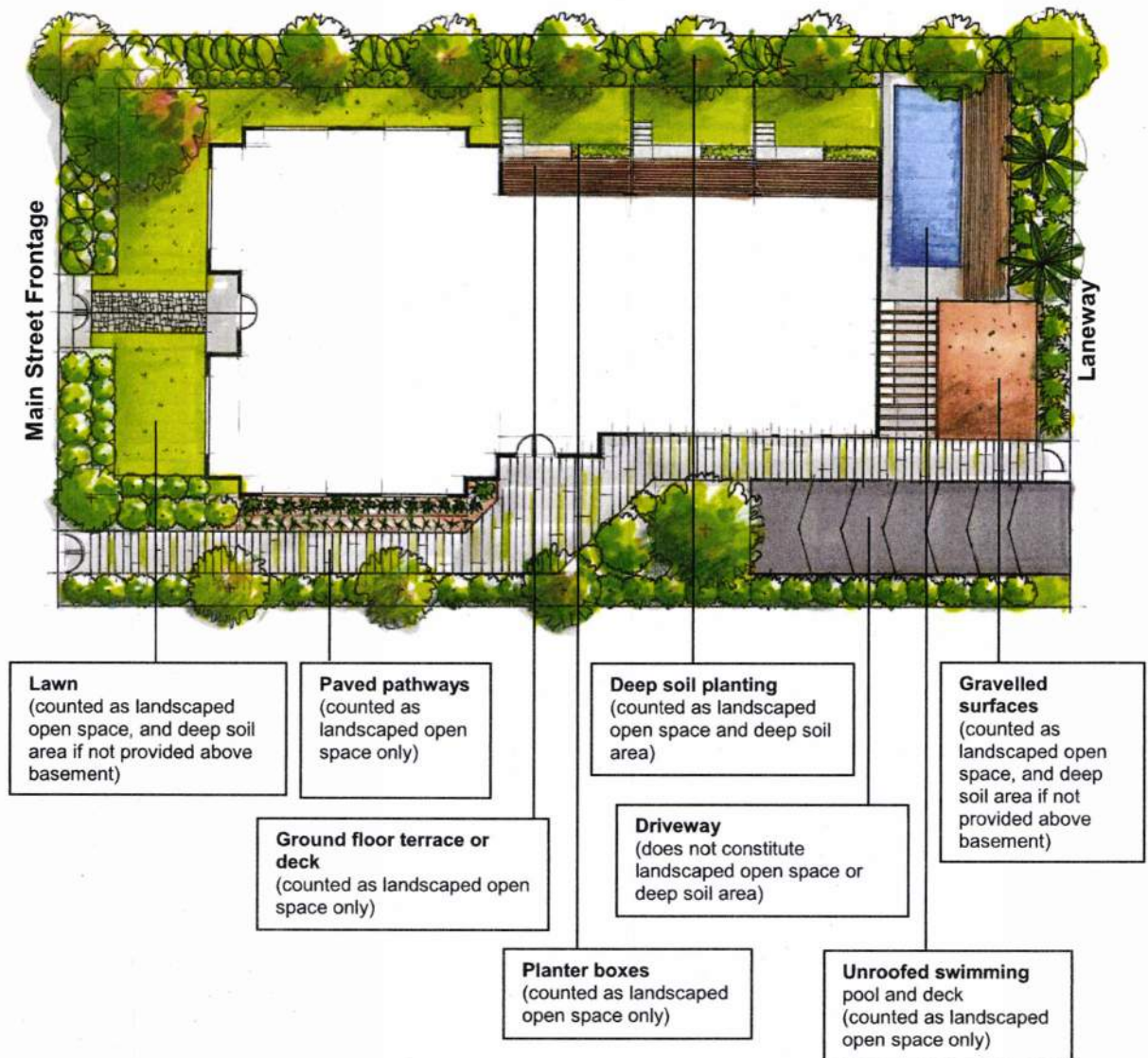


Diagram demonstrating elements of Landscaped Open Space and Deep Soil Areas

### 2.3 Private and communal open space

#### Explanation

Private and communal open space areas should be conducive to a range of uses and activities as well as enhancing the appearance of the development.

#### Objective

- To provide useful areas of private and communal open space for outdoor living and recreation to serve the needs of the residents and enhance their quality of life.

#### Controls

##### 2.3.1 Private open space

Private open space is to be:

- i) Directly accessible from the living area of the dwelling
- ii) Open to a northerly aspect where possible so as to maximise solar access
- iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas

For attached dwellings and multi dwelling housing-

- iv) Each dwelling is provided with an area of useable private open space or courtyard area, at ground and/or podium level with minimal or no level changes; and
- v) A minimum area of 20 square metres of private open space should be provided at ground and/or podium level capable of containing a rectangle with minimum dimensions of 3m x 4m with minimal or no level changes.

For residential flat buildings-

- vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from within the dwelling.
- vii) Private open space for apartments has a minimum area of 8 square metres and a minimum dimension of 2m.

##### 2.3.2 Communal open space

- i) Communal open space for multi dwelling housing and residential flat buildings is to be:
  - (a) Of a sufficient contiguous area, and not divided up for allocation to individual units;
  - (b) Designed for passive surveillance;
  - (c) Well oriented with a preferred northerly aspect to maximise solar access;



- (d) Adequately landscaped for privacy screening and visual amenity;
- (e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.

### 3 Building envelope

A building envelope is a three dimensional representation of the outer limits of a proposed building that can illustrate the appropriate scale of future development in terms of height, floor space ratio (FSR), depth and setback from boundaries.

RLEP sets the height and FSR objectives and controls for medium density development on land across Randwick City. The following provisions provide further guidance on their application.

#### 3.1 Floor Space Ratio

##### Explanation

Floor Space Ratio (FSR) is a measure that assists in controlling the mass and bulk of a development. Under RLEP the maximum FSR permissible on a parcel of land is shown on the *Floor Space Ratio Map*. FSR is expressed as a ratio of the permissible gross floor area to the site area and is explained and defined in Clause 4.5 of RLEP.

#### 3.2 Building height

##### Explanation

Building height is a major factor affecting the visual mass of a development and influences streetscape character and adjoining residential amenity. Under RLEP the maximum building height permissible on a parcel of land is shown in metres on the *Height of Buildings Map*. The height of buildings is measured from the natural ground level (at any point) to the highest point of the building which includes roofs, list overruns and plants, as defined in Clause 4.3 of RLEP.

#### 3.3 Building depth

##### Explanation

Building depth is the horizontal distance between the front and rear elevations, or between the side elevations, of a building, as measured from window line to window line. It is the sectional dimension of a building and has significant effects on residential amenity.

In general, buildings with a narrow sectional depth have greater potential for dual aspect apartments that facilitate natural ventilation and daylight access to the interior space.

##### Note:

The Floor Space Ratio Map shows the maximum FSR which may not be achievable on all sites. The maximum FSR is not "as of right" and will depend on how the proposed development meets other relevant controls in this DCP.

##### Note:

See also Sub-section 4.4 for maximum wall heights and ceiling heights which operate in conjunction with the LEP maximum building height.

##### Note:

The Height of Buildings Map shows the maximum height of a development which may not be achievable on all sites. The maximum height is not "as of right" and will depend on how the proposed development meets other relevant controls in the LEP and DCP. RLEP clause 5.6 *Architectural roof features* also addresses height limits and architectural roof features on buildings.



This control aims at achieving adequate building depths and ensuring all future developments provide good amenity and contribute to energy efficiency.

### Objectives

- To facilitate the provision of dwelling units with more than one aspect in order to improve natural lighting and ventilation.
- To ensure reasonable amenity for occupants of dwellings in terms of solar access and natural ventilation.

### Controls

- For residential flat buildings, the preferred maximum building depth from (window line to window line) is between 10m and 14m. The building depth is to be determined by the following factors:
  - Site configuration
  - Site orientation and aspect
  - Prevailing wind patterns
  - Building layout
  - Internal room configuration
  - Window size, configuration and operation

Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings/units.

### Note:

**Building depth is measured from window line to window line between the front and rear elevations, or between the side elevations.**

## 3.4 Setbacks

### Explanation

Setbacks define the outer extremities of a building in relation to the front, side and rear boundaries. The front setback control is formulated to maintain any established building alignment and proportions of the street. Side and rear setbacks are devised to ensure an adequate level of building separation, and to provide for access, landscaping, privacy and natural lighting and ventilation for both the new development and the adjoining properties.

#### Measurement Rules:

**Setback distances are measured perpendicular (that is, at 90 degrees angle) from the boundary to the outer face of the building elevation, excluding eaves; gutters; semi-basement car park, terraces, decks or landings not more than 1200mm above ground level (finished); and minor projecting features, such as awnings, sun hoods, screening devices and bay windows.**

### Objectives

- To define the street edge and establish or maintain consistent rhythm of street setbacks and front gardens that contributes to the local character.

- To ensure adequate separation between buildings for visual and acoustic privacy, solar access, air circulation and views.
- To reserve contiguous areas for the retention or creation of open space and deep soil planting.

### 3.4.1 Front setback

#### Controls

- The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street.

Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries.

#### Note:

- Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis.
- The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings.
- The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.

**Transitional areas can be areas of mixed character, without clearly prevailing characteristics or features. They can also be precincts or localities in the process of undergoing change in terms of character or built form.**

### 3.4.2 Side setback

#### Controls

#### Residential flat buildings and Multi dwelling housing

- Comply with the minimum side setback requirements stated below for residential flat buildings and multi dwelling housing:

Site Frontage Width	Minimum Side Setbacks
Irregularly shaped allotments	Merit assessment
Less than 12m	Merit assessment
12m ≤ Width < 14m	2.0m
14m ≤ Width < 16m	2.5m
16m ≤ Width < 18m	3.0m
18m ≤ Width < 20m	3.5m
20m and above	4.0m

- Incorporate additional side setbacks to the building over and above the above minimum standards, in order to:
  - Create articulations to the building facades.
  - Reserve open space areas and provide opportunities for landscaping.
  - Provide building separation.
  - Improve visual amenity and outlook from the development and adjoining residences.

- Provide visual and acoustic privacy for the development and the adjoining residences.
- Ensure solar access and natural ventilation for the development and the adjoining residences.

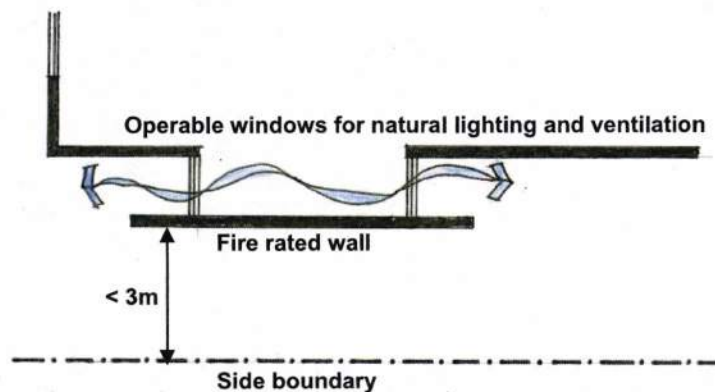
- iii) A fire protection statement, prepared by a qualified building consultant, must be submitted where windows are proposed on the external walls of a residential flat building or multi-dwelling housing within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.

**Note:**

**Clearly show all affected windows/openings on the DA plans.**

Solutions include, but are not limited to:

- Orienting side windows generally to the front and rear of the site, and incorporating blade walls for fire protection and separation.



### Attached Dwellings

- i) Attached dwellings should comply with the minimum side setback requirements for dwelling houses and dual occupancies (attached and detached) (see Section C1 Low Density Residential: 3.3.2 Side Setbacks).

Notwithstanding the above, side setbacks do not need to comply where they attach to another dwelling within the same development.

### 3.4.3 Rear setback

#### Controls

- i) For residential flat buildings and multi-dwelling housing, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.
- ii) For attached dwellings, provide a minimum rear setback of 25% of the allotment depth or 8m, whichever is the lesser.



Any garages fronting rear lanes may encroach upon the rear setback areas.

- iii) The required rear setback may be varied in the following scenarios:
  - Allotments with an irregular shape.
  - Allotments with the longest boundary abutting the street or the rear adjoining neighbour (that is, the frontage width being longer than the site depth).
  - Allotments with the rear boundary abutting a laneway.
  - A central courtyard is provided in the development.

## 4 Building Design

### 4.1 Building Facade

#### Explanation

The treatment and detailing of building facades has a significant impact on the apparent scale and proportion of developments and contribution to the streetscape. A skilful façade design requires the appropriate disposition of building elements, textures, materials and colours, which reflect the function, internal layout and structure of a development.

#### Objective

- To ensure building facades are articulated to complement and enhance the streetscape and neighbourhood character.
- To encourage contemporary and innovative design to establish a preferred neighbourhood character in new and transitional residential areas.

#### Controls

- i) Buildings must be designed to address all street and laneway frontages.
- ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout.
- iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. Design solutions include but are not limited to:
  - Defining a base, middle and top section related to the overall scale and mass of the building.
  - Expressing the internal layout or structural system of the building via revealing elements, such as columns, beams, floor slabs and party walls.
  - Using a variety of window types and openings to create a pattern or reflect the interior uses (for

#### Note:

**For heritage items or Heritage Conservation Areas, it may be desirable to distinguish old and new works.**

**Refer to the Heritage section of this DCP for further details.**



example, a living room window versus a bathroom window).

- Selecting balcony types that respond to the living amenity, building orientation and context: cantilevered balconies, partially or fully recessed balconies, and Juliet or French balconies.
  - Detailing balustrades to reflect the type and location of the balconies.
  - Incorporating weather and sun protection devices appropriate to the orientation of the building elevation, such as eaves, awnings, hoods, louvres, pergolas and the like.
  - Articulating building entries with porticos, awnings and the like.
  - Articulating vertical circulation space (such as stairwells) with recesses, blade walls, bays and the like.
  - Adopting a combination of materials and finishes.
  - Using vertical gardens (that is, landscape planting mounted on building elevations).
- iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes.
- v) Conceal building services and pipes within the balcony slabs.
- vi) Alterations and additions to an existing residential flat building must present an integrated design with suitable façade configuration, materials and detailing, so that the new and retained structures are visualised as one whole building.



**Example of façade articulation; note the curving sun screens create a distinctive sculptural element in the built form, and the use of cantilevered balconies and vertical louvres in modulating the elevation.**

(Courtesy of Smart Design Studio)



**Example of façade articulation; note the staggered wall planes, changes in materials and colours and the use of operable screens in modulating the elevation**

(Courtesy of Eeles Trelease Architects)

## 4.2 Roof Design

### Explanation

The roof is a key architectural component in the overall form and expression of a building. In some cases, the roofs of buildings sit within a broader skyline and are highly visible from different vantage points. Quality roof design contributes to the streetscape and silhouette of the local area, and enhances the character and environmental performance of the building.

### Objectives

- To ensure roof design integrates with the overall form, proportions and façade composition of the building.
- To ensure any recreational use of the roof integrates with the built form and does not cause unreasonable privacy and noise impacts on the surrounding residences.

### Controls

- i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building.
- ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access.
- iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape.
- iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms.
- v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible.

The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape.

- vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain.
- vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:
  - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences.



The roof structure contributes to the 3-dimensional form of the building. It incorporates clerestory windows for additional daylight access and has been divided into sections to avoid a monolithic bulk.

(Courtesy of Candalepas Architects)



- The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences.
  - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street.
  - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building.
- viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.

#### 4.3 Habitable Roof Space

##### Objectives

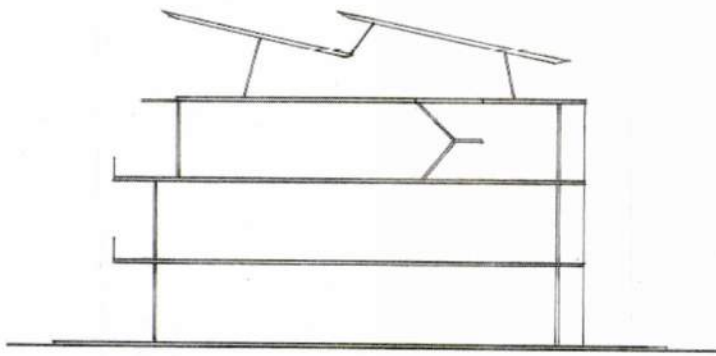
- To broaden the dwelling mix by creating opportunities for larger sized units on the uppermost storey.
- To promote high amenity apartment design with flexible layout and good natural ventilation.
- To provide opportunities for creating interesting roof forms that contribute to the streetscape and neighbourhood character.

##### Controls

- i) Habitable roof space may be considered, provided it meets the following:
- Optimises dwelling mix and layout, and assists to achieve dual aspect or cross over units with good natural ventilation.
  - Has a maximum floor space of 65% of the storey immediately below.
  - Wholly contain habitable areas within the roof space.
  - When viewed from the surrounding public and private domain, the roof form (including habitable roof space, associated private open space and plant and machinery) has the appearance of a roof. A continuous flat roof with habitable space within it will not satisfy this requirement.
  - Design windows to habitable roof space as an integrated element of the roof.
  - Submit computer-generated perspectives or photomontages showing the front and rear elevations of the development. Any space above the external wall height control will be visualised as a roof form.

##### Note:

Any design seeking the inclusion of habitable roof space must allow for adequate floor to ceiling heights, and floor slab and roof construction. The design should fully meet the building height and FSR controls contained in the RLEP and this DCP, and take into account the topographical conditions of the site.

**Example:**

Habitable roof space must present itself as a roof form (Note: this example relates to sites subjected to a building height control of 12m under RLEP)

#### 4.4 External Wall Height & Ceiling Height

##### Explanation

In addition to the RLEP maximum building height, which sets out the absolute height of the development including roof and all plant equipment, the following wall height and ceiling height controls supplement the LEP to ensure that development provides for a suitable number of storeys and encourages interesting roof forms suitable to the streetscape.

The external wall height control has been devised to ensure that adequate floor to ceiling height, realistic floor slab and roof construction and basement or semi-basement car parking could be achieved under different topographical conditions.

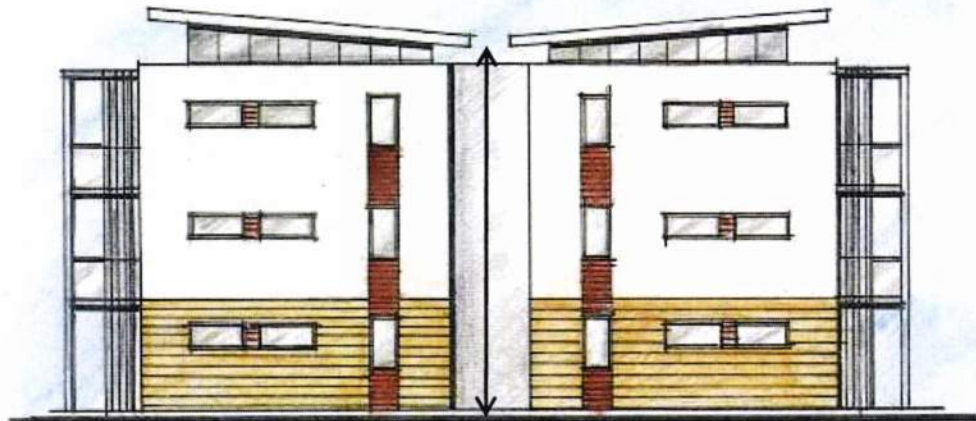
##### Definition:

**"Wall height"** is the vertical distance as measured from the ground level (existing) to the topmost point of an external wall.

The topmost point of an external wall is taken to be the underside of the eaves or the highest point of a parapet, and excludes gable ends and clerestory windows.

For skillion or butterfly roofs, the highest point of the external wall is measured to the underside of the eave of the lower end of the roof. For dormer windows that protrude horizontally from the roof by 2m or more, external wall height is measured to the underside of the dormer eaves.

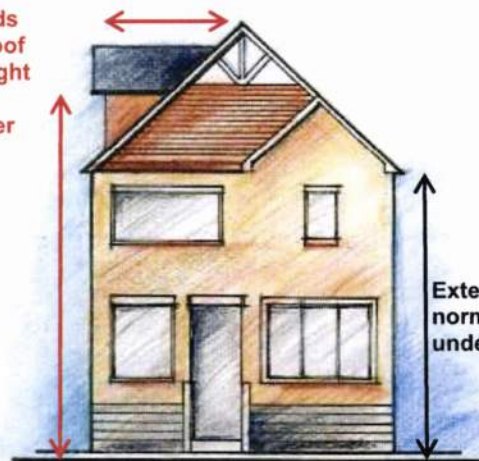




For skillion or butterfly roofs, external wall height is measured to the underside of the eave on the lower end of the roof

#### Measurement of external wall height for skillion or butterfly roofs

Where a dormer extends 2m or more from the roof plane, external wall height is measured to the underside of the dormer eaves

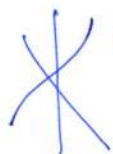


External wall height is normally measured to the underside of the roof eaves

#### Measurement of external wall height

#### Objectives

- To ensure that the building form provides for interesting roof forms and is compatible with the streetscape.
- To ensure ceiling heights for all habitable rooms promote light and quality interior spaces.
- To control the bulk and scale of development and minimise the impacts on the neighbouring properties in terms of overshadowing, privacy and visual amenity.



#### Controls

- Where the site is subject to a 12m building height limit under the LEP, a maximum external wall height of 10.5m applies.

- ii) Where the site is subject to a 9.5m building height limit under the LEP, a maximum external wall height of 8m applies.
- iii) The minimum ceiling height is to be 2.7m for all habitable rooms.

#### 4.5 Pedestrian Entry

##### Objectives

- To provide clearly identifiable and safe pedestrian entries to buildings.
- To contribute positively to the façade design and the streetscape.

##### Controls

- i) Separate and clearly distinguish between pedestrian pathways and vehicular access.
- ii) Present new development to the street in the following manner:
  - Locate building entries so that they relate to the pedestrian access network and desired lines.
  - Design the entry as a clearly identifiable element in the façade composition.
  - Integrate pedestrian access ramps into the overall building and landscape design.
  - For multi-dwelling housing and residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible.
  - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary).
- iii) Provide weather protection for building entries.

##### Postal services and mailboxes

- i) Mailboxes are provided in accordance with the delivery requirements of Australia Post.
- ii) A mailbox must clearly mark the street number of the dwelling that it serves.
- iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street. Design solutions include:
  - Locating mailboxes adjacent to the main entrance of a building and inserting them into a wall.
  - Positioning mailboxes at 90 degrees to the street, rather than parallel to the front boundary.

##### Note:

**All premises must display a street number that is legible whilst not presenting as a dominant feature of the façade.**

#### 4.6 Internal Circulation

##### Explanation

Lobbies, stairs, lifts, hallways and corridors constitute the common circulation space within a building.

##### Objectives

- To create safe and pleasant spaces for circulation of residents and visitors and their possessions.
- To facilitate good apartment layout with optimal environmental performance.
- To contribute positively to the built form and façade articulation.

##### Controls

- i) Enhance the amenity and safety of circulation spaces by:
  - Providing natural lighting and ventilation where possible.
  - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors.
  - Allowing adequate space for the movement of furniture.
  - Minimising corridor lengths to give short, clear sightlines.
  - Avoiding tight corners.
  - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor.
- ii) Use multiple access cores to:
  - Maximise the number of pedestrian entries along a street for sites with wide frontages or corner sites.
  - Articulate the building façade.
  - Limit the number of dwelling units accessible off a single circulation core on a single level to 6 units.
- iii) Where apartments are arranged off a double-loaded corridor, limit the number of units accessible from a single core or to 8 units.

#### 4.7 Apartment Layout

##### Explanation

The internal layout of an apartment establishes the spatial arrangement of rooms and private open space and the circulation routes between them. The layout directly affects the quality of living amenity, such as access to daylight and natural ventilation, and maintenance of acoustic and visual privacy.

##### Objective



- To ensure apartment layouts provide high standard of living amenity in terms of access to sunlight and natural ventilation, visual and acoustic privacy, open space provision and accommodate a range of domestic activities.

### Controls

- i) Maximise opportunities for natural lighting and ventilation through the following measures:
  - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments.
  - Limiting the depth of single aspect apartments to a maximum of 6m.
  - Providing windows or skylights to kitchen, bathroom and laundry areas where possible.
  - Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.
- ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.
- iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.
- iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.

## 4.8 Balconies

### Objectives

- To provide all apartments with functional private open space
- To ensure that balconies and terraces are integrated into the overall architectural form and detail of residential flat buildings.

### Controls

- i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8 square metres and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.
- ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12 square metres. All ground floor apartments are to have direct access to a terrace.
- iii) The piece meal enclosure of balconies or terraces on existing residential flat buildings will not generally be supported unless an overall scheme for the building is implemented using similar materials or materials which will harmonise with the existing building facade.



#### 4.9 Colours, Materials and Finishes

##### Objectives

- To ensure colour and material schemes contribute to the articulation of the building and enhance the streetscape character.
- To ensure surface materials and finishes are durable and fit for their purpose.
- To ensure the retention or recycling of existing sandstone block works.

##### Controls

- i) Provide a schedule detailing the materials and finishes in the development application documentation and plans.
- ii) The selection of colour and material palette must complement the character and style of the building.
- iii) In Foreshore Scenic Protection Areas, the exterior colour scheme must complement the natural elements in the coastal locations. The colour palette must predominantly consist of light toned neutral hues.
- iv) Use the following measures to complement façade articulation:
  - Changes of colours and surface texture
  - Inclusion of light weight materials to contrast with solid masonry surfaces
  - The use of natural stones is encouraged.
- v) Avoid the following materials or treatment:
  - Reflective wall cladding, panels and tiles and roof sheeting
  - High reflective or mirror glass
  - Large expanses of glass or curtain wall that is not protected by sun shade devices
  - Large expanses of rendered masonry
  - Light colors or finishes where they may cause adverse glare or reflectivity impacts
- vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration.
- vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.

#### 4.10 Alterations and additions to attached dwellings

##### Objective

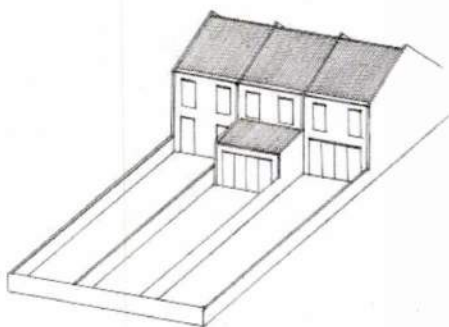
- Ensure that additions are appropriate to the scale and character of the existing building and the streetscape.

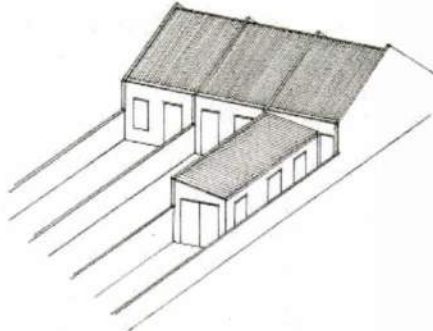
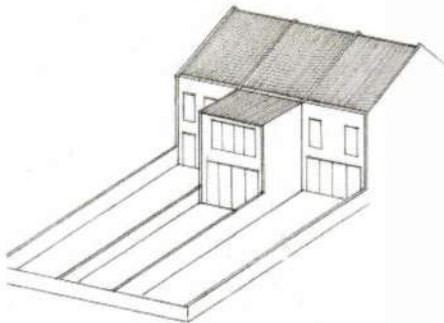
**Controls**

- i) Additional storeys to the main building or street frontage are generally not supported where:
  - (a) A building is part of an intact group or streetscape;
  - (b) The existing building is comparable to a consistent or predominant building height in the streetscape;
  - (c) The predominant height of development in the vicinity of the site is single storey;
- ii) Additional storeys should respect the parapet or ridge line of immediately adjoining buildings
- iii) Rear additions to terraces must not alter the parapet, ridgeline, chimneys and profile of party walls projecting above the roof of the terrace, as perceived from the front streetscape.
- iv) Where the rear of a group of attached dwellings (terraces) displays a consistent form that is visible from a public space, alterations and additions are to be restricted to the ground floor.
- v) Lean-to additions are the most traditional form of rear extension, and are suitable for most buildings. Generally, lean-to additions are to have a skillion roof with a low pitch that pitches away from the building or a flat roof may be acceptable at rear (as shown in the figure above).
- vi) A detached pavilion can be located at the rear boundary, limited to single storey where the allotment is long enough to provide adequate private open space and where the new structure will not adversely affect the amenity of neighbours. This may be extended to two storeys, on rear laneways.

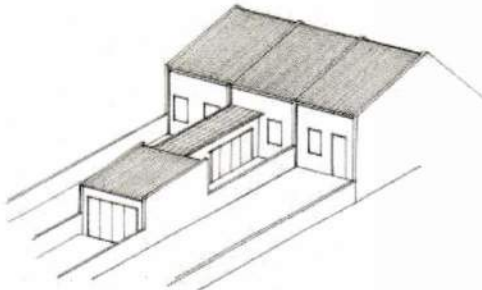
**Note:**

**For heritage items or Heritage Conservation Areas, it may be desirable to distinguish old and new works and/or to provide a detached pavilion rather than extension to an existing building. Refer to the Heritage section of this DCP for further details.**





Possible forms of lean-to additions for attached dwellings



Possible form of pavilion additions for attached dwellings

#### 4.11 Alterations and additions to residential flat buildings

##### Explanation

Walk-up residential flat buildings, typically built between the 1950s-1970s forms a significant proportion of residential flat buildings in Randwick City. These older residential flat buildings are often now in need of redevelopment or refurbishment to meet current lifestyle needs, improve sustainability and to update the building's appearance. Randwick City Council's *'Design Ideas for Rejuvenating Flat Buildings'* manual published 2006, contains design principles and concepts to promote and guide the refurbishment of older residential flat buildings.

##### Objective

- Promote design excellence in the refurbishment of older residential flat buildings.

##### Control



- i) DAs for the comprehensive refurbishment of older walk up flat buildings must have regard to the Randwick City Council *'Design Ideas for rejuvenating residential flat buildings'* manual, dated 2006.
- ii) DAs involving alterations and additions to residential flat buildings located within heritage conservation areas or a heritage item shall ensure that the overall aesthetic improvements to the appearance of the building can make a positive contribution to the heritage streetscape by :
  - providing for a combination of materials, colours and finishes to the building façade that are compatible with the heritage conservation area or heritage item;
  - incorporating elements such as shading devices, blade walls or vertical elements to articulate the façade of the building;
  - providing for balconies and terraces that can help recess garages;
  - incorporating landscaping and where practical suitable fencing to the street frontage;
  - where practical, remove external elements that detract from the appearance of the heritage conservation area or heritage item.



BEFORE



AFTER

**Example of refurbishment of a residential flat building. Note the use of finishes, materials and colours in delivering significant upgrade to the façade articulation, and the extended balconies, weather protection and privacy screens that improve the living amenity.**

(Courtesy of Smart Design Studio)

#### 4.12 Earthworks

##### Objectives

- To maintain or minimise change to the natural ground levels.
- To ensure excavation and backfilling of a site do not result in unreasonable structural, visual, overshadowing and privacy impacts on the adjoining properties.
- To enable the provision of usable communal or private open space with adequate gradient.
- To ensure earthworks do not result in adverse stormwater impacts on the adjoining properties.

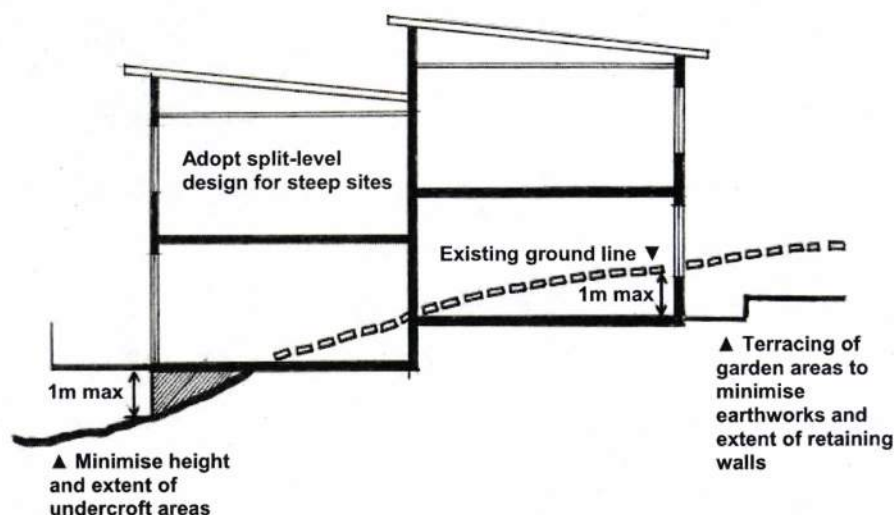
##### Controls

##### Excavation and Backfilling

- i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification. (This does not apply to swimming or spa pool structures).
- ii) Any cut and fill outside the building footprints (for the purposes of creating useable communal or private open space) must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site. The appropriate extent of site modification will be assessed on a merit basis.



- iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.



Measures for minimising earthworks

#### Retaining walls

- iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.

The thickness of retaining walls and indicative footing locations must be shown on the drawings.

- v) Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain.
- vi) Where it is necessary to construct retaining walls at less than 900mm from the side or rear boundary due to site conditions, retaining walls must be stepped with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing). In this case, the retaining walls may be incorporated as part of the boundary fence.
- vii) For sites that slope upwards to the rear with the building elevated above street level, the surface area of any blank retaining walls fronting the street must be minimised. Use a combination of materials to create articulation and/or incorporate landscaping to visually soften the wall structures.

A combination of materials and/or landscaping, including planter boxes may be incorporated in the retaining walls to visually soften the structures.

## 5 Amenity

The following amenity provisions on solar access and overshadowing, natural ventilation, visual and acoustic privacy and view sharing are to ensure reasonable amenity for dwellings and their occupants and neighbouring properties.

### 5.1 Solar access and overshadowing

#### Explanation

Solar access forms an integral part of the design process. Buildings should be sited and designed to provide adequate daylight and sunlight access to living areas and private and communal open space areas. Good solar design improves amenity and energy efficiency.

#### Objectives

- To ensure the design, orientation and siting of development maximises solar access to the living areas of dwellings and open spaces, and is encouraged to all other areas of the development.
- To ensure development retains reasonable levels of solar access to the neighbouring properties and the public domain.
- To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.

#### Controls

##### Solar access for proposed development

- i) Dwellings within the development site must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June (mid winter).
- ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least three hours between 8am and 4pm on 21 June (mid winter).
- iii) Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units within a residential flat building.
- iv) Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.

##### Solar access for surrounding development

- i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June (mid winter).
- ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct

#### Note:

**'Living Areas'** are indoor space occupied for extended periods of time such as a living room, lounge room, dining room, family room and/or other open plan living areas.

**'Habitable room'** is a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods (see BCA for full definition).

sunlight to a part of a window between 8am and 4pm on 21 June (mid winter).

- iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.

## 5.2 Natural ventilation and energy efficiency

### Explanation

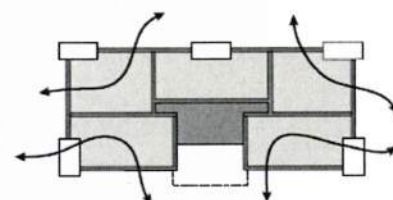
Natural ventilation is the circulation of sufficient volumes of fresh air through an apartment to create a comfortable indoor environment.

### Objectives

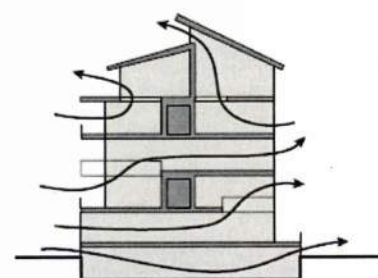
- To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and assist in promoting thermal comfort for occupants.
- To provide natural ventilation in non-habitable rooms, where possible
- To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.

### Controls

- Provide daylight to internalised areas within each dwelling (for example hallways and stairwells) and any poorly lit habitable rooms (that is living rooms, dining rooms, rumpus rooms, kitchens and bedrooms) via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.
- Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.

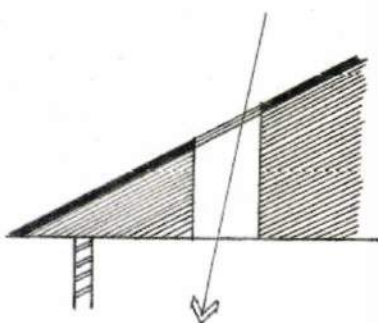


Plan view

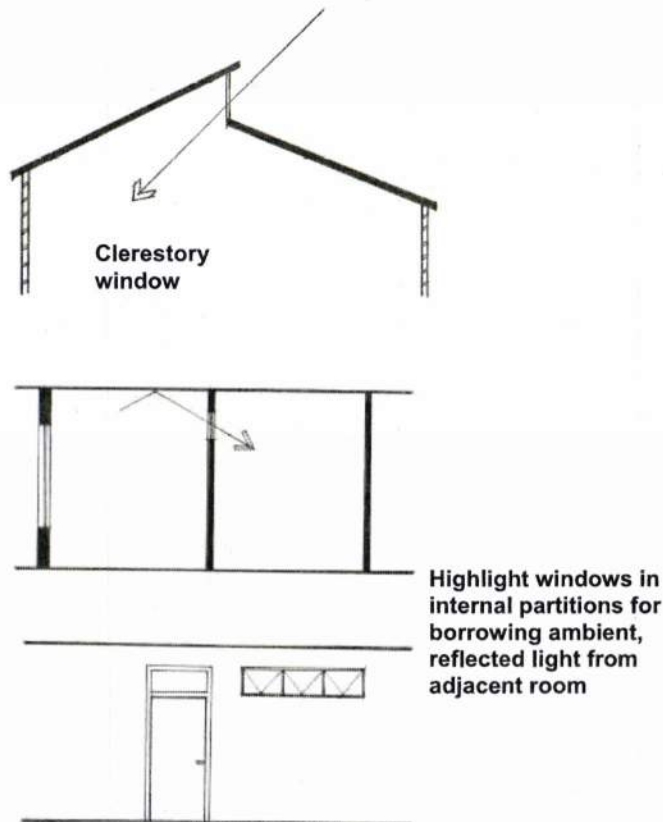


Section AA

**Achieving natural cross-ventilation in residential flat buildings**  
(Source: Residential Flat Design Code)







Measures for optimising daylight access to interior space of dwellings

- iii) All habitable rooms (that is living rooms, dining rooms, rumpus rooms, kitchens and bedrooms) must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.
- iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.
- v) A minimum of ninety percent (90%) of residential units should be naturally cross ventilated.

In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.

- vi) A minimum of twenty five percent (25%) of kitchens within a development should have access to natural ventilation and be adjacent to open able windows.
- vii) Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.



### 5.3 Visual Privacy

#### Explanation

Sensitive design of buildings can optimise visual privacy by minimising cross viewing and overlooking to adjoining dwellings.

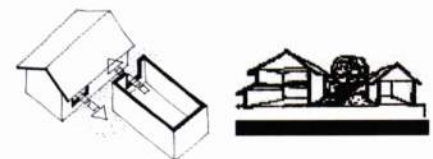
#### Objectives

- To ensure a high level of amenity by providing for reasonable level of visual privacy for dwellings and neighbouring properties
- To ensure new development is designed so that its occupants enjoy visual and acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.

#### Controls

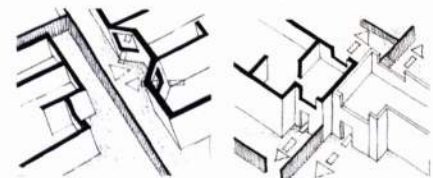
- Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings (whether part of the development or on adjoining properties). Refer to the figure above on techniques to protect privacy.
- Orient balconies to the front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences.
- Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.
- Locate and design areas of private open to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.
- Incorporate materials and design of privacy screens including (but not limited to):
  - Translucent or obscured glazing
  - Fixed timber or metal slats mounted horizontally or vertically
  - Fixed vertical louvers with the individual blades oriented away from the private open space or windows of the adjacent dwellings
  - Screen planting and planter boxes may be used as a supplementary device for reinforcing privacy protection. However, they must not be used as the sole privacy protection measure.

Locating windows to limit overlooking



Offset windows

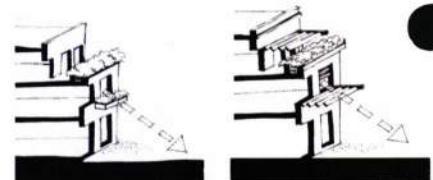
Screening



Splay windows

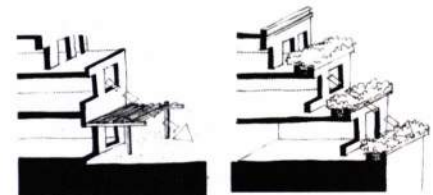
Build to boundary

Some techniques for providing privacy to a lower dwellings private open space



Planter box

Vertical or horizontal louvre screens



Some techniques for privacy protection

## 5.4 Acoustic Privacy

### Explanation

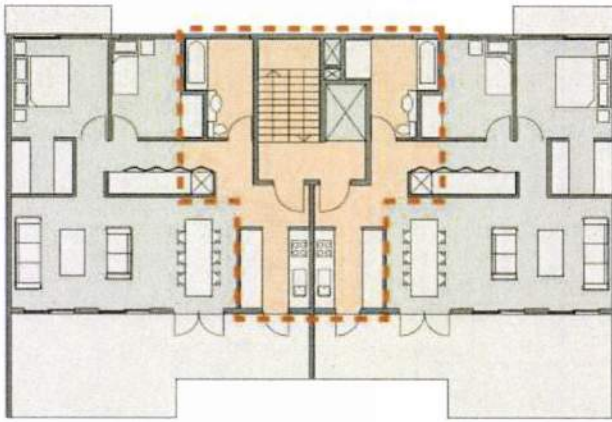
Acoustic privacy is a measure of sound insulation between dwellings and between external and internal spaces.

### Objectives

- To ensure a high level of amenity by providing for reasonable level of acoustic privacy for dwellings and neighbouring properties
- To ensure dwellings are designed so that its occupants enjoy acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.
- To ensure dwellings are designed to minimise impacts from significant exterior noise sources such as arterial roads, flight paths, industries and ports.
- To design buildings with adequate separation within the development and from adjoining properties

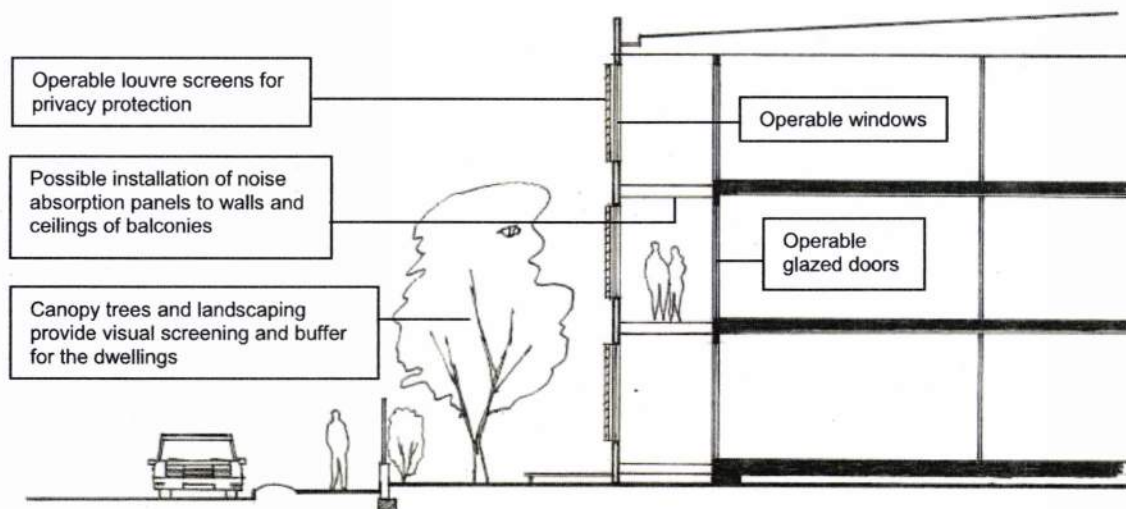
### Controls

- i) Design the building and layout to minimise transmission of noise between buildings and dwellings by:
  - locating busy, noisy areas near each other and quiet areas such as bedrooms near each other
  - use storage and circulation areas to buffer noise where possible
  - minimise the extent of part walls
- ii) Separate "quiet areas" such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.
- iii) Utilise appropriate measures to maximise acoustic privacy such as:
  - double glazing
  - operable screened balconies
  - walls to courtyards
  - sealing of entry doors.



This example locates sleeping rooms away from the main living areas of the units and common circulation. The extent of party walls is minimised. (Source: Residential Flat Design Code)

- iv) For developments fronting arterial roads, provide noise mitigation measures to ensure an acceptable level of living amenity for the dwelling units is maintained. A noise assessment report prepared by a qualified acoustic consultant must be submitted with suitable noise mitigation solutions. The intention is to achieve an acceptable level of noise exposure in the interior space, without relying on mechanical ventilation.
- v) Adopt design solutions for developments fronting arterial roads such as provision of an enclosed, recessed balcony or loggia to the dwelling units to function as a buffer between the outdoor environment and the interior living space.



Enclosed balconies / loggias may be used as a buffer to attenuate traffic noise in arterial roads and improve living amenity for the dwelling units



## 5.5 View sharing

### Explanation

Many residences and public places in Randwick City enjoy views to the ocean, coastline, parks and distant skyline of Sydney CBD and Bondi Junction. Some elements are recognised as prominent natural landforms (such as Wedding Cake Island) or significant man-made artefacts, and carry scenic and iconic values.

The concept of view sharing concerns with the equitable distribution of views between developments and neighbouring dwellings and the public domain. View sharing control aims to achieve a balance between facilitating quality development and preserving an equitable amount of views for the surrounding properties as far as is practicable and reasonable.

View sharing does not prescribe the total retention of all significant views and vistas. In established inner metropolitan areas like Randwick City, developments would inevitably cause varying degree of view loss. The intent of the DCP is to ensure developments are sensitively and skilfully designed, so that a reasonable level of views is retained for the surrounding areas.

The NSW Land and Environment Court has developed a planning principle relating to view sharing based on the case of Tenacity Consulting v Warringah Council [2004] NSWLEC 140.

Where view loss impact is likely to occur, development proposals must address this Section of the DCP as well as the aforementioned planning principle in detail.

### Objectives

- To acknowledge the value of views to significant scenic elements, such as ocean, bays, coastlines, watercourses, bushland and parks; as well as recognised icons, such as city skylines, landmark buildings / structures and special natural features.
- To protect and enhance views from the public domain, including streets, parks and reserves.
- To ensure developments are sensitively and skilfully designed to maintain a reasonable amount of views from the development, neighbouring dwellings and the public domain.

### Controls

- i) The location and design of buildings must reasonably maintain existing view corridors or vistas to significant elements from the streets, public open spaces and neighbouring dwellings.
- ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas (such as living room, dining room, lounge and kitchen) should be given a priority over those obtained from the bedrooms and non-habitable rooms.



## Advisory Note:

In order to facilitate assessment of potential view loss impacts, Council may request the installation of height poles on the development site to demonstrate the height and envelope of the works. The height poles must be checked and certified by a Registered Surveyor as being accurate with relevant certification submitted to Council

- iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain.
- iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain.
- v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain.
- vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.

## 5.6 Safety and security

### Explanation

Design of buildings and spaces can influence actual and perceived safety and security. These controls aim to minimise such risks and create a residential environment in which people will feel secure.

### Objectives

- To consider safety and security of residents and the security of the neighbourhood through building and landscaping design.
- To provide for casual surveillance of footpaths and driveways important for the safety of residents and passing pedestrians, and for the security of the neighbourhood.

### Controls

- i) Design buildings and spaces for safe and secure access to and within the development. Design solutions include, but are not limited to:
  - sheltered, well lit and highly visible entries to building and mail collection areas.
  - direct entry to ground level dwellings from the street rather than from a common foyer.
  - a clear line of sight between one circulation space to the next.
  - Avoiding recessed alcoves or potential entrapment points adjacent to entries, along hallways and within car parks.
  - Providing direct access between car park and residential levels:
- ii) For multi dwelling housing and attached dwellings, provide direct access between the private garages and the dwellings where possible.
- iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.

- iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed insufficient.
- v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.
- vi) Resident car parking areas must be equipped with security grilles or doors
- vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems
- viii) Provide adequate lighting for personal safety in common and access areas of the development.
- ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies/foyers, hallways, open space and car parks.
- x) External lighting must be neither intrusive nor create a nuisance for nearby residents.
- xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.

**Note:**

**All outdoor illumination must be designed to minimise light overspill and nuisance to the surrounding areas and comply with AS 4282: *Control of the Obtrusive Effects of Outdoor Lighting*.**

## 6 Car parking and access

### Explanation

Car parking and access facilities have significant implications on the streetscape, site layout and façade configuration. It is important that vehicular access is integrated with site planning at the early design stage to balance any potential conflicts between pedestrian movements, local traffic patterns and the streetscape character.

### Objectives

- To ensure the location and configuration of car parking are integrated with the site planning and building design.
- To ensure that car parking and access facilities do not visually dominate the property frontage or adversely detract from the streetscape character.
- To minimise hard paved surfaces occupied by driveways and parking, so as to maximise opportunities for deep soil planting and permeable surfaces.
- To ensure the location and design of parking and access facilities do not pose undue safety risks on building occupants, pedestrians, cyclists and motorists.

#### Note:

See Part B7 Transport, traffic, parking and access for vehicle parking rates

### 6.1 Location

#### Controls

- i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.
- ii) The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.
- iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.

Where the adjoining property has its driveway abutting the common boundary, the new driveway may be built to that boundary. In this scenario, a combined crossing must be created to serve the two neighbouring properties.

- iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.



- v) For residential flat buildings and multi dwelling housing, comply with the following:
  - (a) Car parking must be provided underground in a basement or semi-basement for new development.
  - (b) On grade (surface) car park may be considered for sites potentially affected by flooding. In this scenario, the car park must be located on the side or rear of the allotment away from the primary street frontage.
  - (c) Where rear lane or secondary street access is not available, the car park entry must be recessed behind the front façade alignment. In addition, the entry and driveway must be located towards the side and not centrally positioned across the street frontage.
- vi) For attached dwellings, where rear lane or secondary street access is not available, garages may be provided on the primary street elevation of the buildings provided they are:
  - (a) Single car width only.
  - (b) Recessed behind the front façade alignment.

## 6.2 Configuration

### Controls

- i) With the exception of hardstand car spaces and garages, all car parks must be designed to allow vehicles to enter and exit in a forward direction.
- ii) For residential flat buildings and multi dwelling housing, the maximum width of driveway is 6m. In addition, the width of driveway must be tapered towards the street boundary as much as possible.
- iii) For controls on the configuration of hardstand car spaces, carports, garages and driveways for attached dwellings, refer to the Low Density Residential chapter.
- iv) Provide basement or semi-basement car parking consistent with the following requirements:
  - (a) Provide natural ventilation.
  - (b) Integrate ventilation grills into the façade composition and landscape design.
  - (c) The external enclosing walls of car park must not protrude above ground level (existing) by more than 1.2m. This control does not apply to sites affected by potential flooding.
  - (d) Use landscaping to soften or screen any car park enclosing walls.
  - (e) Provide safe and secure access for building users, including direct access to dwellings where possible.
  - (f) Improve the appearance of car park entries and avoid a 'back-of-house' appearance by measures such as:



- Installing security doors to avoid 'black holes' in the façades.
  - Returning the façade finishing materials into the car park entry recess to the extent visible from the street as a minimum.
  - Concealing service pipes and ducts within those areas of the car park that are visible from the public domain.
- v) Where on-grade (surface) car park cannot be avoided, incorporate the parking area into the landscape design of the site:
- (a) Use planting to screen the parking areas from view from the communal and private open space and the public domain.
  - (b) Provide canopy or shade trees among parking bays.
  - (c) Use a combination of paving materials to divide the parking surface.

### 6.3 Parking Facilities Forward of Front Façade Alignment

#### Controls

- i) Where the provision of parking facilities behind the front façade alignment is not feasible (due to absence of rear lane or secondary street access, narrow site width, irregular allotment configuration, or retention of an existing building), parking facilities may be provided forward of the front façade alignment as follows:

#### Attached Dwellings

- Take the form of an uncovered single car space; or
- Take the form of a single carport having an external width of not more than 3m (excluding eaves); and
- Landscaping must be incorporated into the site frontage.

#### Residential Flat Buildings and Multi Dwelling Housing

- Minimise the length and height of the car park enclosing walls and driveway entries.
- Use high quality external finishes and materials for any visible car park enclosing walls and roller doors.
- Incorporate landscaping in the site frontage.
- The car park will not require the removal of significant landscape elements that enhance the streetscape, such as rock outcrop or sandstone retaining walls.
- The car park location will not pose an undue risk on the safety of pedestrians.

## 7 Fencing and ancillary development

### 7.1 Fencing

#### Explanation

Fences demarcate property ownership and provide definition between the public and private domain. Fences must be designed to promote high quality streetscapes, adequate privacy and security protection for dwellings, and appropriate surveillance and interaction with the public domain.

#### Objectives

- The alignment, configuration, rhythm of bays, height, materials, colours and texture of new fences complement the building on the site and the streetscape.
- Fences are designed to achieve a balance between privacy, safety and security for the building occupants and visual interaction with the public domain, without adversely affecting the amenity of the pedestrian environment.
- Fences are designed to minimise opportunities for graffiti and malicious damage.

#### General - Fencing

#### Controls

- i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering.
- ii) Sandstone fencing must not be rendered and painted.
- iii) The following materials must not be used in fences:
  - Steel post and chain wire
  - Barbed wire or other dangerous materials
- iv) Expansive surfaces of blank rendered masonry to street frontages must be avoided.

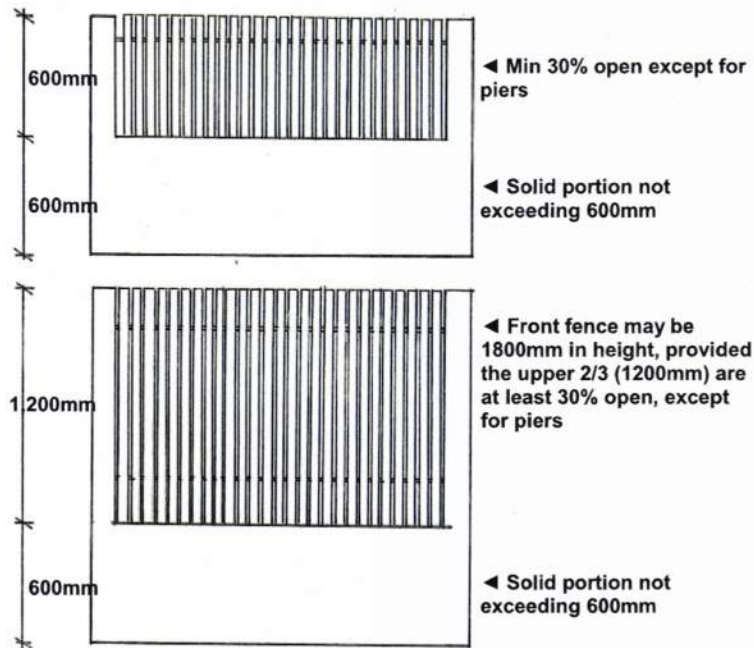
### 7.2 Front Fencing

#### Controls

- i) The fence must align with the front property boundary or the predominant fence setback line along the street.
- ii) The maximum height of front fencing is limited to 1200mm, as measured from the footpath level, with the solid portion not exceeding 600mm, except for piers.

The maximum height of front fencing may be increased to 1800mm, provided the upper two-thirds are partially open, except for piers.

- iii) Construct the non-solid portion of the fence with light weight materials (such as timber or metal panels, slats or the like) that are at least 30% open and evenly distributed along the full length of the fence.



#### Configuration of front fencing

- iv) Solid front fence of up to 1800mm in height may be permitted in the following scenarios:
- Front fence for sites facing arterial roads.
  - Fence on the secondary street frontage of corner allotments, which is behind the alignment of the primary street façade. The fence must be tapered down to match the height of the primary street fence once pasts the front façade alignment.

Such solid fences must be articulated through a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants), so as to avoid continuous blank walls.

- v) The fence must incorporate stepping to follow any change in level along the street boundary. The height of the fence may exceed the aforementioned numerical requirement by a maximum of 150mm adjacent to any stepping.
- vi) The preferred materials for front fences are natural stone, face bricks and timber. Cast or wrought iron pickets may be used where they are compatible with the character of the building and the streetscape.
- vii) Gates must not open over public land.



- viii) The fence adjacent to the driveway may be required to be splayed to ensure adequate sightlines for drivers and pedestrians.

### 7.3 Side and Rear Fencing

#### Controls

- i) The maximum height of side, rear or common boundary fences is limited to 1800mm, as measured from the ground level (existing).  
  
For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing).
- ii) In the scenario where there is significant level difference between the subject and adjoining allotments, the fencing height will be considered on merit.
- iii) The side fence must be tapered down to match the height of the front fence once pasts the front façade alignment.
- iv) Side or common boundary fences must be finished or treated on both sides.

#### Advisory Note:

The Dividing Fences Act 1991 regulates how the cost of a dividing fence is shared between adjoining land owners, where an owner wishes to erect a new dividing fence or undertake work to an existing dividing fence. The Act also sets out the procedures for resolving disputes involving the cost, type and position of a fence. A copy of the Dividing Fences Act may be obtained in the following web site:  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### 7.4 Outbuildings

#### Controls

- i) Locate behind the alignment of the front building façade.
- ii) Position to optimise backyard space and must not be located within the required permeable surfaces.
- iii) Outbuildings must be single storey only, and must not exceed a maximum height of 3.6m and a wall height of 2.4m.

### 7.5 Swimming and Spa Pools

#### Controls

- i) Locate behind the alignment of the front building facade.
- ii) Locate to minimise damage to the root system of existing trees on the adjoining properties, as well as trees on the subject site proposed or required to be retained.
- iii) Locate to minimise noise and privacy impacts on the adjoining dwellings.

### 7.6 Storage

#### Explanation

Storage is important in the proper functioning of a residential unit. Lack of sufficient storage space can result in cramped living



accommodation and displacement of vehicles from allocated parking spaces on site on to the street for parking.

#### Objective

- Provide adequate storage for everyday household items within easy access of the dwelling.

#### Controls

- i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling.
- ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages.

Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles.

- iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:

- (a) Studio apartments – 6m<sup>3</sup>
- (b) One bedroom apartments – 6m<sup>3</sup>
- (c) Two bedroom apartments – 8m<sup>3</sup>
- (d) Three plus bedroom apartments – 10m<sup>3</sup>

### 7.7 Laundry facilities and air conditioning units

#### Controls

##### Laundry and drying facilities

- i) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.
- ii) Provide internal laundry for each dwelling unit.
- iii) Provide a separate service balcony for clothes drying for dwelling units where possible.

Where this is not feasible, reserve a space for clothes drying within the sole balcony and use suitable balustrades to screen it to avoid visual clutter.

##### Air conditioning units:

- i) Avoid installing within window frames. If installed in balconies, screen by suitable balustrades.
- ii) Air conditioning units must not be installed within window frames.

## 8 Area Specific Controls

### Explanation

Throughout Randwick City there are a number of areas that for a variety of reasons possess special qualities warranting specific controls that supplement those generally applying in this DCP. These areas may be identified for any number of reasons, including, but not limited to, historic, landscape and/or scenic or localities where it may be desirable to retain or provide for particular uses or characteristics.

In these situations Council has taken the initiative to:

- Identify such areas of special significance in terms of their landscape, scenic, historic or other development qualities.
- Formulate objectives and design controls for development in each of the identified areas of special significance.

To the extent of any inconsistency between this sub-section and any other DCP sections, this sub-section will prevail.

### 8.1 Coral Sea Park Estate, Maroubra

#### Explanation

The Coral Sea Park Estate is a distinctive and historically important precinct. It is located in Maroubra and generally bounded by Fitzgerald Avenue, Malabar Road, Beauchamp Road and Anzac Parade. The Estate is characterised by a mixture of single storey bungalows and low to medium rise multi-unit housing, most of which harmonises with the single storey detached bungalows.

The relative scale, placement and configuration of buildings in the Estate is testimony to careful urban design and how low scale residential precincts can sustain increased density and housing choice. The Estate was developed by the then NSW Housing Commission in the early to mid 1950's. It is an early example of a planned neighbourhood in Australia. Subsequent private development has occurred, also within the low-medium rise scale of the original development.

The significant characteristics of the Estate are:

- It is a neighbourhood made up of a balanced combination of dwelling types housing a wide population mix ranging from young families to aged persons.
- The provision and spatial arrangement of facilities whereby open space, schools, shops and community facilities are centrally located on the Estate.
- The arrangement and mix of cottages, duplexes and blocks of flats. An important feature is the open rear gardens of cottages and flats alike which provide quality access to sunlight and maintain high levels of privacy.
- The curvilinear street pattern responding to the local topography forming an amphitheatre type effect to the central open spaces.



*Residential flat buildings with similar form, roof pitch, material finishes and colour as other housing of the estate*



*Row housing with open front yards and grassed roadside verges*



### Objectives

- To ensure new development reflects the scale and massing of existing development in the Estate.
- To ensure new development maintains the characteristics of building setbacks and garden areas prevalent throughout the Estate.
- To maintain the planned neighbourhood and garden suburb characteristics of the Estate.

### Controls

- Building materials and external finishes are to be consistent with the dominant themes in the Estate.
- Site area and dimensions, particularly width, are of sufficient size to allow and maintain the existing themes of large rear garden areas and open spaces between buildings to continue.
- Sites have a minimum frontage of 20 metres for development of more than 2 dwellings.
- Open spaces in front of buildings are not fenced off from the street. Where fencing is proposed it is no more than one metre high.
- Front setbacks of development must consider consistency with the surrounding buildings. Front façade design must consider compatibility with the form, massing and articulation of existing development.



*Consistency of building forms, finishes and colour provide a backdrop to landscape features*

## 8.2 58- 64 Carr Street, Coogee

### Explanation

The land at 58-64 Carr Street Coogee comprises three separate lots located between Kurrawa Avenue and Beach Street Coogee. The sites are currently zoned for residential purposes and are developed with the following uses:

- 58-60 Carr St: 8 storey residential flat building, strata titled (with ground level parking)
- 62 Carr Street: 2 storey shop top building with café at ground floor and yoga studio on 1st floor
- 64 Carr Street: Private hotel (heritage listed)

The subject sites form the southern end of the horseshoe shaped built form of the Coogee business centre and residences opposite the foreshore reserve of Coogee Beach. The local context includes the northern and eastern sections of the business centre providing an active street edge of commercial, retail and food related uses which services resident and visitor needs.



58-64 Carr Street, Coogee

Land uses immediately to the west of these sites include ground floor retail and café and visitor accommodation. Land uses to the south of the block along Kurrawa Avenue and Beach Street comprise multi-unit housing and some single dwellings.

The RLEP zones these sites residential, while permitting restaurants or cafes, subject to development consent. The purpose of this sub-section is to provide site specific controls to ensure that any development of these sites for restaurant or cafe use does not adversely impact on residential amenity of surrounding residences. The zoning also permits other limited business premises including a neighbourhood shop for which these provisions are also relevant. Development for residential purposes must address other relevant sections of this DCP section relating to medium density residential.

### Objectives

- To enable ground level small scale neighbourhood shop, restaurant or cafe development whilst protecting the amenity of nearby residents.
- To ensure any development improves the public domain of Carr Street.
- To promote pedestrian activity and safety in the public domain.
- To encourage high quality design and enhance the street frontage of buildings.

### Controls

- i) Proposals for a neighbourhood shop, restaurant or café must be limited to the ground floor of these buildings and must present an active street front to Carr Street only.
- ii) Any outdoor seating must be limited to the Carr St frontage only.
- iii) Business signage must address Carr Street only and must be limited to the ground or first floors.
- iv) Proposals must specify likely sources of noise or odour generated from the premises and measures to be implemented in order to minimise these and other amenity impacts on adjoining residents.
- v) The standard hours of operation for non-residential uses will be limited to 7am – 10pm.
- vi) Outdoor lighting must limit light spillage, including light emitted from signage to minimise impacts on residents, living on, or adjoining the subject sites.
- vii) High quality awnings, complimentary to the adjoining building design shall be provided along Carr St to achieve a continuous awning with adjoining properties.
- viii) Awnings should be a minimum 3 metres deep and setback a minimum 600mm from the kerb.



- ix) Cantilever awnings from the building must have a minimum soffit height of 3.5metres
- x) Colonnades along the street edge are inappropriate.
- xi) Canvas blinds along the street edge may be suitable where they would assist in sun access/protection.
- xii) Signage on canvas blinds is inappropriate.
- xiii) Ensure all awnings are structurally sound and safe and comply with relevant BCA requirements.
- xiv) The minimum floor to ceiling heights for the ground floor must be 3.5m. *Note: (Ceiling heights shall be measured from finished floor level (FFL) to finished ceiling level (FCL)).*
- xv) The loading and unloading of goods associated with a proposal for a neighbourhood shop, restaurant or café at 58-60 Carr Street shall be from Carr Street frontage only.
- xvi) Development including upgrading of existing buildings shall be designed to achieve high quality urban design and a high level of pedestrian amenity at street level having regard to the coastal context, adjoining heritage item and pedestrian traffic movement.

**Note:**

**Any proposal for 58-60 Carr Street will be referred to the Joint Randwick/Waverley Design Review Panel. State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development) may also be relevant to development proposals for upgrading works to this building.**

**See**

**<http://www.planning.nsw.gov.au/design-quality-of-residential-flat-buildings>**

- xvii) New development including upgrading of buildings shall incorporate passive surveillance of public and communal spaces (including, but not limited to balconies over public spaces, effective lighting, landscaping to reduce opportunities for crime prevention, design with clear boundaries between private and public areas) and shall have regard to the principles of Crime Prevention through Environmental Design (CPTED) in *Section B (General Control)* of this DCP and guidelines available at: [http://www.planning.nsw.gov.au/rdaguidelines/documents/duapguide\\_s79c.pdf](http://www.planning.nsw.gov.au/rdaguidelines/documents/duapguide_s79c.pdf)
- xviii) Any alterations and/or refurbishment proposals at 58-60 Carr Street must address Part C section on Medium Density Residential of this DCP and address the following:

- Retain current side and rear building setbacks for residential uses onsite.
  - Minimise change to the size and location of balconies.
  - Minimise overlooking and privacy impacts on other balconies and adjacent dwellings.
- xix) Any proposal for a neighbourhood shop, restaurant or café at 58-60 Carr Street must be within the developable area as shown in the figure below subject to meeting all other site requirements including parking assessment; and:
- provide for a continuous street façade and zero lot line to Carr Street. This zero lot line should also extend to the corner of Carr Street and along Kurrawa Avenue, as shown in the figure below; and
  - remove the existing driveway crossing along Carr Street in order to improve pedestrian amenity and safety.
  - Street facade should display proportions and detailing which respect the prevailing building facades of the sites at 62 and 64 Carr St.

**Developable area for proposed neighbourhood shop, restaurant or café at 58-60 Carr Street, Coogee**



 Outline of 'developable area' for a neighbourhood shop, restaurant or café at 58-60 Carr St



### 8.3 Barker Street / Willis Street, Randwick

#### Explanation

This subject sites is rectangular in shape, split in two by Kennedy Lane. It is bound by Barker Street to the north, Willis Street to the west, a five storey residential flat development to the east and four storey residential flat buildings as well as a single storey dwelling to the south. Kennedy Lane reduces in width as it passes through the block, facilitating pedestrian connections only. There are existing services located in Kennedy Lane. The block falls approximately 7 to 9 metres on either side of the ridge at Kennedy Lane (see the Figures below on Building envelope – typical section).

The site comprises six lots, with six single storey detached dwellings and a two storey flat building. The five storey strata titled residential flat building to the east of the site is unlikely to redevelop.

There are excellent views from the block towards the City to the north-west and outlook to the south west towards Botany Bay. Due to the topography of Barker Street, there is no direct pedestrian or vehicular connection from the block to Barker Street. There is a footpath along Barker Street adjacent to the Block, accessed by Willis Street and Kennedy Street. Due to the steeply sloping topography, Willis Street is characterised by blank retaining walls with dwellings above.

The sites have unique opportunities and constraints. A building envelope has been developed for the sites that respond to context, streetscape and the sites characteristics.

#### Objectives

- To encourage residential uses including affordable housing that reflect the needs of key workers and students in the adjacent Randwick Education and Health Specialised Centre.
- To reinforce Kennedy Lane as part of the urban structure.
- To maintain public pedestrian access and visual connection along Kennedy Lane.
- Locate residential lobbies along Kennedy Lane.
- Locate private open space at ground floor.

#### Controls

- i) **Building Envelope Plan:** The building envelope plan shows the maximum envelope including balconies (while excluding the roof structure and roof envelope). Development Applications are to demonstrate that the proposed building fits within the envelope. To achieve the envelope, the sites must be developed holistically as shown in the plan for blocks A and B.
- ii) **Height:** RLEP identifies a maximum height of 15m. The building envelope illustrations show four storeys, excluding

the roof envelope and structure. Between Willis Street and Kennedy Lane, with the building envelope is articulated as four equal forms, stepping with the sloping topography. Any habitable roof space provided above the maximum building envelope must be setback an additional 4m from the street front at Barker Street, Kennedy Street and Kennedy Lane.

iii) **Building Depth:** Refer to setbacks.

iv) **Setbacks**

**Block A:**

Barker Street	5m	Ground floor and above.
Kennedy Lane	4m	Ground floor and above
Willis Street	0m	Ground floor.
	5m	First floor and above.
Rear	6m	All floors.

**Block B:**

Barker Street	5m	Ground floor and above.
Kennedy Lane	5.5m	Ground floor and above
	2.5m	First floor and above
Willis Street	0m	Ground floor.
	5m	First floor and above.
Rear	6m	All floors.
Side	6m	Ground floor and above

v) **Form and articulation:** For Block B, the built form envelope may comprise two separate buildings or demonstrate sufficient articulation. Vertical articulation is to be provided between stepped forms along Barker Street to reduce the apparent length of the facade to a proportion that is compatible with the surrounding built form.

vi) **Building Uses:** Residential only.

vii) **Mix:** The following residential mix is to be provided:

Studio	50% maximum.
1 Bed	50% maximum.
2 Bed	50% maximum.
	An additional 50% can be provided if they are dual key units.
3 Bed	No requirement.

viii) **Parking and access:** Access to parking is to be provided from Willis Avenue. Depending on how these sites are amalgamated, there are two options:

1. Develop the two blocks concurrently and provide all parking in a basement within Block A, or
2. Provide parking directly to each Block. At grade parking may be provided for Block B provided it is not visible from the public domain.



ix) Open space

Communal open space	15% of site area.
	Roof top communal open space is encouraged for Block A.
	Communal open space at first floor is encouraged.
Deep soil zone	25% of communal open space.

- x) **Public dedication:** A public dedication is to be provided in the form of a 2.5m road widening to Kennedy Lane to provide better pedestrian amenity and visual connection along Kennedy Lane.

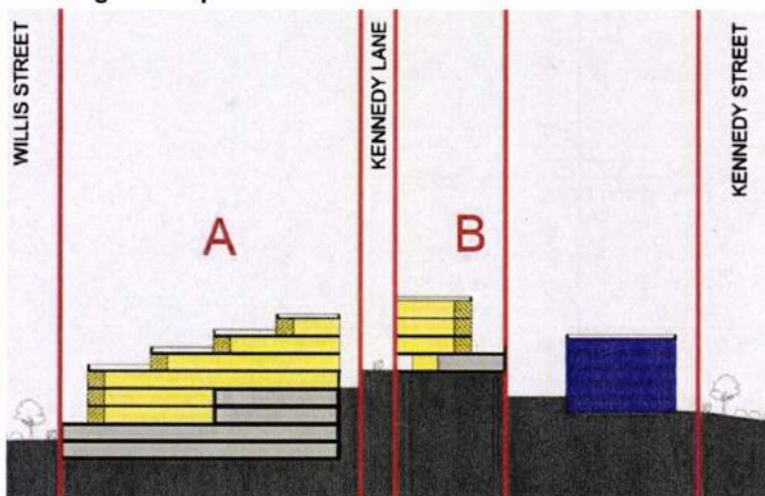
Site Plan – Existing



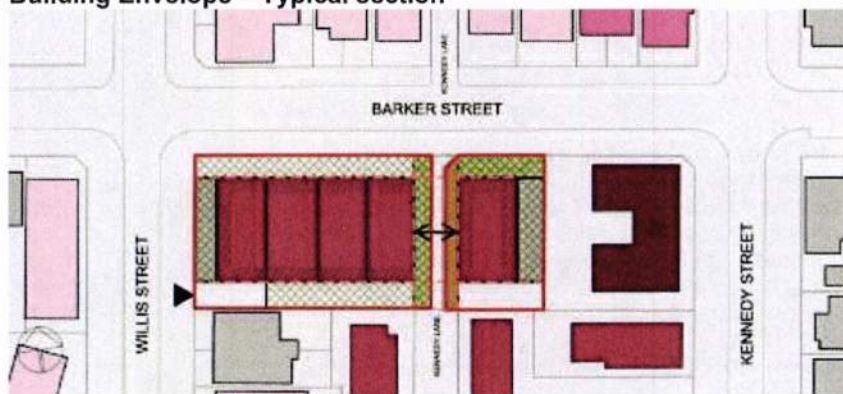
Legend

[Light grey box]	1 storey
[Pink box]	2 storeys
[Red box]	3 storeys
[Dark red box]	4 storeys
[Dark red box]	5 storeys
[Dark red box]	6 storeys +
[Red outline box]	Block boundary
[Black outline box]	Building envelope
[Green box]	Deep soil zone
[Hatched box]	Open space
[Blue box]	Existing strata-titled building
[Hatched box]	Balcony zone
[Brown box]	Right of way
[Brown box]	Public dedication
[Black box]	Carpark
[Dashed line]	Setback - all levels
[Dashed line]	Setback - ground level only
[Arrow]	Preferred building entry
[Arrow]	Preferred carpark entry
[Double arrow]	Pedestrian connection

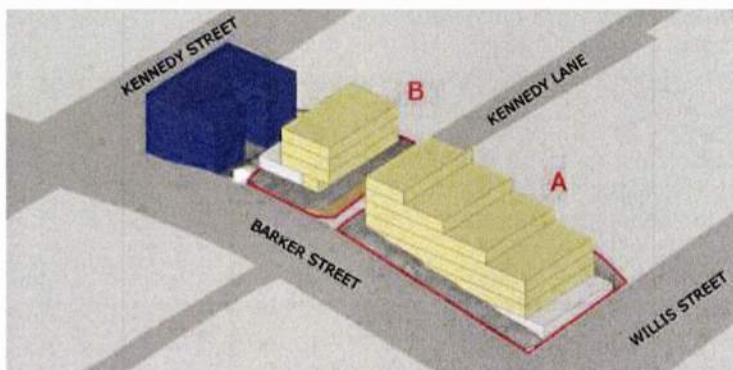
Building Envelope - Plan



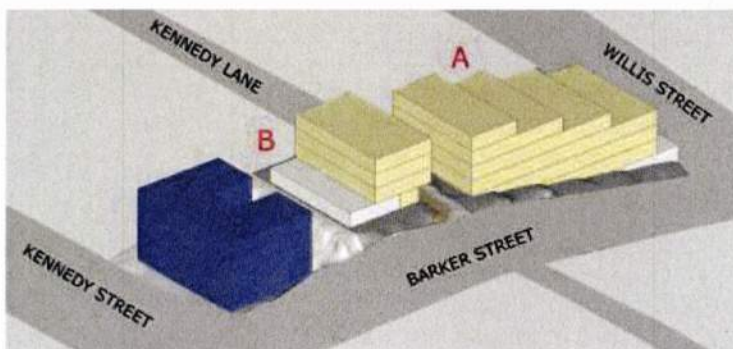
Building Envelope – Typical section



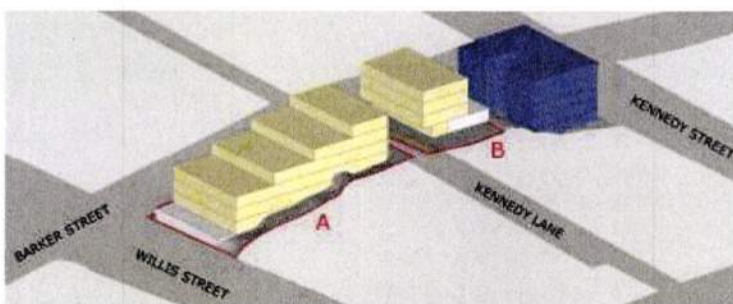
Building Envelope – 3D view from north-east



Building Envelope – 3D view from north-west



Building Envelope – 3D view from south-west





#### 8.4 Blenheim House curtilage, 15 Blenheim Street, Randwick

##### Explanation

The Site, located at 15 Blenheim Street is a single lot, rectangular in shape with a single frontage to Blenheim Street. It is bound by a 4 storey residential flat building to the west, single detached dwellings and a three storey residential flat building to the north. Immediately to the east are Blenheim House and its former stables building, listed as heritage items under RLEP 2012. The site falls approximately 1 metre towards the west across the site.

Most lots along Blenheim Street are strata-titled, with only a few lots remaining in single ownership. Blenheim Street is lined with large street trees. Existing buildings within the block comprise single detached dwellings, attached dwellings and residential flat buildings, ranging in size from one storey to four storeys. There are some health services facilities located within the block, but the predominant use is residential.

Blenheim House (17 Blenheim Street) is Randwick's oldest remaining house and was completed in early 1848 by Simeon Pearce who later became the first Mayor of Randwick. The two storey sandstone building is a fine example of simple Colonial Georgian design. Blenheim House was originally constructed on 1.6 hectares with its main façade and entrance facing west with a driveway providing access from Botany Street. Subdivisions of the original site of Blenheim House have resulted in Blenheim House having a Blenheim Street address to its south, and a western boundary with 15 Blenheim Street. Both Blenheim House and its stables building are well set back from Blenheim Street. A double carport at the front of the site encloses a private garden to the south of the dwelling.

The height, length and setbacks of existing residential flat building at 15 Blenheim Street have significantly impacted on the amenity and heritage curtilage of Blenheim House. The siting and envelope of the existing building affects sunlight and privacy to Blenheim House, blocks views towards its original front façade, and detracts from its setting. Redevelopment of the site presents to opportunity to improve the curtilage and amenity of Blenheim House and to allow it to be viewed in a more sympathetic setting. A building envelope has been developed for the sites that respond to the heritage context, streetscape and site characteristics, while retaining potential development floor space and improving amenity.

##### Objectives

- Improve the curtilage and amenity of Blenheim House.
- Create a strong built edge to Blenheim Street
- Provide articulation to the built edge along Blenheim Street.
- Manage stepping of built form with the topography behind the primary building line to Blenheim Street.

##### Controls

**Building Envelope Plan**

The building envelope plan shows the **maximum** envelope including balconies. DAs are to demonstrate that the proposed building fits within the envelope.

**Height**

Four storeys along Blenheim Street and two storeys are the rear of the site.

**Building Depth**

Refer to Building Envelope Plans.

**Setbacks**

Blenheim Street	3m	All levels
East boundary	3m	All levels
Rear	3m	All levels

For west boundary setbacks, refer to Building Envelope – Plan.

**Building Uses**

All levels	Residential
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**Mix**

If residential units are provided the following mix is to be provided:

Studio	50% maximum.
1 Bed	50% maximum.
2 Bed	50% maximum.
3 Bed	No requirement.

**Parking and access**

If parking is provided, no parking is to be located within the front setback zone.

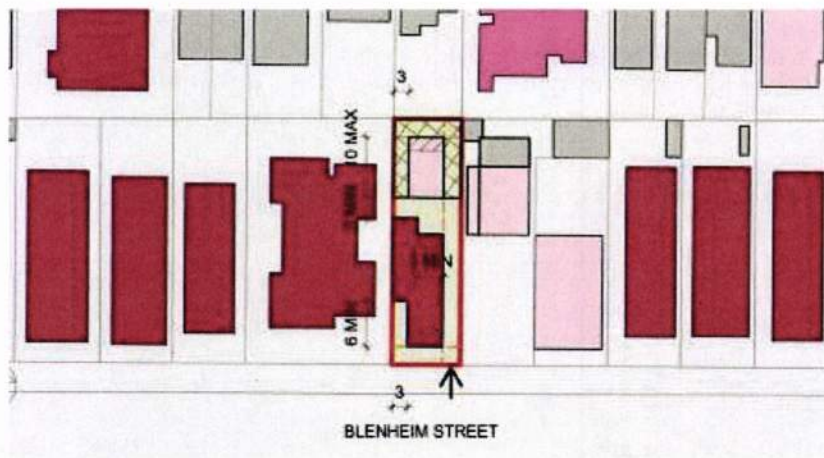
There is no requirement for car parking on the site for studio or 1 bedroom units and their visitors.

**Open space**

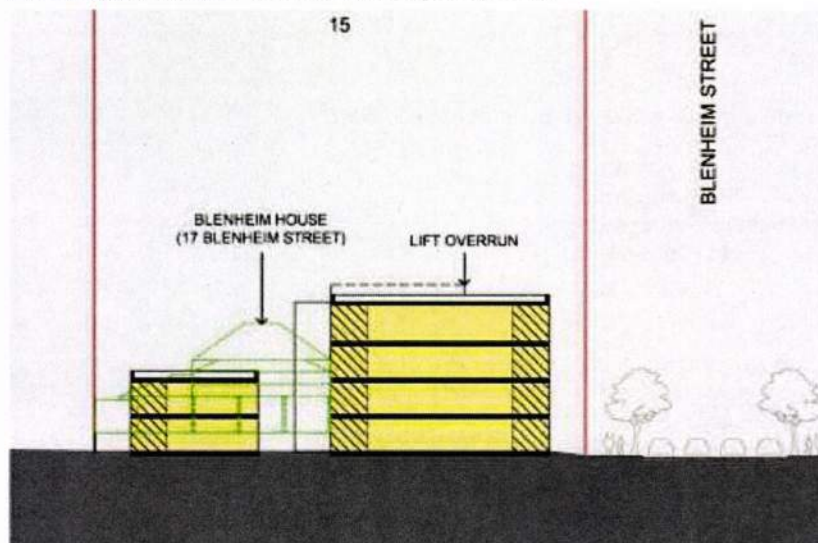
Communal open space	25% of site area
Deep soil zone	25% of communal open space

**Site Plan – Existing****Building Envelope - Plan**

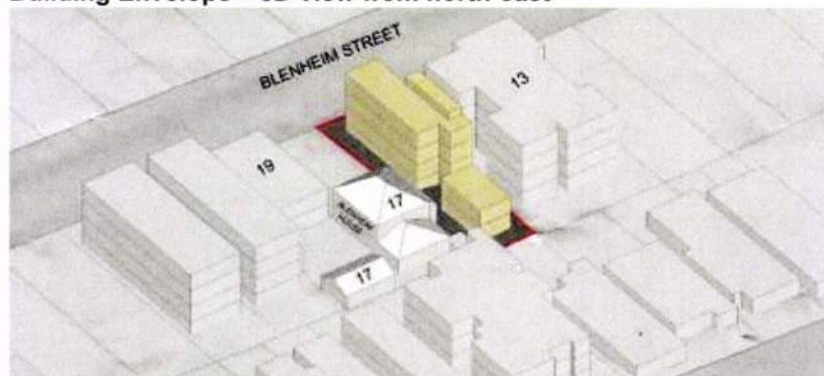




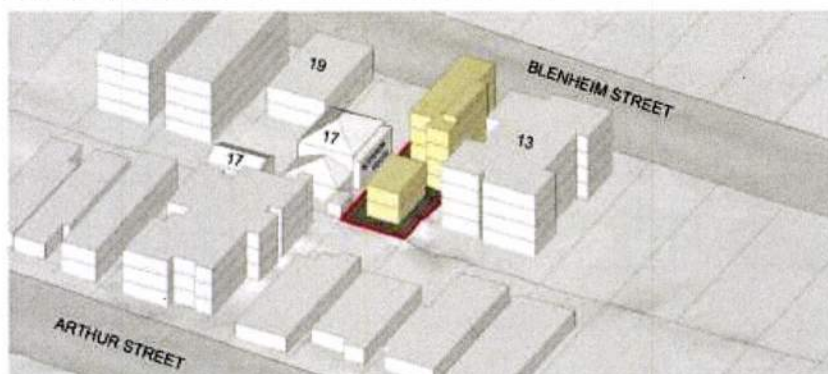
Building Envelope –Section through Block A



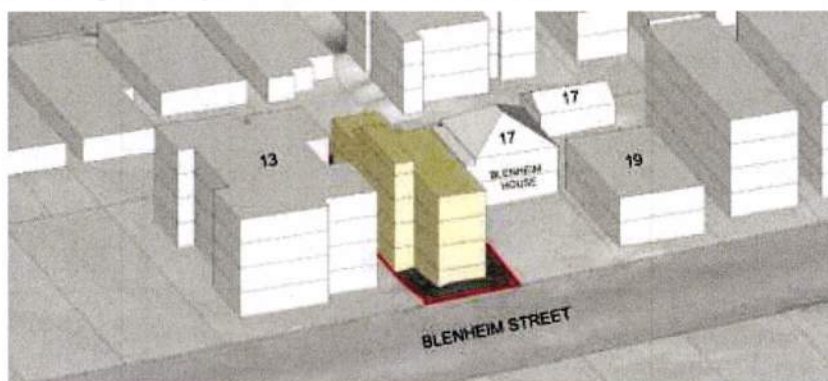
Building Envelope – 3D view from north-east



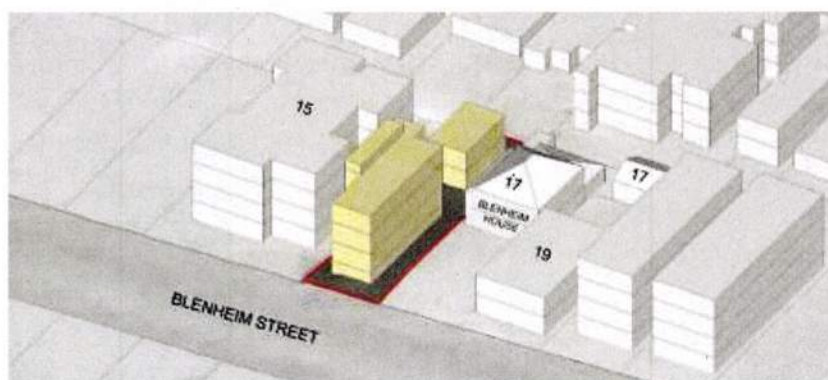
Building Envelope – 3D view from north-west

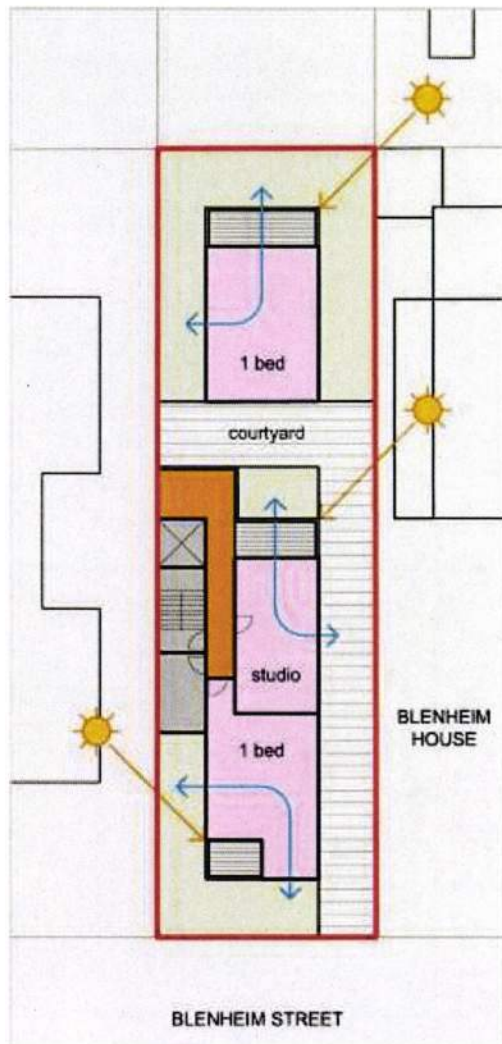


Building Envelope – 3D view from south-west

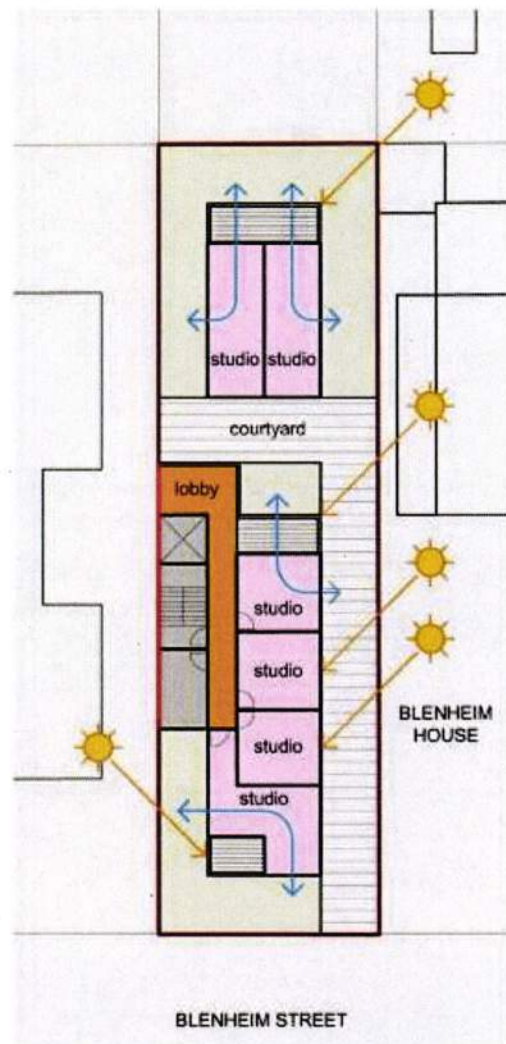


Building Envelope – 3D view from south-east





Indicative Layout – Plan (Residential)



Indicative Layout – Plan (Boarding Houses)



### 8.5 Hill 60, La Perouse

#### Explanation

The land at known as Hill 60 has a total site area of approximately 12 ha and comprises the following parcels:

- 9-23 Karoo Ave (Lot 5300 DP 48768),
- 1-7 Karoo Ave (Lot 5299 DP 48768),
- 42 Yarra Rd (Lot 5235 DP 821317),
- 2-14 Koorngai Ave (Lots 56-62 DP 752015), along with several Crown road reserves adjoining these parcels.

Hill 60 is an undulating, predominantly vacant site and its topography has been greatly altered through its history of sand mining and landfill. There are pockets of remnant vegetation retained towards the southern end of the site. The site is bounded by the Chinese Market Gardens to the north (which is listed on the State Heritage Register), the Yarra Bay Beach and Bicentennial Park to the west (a local heritage item and conservation area), La Perouse Public School to the east and a row of dwelling houses along Yarra Rd to the south.



The site also comprises internal unmade/informal access roads known as Karoo Avenue and its unnamed extension connecting to Baragool Avenue. The site may contain the Eastern Suburbs Banksia Scrub (ESBS) listed as an endangered ecological community under the *Threatened Species Conservation Act, 1995*. This requires further investigations.

The site is owned by the La Perouse Local Aboriginal Land Council (LPALC) and has significant social and cultural significance for the Aboriginal community.

The majority of the site has a residential zoning that permits low to medium density housing development as well as a range of community uses including child care centres, churches, schools and recreation facilities. A portion of the site on the south-western side is zoned for public recreation (along Koorngai Avenue).

The RLEP cl.6.11 requires that a site specific DCP must be prepared for large sites (over 10,000 sqm). This section of the DCP provides guidance on the key issues for any such future planning for the site.

#### Objectives

- To ensure any future development on the site is planned in a holistic and orderly manner.
- To ensure any identified biodiversity value of the site is protected and conserved.
- To promote, recognise and protect the cultural and social significance of the site to the Aboriginal community.
- To provide for appropriate and legible public access and open spaces through the site.



- To maintain appropriate view corridors from surrounding development including the public domain.
- To provide key design principles for any future planning and development of the site.
- To encourage a diverse range of housing, including affordable and adaptable dwellings.

### Controls

i) Prepare a site-specific DCP for the entire Hill 60 site to guide any future redevelopment in a holistic suitably staged manner and must address (but not limited to) the following specific matters:

- Overall vision and design principles for the site in the context of its significant Aboriginal history, social and environmental considerations;
- identification of and provision for the social and cultural needs of the Aboriginal community and consideration of Council's *La Perouse Needs Study*
- a suitable and clearly dimensioned buffer zone to the adjacent Chinese Market Garden site
- clarification of the existence and extent of Eastern Suburbs Banksia Scrub (ESBS) at the site, appropriate curtilage and future zoning and management measures to ensure its ongoing conservation;
- provision for a minimum of 10% of the total site area as public open space that suitably connects with existing open space and serves the needs of the new and existing community. Open space provision should have regard to the existing open space zone boundary and extent of any identified biodiversity significance;  
Note: This 10% threshold requirement for public open space does not include any land identified for connections/pathways or environmental conservation purposes (e.g. ESBS).
- clear street hierarchy and legible street network;
- strong pedestrian and cycle linkages through the site and connections to the surrounding street network;
- legible access and entry points to the site that aim to integrate the site with the surrounding neighbourhood;
- potential soil and groundwater contamination, potential flooding and stormwater management.

#### Note:

**Variations to the existing zoned open space boundaries will require a rezoning application. When clarified, the specific ESBS locations should also be zoned for Environmental Conservation.**