



**Randwick City
Council**
a sense of community

DA COMPLIANCE REPORT

&

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**ORDINARY COUNCIL MEETING
TUESDAY, 24 FEBRUARY, 2015**

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Development Application Compliance Report



Folder /DA No:	DA/527/2014/A
PROPERTY:	15 Maitland Avenue, KINGSFORD NSW 2032
Proposal:	Section 96 application to delete condition 2(c) of the consent in relation to the deletion of the front portion of the proposed carport Original consent: Alterations and ground floor additions to the existing dwelling house including front fence and carport
Recommendation:	Refusal

CP2/15

Relevant Environment Planning Instruments:

1. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposed development is classified as alterations and additions and is permissible in the zone. The zoning objectives are addressed as follows:

Zone R2 – Low Density Residential

The objectives of the R2 Low Density Residential zone that relate to the proposed development seek:

- 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; and
- To encourage housing affordability.

The proposed deletion of condition 2(c) to retain the portion of the carport forward of the building line does not satisfy the objectives of the Low Density Residential R2 Zone in that the proposed development will not maintain the desirable attributes of the established residential area. The effects of the proposal on the amenity of the streetscape, as discussed in the following sections of this report, are considered to be unacceptable.

2. Randwick Comprehensive DCP

C1 Table: Low Density Residential

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be

considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2 Low Density Residential	Complies
2	Site planning		
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)	The proposal includes 1 vehicular access with a single carport forward of the building alignment. It is considered that the carport structure is out of character with the existing streetscape and will visually dominate the dwelling and the streetscape.	Does not comply
6.2	Parking Facilities forward of front façade alignment (if other options not available)		
	i) - An uncovered single car space - A single carport (max. external width of not more than 3m and - Landscaping incorporated in site frontage ii) Regardless of the site’s frontage width, the provision of garages (single or double width) within the front setback areas may only be considered where: - There is no alternative, feasible location for accommodating car parking; iii) Regardless of site’s frontage, the forward parking structures are only considered where: - no alternative or feasible location - Significant slope down to street level - does not adversely affect the	The proposed carport has a maximum external width of 3.89m which does not meet the numerical control. In addition to the above, the proposed carport will dominate the streetscape and will not maintain a consistent rhythm along the streetscape in that it will disrupt the visual open space to the front of the site which contributes to the streetscape character.	Does not comply

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DCP Clause	Controls	Proposal	Compliance
	visual amenity of the street and the surrounding areas; <ul style="list-style-type: none"> - does not pose risk to pedestrian safety and - does not require significant contributory landscape elements (such as rock outcrop or sandstone retaining walls) 		
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. ii) 1m rear lane setback iii) Nil side setback where: <ul style="list-style-type: none"> - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing 	The existing driveway and carport structure behind the building line are built with a nil side setback, however the proposed new carport structure forward of the building line (also with a nil side setback) does not meet the relevant controls and objectives of the RDCP 2013 and will adversely affect the streetscape and adjoining properties.	Complies
6.6	Carport Configuration		
	i) Simple post-support design (max. semi-enclosure using timber or metal slats minimum 30% open). ii) Roof: Flat, lean-to, gable or hipped with pitch relates to dwelling iii) 3m maximum width. iv) 5.4m minimum length v) 2.6m maximum height with flat roof or 3.0m max. height for pitched roof. vi) No solid panel or roller shutter door. vii) front gate allowed (minimum 30% open) viii) Gate does not open to public land	The proposal has a pitched roof with a maximum height of 3.65m; this does not comply with the RDCP 2013.	Does not comply

3. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned R2 Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.</p> <p>The proposed modifications are inconsistent with the aims of RLEP 2012 and the specific objectives of the zone in that the proposed activity and built form will not enhance and compliment the aesthetic character, environmental qualities</p>

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	and social amenity of the locality.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	None applicable
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal does not satisfy the relevant controls of the Randwick Comprehensive DCP.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	None applicable
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed modifications are consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	There were no submissions received.
Section 79C(1)(e) – The public interest	The proposal does not promote the objectives of the zone and will result in adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered not to be in the public interest.

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4. DEVELOPMENT CONSENT CONDITIONS

Reasons for Refusal:

1. The proposed development does not comply with the Objectives of Clause 2.3 of the Randwick Local Environmental Plan 2012, R2 Low Density Residential in that the proposal does not recognise the desirable elements of the existing streetscape and built form and does not contribute to the desired future character of the area.
2. The proposal does not satisfy the objectives for Car Parking and Access as set out in Clause 6.1 of the Randwick Comprehensive Development Control Plan in that the

proposed car port structure forward of the building line will dominate the property frontage and streetscape.

3. The proposed development does not satisfy the controls for Parking Facilities Forward of Front Façade Alignment in Clause 6.2 of the Randwick Comprehensive Development Control Plan in that the proposed carport structure has an external width of more than 3m.
4. The proposed development does not satisfy the controls for Carport Configuration as detailed in Clause 6.6 of the Randwick Comprehensive Development Control Plan in that the proposed carport structure has a pitched roof with a maximum building height greater than 3m.
5. The proposal is not in the public interest and does not satisfy Section 79C(i)(e) of the Environmental Planning and Assessment Act 1979.

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