

# **DA COMPLIANCE REPORT**

**ORDINARY COUNCIL MEETING  
TUESDAY, 23 FEBRUARY 2016**

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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/620/2015
<b>PROPERTY:</b>	30 Napier Street, Malabar
<b>Proposal:</b>	Alterations, ground and first floor additions to the existing dwelling house including new rear inground swimming pool and associated bathroom and new front boundary fence.
<b>Recommendation:</b>	Refusal

## Relevant Environment Planning Instruments:

### 1. Randwick LEP 2012

The subject site is zoned low density residential R2 under Randwick LEP 2012. The proposed development is classified as a dwelling house and is permissible in the zone. The zoning objectives are addressed as follows:

The proposal is inconsistent with the specific objectives of the zone in that the proposed activity will not protect the aesthetic character of the streetscape or the amenity of adjoining residents.

The proposal is not inconsistent with the specific objectives of the Foreshore Scenic Protection Area (Clause 6.7 of the RLEP 2012). In particular, the proposed external finishes of the dwelling are comparable to existing dwellings within this part of the coastal environment. The additions and alterations are not particularly visible in relation to the coastal environment. Additions of this scale are not an unexpected outcome in a residential context adjoining the coast.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.75:1	0.55:1	Yes
Height of Building (Maximum)	9.5m	8.2m	Yes
Lot Size (Minimum)	N/A	N/A	N/A

### 2. Randwick Comprehensive DCP

#### C1 Table: Low Density Residential

#### Randwick Development Control Plan

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.

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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
	<b>Classification</b>	Zoning = R2	
<b>2</b>	<b>Site planning</b>		
<b>2.3</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 389.3m <sup>2</sup> Proposed = 46%	Complies
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% iv) 601 sqm or above = 35% v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front vii) Retain existing or replace mature native trees viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.	Proposed = 25%	Complies
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Proposed = 9.5m X 11m	Complies
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = 0.75:1</b>	Proposed FSR = 0.55:1	Complies
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Proposed = 8.2m	Complies
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Proposed = 8.3m (east) 7.4m (west)	Non-compliant
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b>		
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 900mm for allotments with primary frontage width of less than 7m	Minimum = 5.6m Existing = 200mm (carport)  Proposed = 1.2m (garage) 4m (dwelling)	Non-compliant

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- 1500mm for all other sites</li> <li>iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front</li> </ul>		
<b>3.3.2</b>	<p><b>Side setbacks:</b> Dwellings:</p> <ul style="list-style-type: none"> <li>• Frontage less than 9m = 900mm</li> <li>• <u>Frontage b/w 9m and 12m = 900mm (Gnd &amp; 1<sup>st</sup> floor) 1500mm above</u></li> <li>• Frontage over 12m = 1200mm (Gnd &amp; 1<sup>st</sup> floor), 1500mm above.</li> </ul> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>Minimum = 900mm Existing = 300mm (east), 1.9m (west) Proposed = 300mm (east, ground level), 900mm upper level, and 1.6m (west – dwelling only, see 6.3 for garage)</p>	<p>Non-compliant eastern side boundary</p>
<b>3.3.3</b>	<p><b>Rear setbacks</b></p> <ul style="list-style-type: none"> <li>i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.</li> <li>ii) Provide greater than aforementioned or demonstrate not required, having regard to:                             <ul style="list-style-type: none"> <li>- Existing predominant rear setback line - reasonable view sharing (public and private)</li> <li>- protect the privacy and solar access</li> </ul> </li> <li>iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP.</li> <li>iv) For irregularly shaped lots = merit assessment on basis of:-                             <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> </li> </ul> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>Minimum = 8m Proposed = 9.5m (dwelling)</p>	
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> </ul>	<p>Eastern side elevation = 18.8m (ground level)</p>	<p>Non-compliant</p>
<b>4.4</b>	<b>Roof Design and Features</b>		
	<ul style="list-style-type: none"> <li>i) Rooftop terraces on dwelling (not roof)</li> <li>ii) Roof terraces above garages (low side)</li> </ul>	<p>No rooftop terrace or dormer winders proposed to dwelling.</p>	<p>Complies</p>

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DCP Clause	Controls	Proposal	Compliance
	Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> <li>• Celestial windows and skylights</li> </ul> vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties.		
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	Materials and finishes specified. These include Colorbond roofing, a polystyrene cladding texture and vertical fibre cement lining boards. Materials and finishes generally durable and compatible with the local context. No colour scheme information.	Complies – but colour scheme condition would be required.
<b>4.6</b>	<b>Earthworks</b>		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	Limited excavations for dwelling and other buildings (excluding pools).  No POS terracing or retaining proposed.	Complies
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am	North facing living room windows to receive over 3hrs of	Complies

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DCP Clause	Controls	Proposal	Compliance
	and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	sunlight on 21 June	
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.  v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	Afternoon sunlight from 12pm to 4pm retained for adjoining living room windows on site to the west. Mostly unobstructed sunlight access for adjoining POS of site to the west.  Roof planes shadow free.	Complies  Complies  Complies
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide daylight to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> </ul>	Appropriate amount and positioning of glazing and operable windows to provide adequate daylight and ventilation to interior.	Complies

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>living rooms contain windows and doors opening to outdoor areas</li> </ul> <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>		
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> <li>windows are offset or staggered</li> <li>minimum 1600mm window sills</li> <li>Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>Install fixed privacy screens to windows.</li> <li>Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	Frosted windows proposed to side elevations of upper-level (except W13, which is to a non-habitable area).  Lower level western windows to be screened up to 1.6m by existing boundary fence. Those on the lower level east will be well away from habitable room windows on adjoining sites.	Complies
	<b>Balcony</b>		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	Terrace to the top of the garage to have visibility to habitable room windows on site to west.  Floor level of rear patio allows for 1.8m high west side boundary fence to be over 1.6m above floor level – providing effective privacy screening of adjoining POS. A 1.8m privacy screen is proposed to the eastern side of the patio.	Non-compliant  Complies
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings’ bedroom windows.	Proposed terrace on top of garage to close to garage and living area of dwelling on adjoining site.	Complies
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres)	Front main entry.  Four habitable room windows overlooking the street.	Complies

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DCP Clause	Controls	Proposal	Compliance
	overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)		
<b>5.6</b>	<b>View Sharing</b>		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	View corridors generally maintained – coastal views from adjoining site to the west (28 Napier Street) are to still be possible from the dwelling’s front quarter (containing decks and a living room) and from its rear deck and rooms. Some view loss from upper-level bedrooms, however suitable view sharing outcome achieved (just as 28 Napier St shares the view with the dwelling to its west).	Complies
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	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)	One vehicle access proposed. Garage proposed forward of front façade.	Non-compliant – garage forward for front façade.
<b>6.2</b>	<b>Parking Facilities forward of front façade alignment (if other options not available)</b>		
	i) - An uncovered single car space - A single carport (max. external	Double garage proposed.	Non-compliant

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DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- width of not more than 3m and</li> <li>- Landscaping incorporated in site frontage</li> <li>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:                             <ul style="list-style-type: none"> <li>- There is no alternative, feasible location for accommodating car parking;</li> </ul> </li> <li>iii) Regardless of site’s frontage, the forward parking structures are only considered where:                             <ul style="list-style-type: none"> <li>- no alternative or feasible location</li> <li>- Significant slope down to street level</li> <li>- does not adversely affect the visual amenity of the street and the surrounding areas;</li> <li>- does not pose risk to pedestrian safety and</li> <li>- does not require significant contributory landscape elements (such as rock outcrop or sandstone retaining walls)</li> </ul> </li> </ul>	<p>Alternative location would be an integrated design at same plane as front façade of dwelling, or recessed into dwelling.</p> <p>No slope down to the street.</p> <p>Would adversely affect visual amenity as large garage is to be forward of dwelling, no examples of such a large garage forward of dwelling along street.</p>	
<b>6.3</b>	<b>Setbacks of Parking Facilities</b>		
	<ul style="list-style-type: none"> <li>i) Garages and carports comply with Sub-Section 3.3 Setbacks.</li> <li>ii) 1m rear lane setback</li> <li>iii) Nil side setback where:                             <ul style="list-style-type: none"> <li>- nil side setback on adjoining property;</li> <li>- streetscape compatibility;</li> <li>- safe for drivers and pedestrians; and</li> <li>- Amalgamated driveway crossing</li> </ul> </li> </ul>	<p>See 3.3 within table above for compliance with front setback.</p> <p>Nil western side setback proposed for garage and adjoining site to west has over 900mm side setback.</p>	<p>Non-compliant side setback.</p>
<b>6.4</b>	<b>Driveway Configuration</b>		
	<p>Maximum driveway width:</p> <ul style="list-style-type: none"> <li>- Single driveway – 3m</li> <li>- Double driveway – 5m</li> </ul> <p>Must taper driveway width at street boundary and at property boundary</p>	<p>4.72m wide double-width driveway.</p>	<p>Complies</p>
<b>6.5</b>	<b>Garage Configuration</b>		
	<ul style="list-style-type: none"> <li>i) recessed behind front of dwelling</li> <li>ii) The maximum garage width (door and piers or columns):                             <ul style="list-style-type: none"> <li>- Single garage – 3m</li> <li>- Double garage – 6m</li> </ul> </li> <li>iii) 5.4m minimum length of a garage</li> <li>iv) 2.6m max wall height of detached garages</li> <li>v) recess garage door 200mm to 300mm behind walls (articulation)</li> <li>vi) 600mm max. parapet wall or</li> </ul>	<p>Forward of dwelling.</p> <p>4.7m garage door width.</p> <p>6m internal length.</p> <p>Garage door recessed 200mm.</p> <p>1.3m high bulkhead.</p>	<p>Non-compliant – forward of dwelling and 1.3m high bulkhead.</p>

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DCP Clause	Controls	Proposal	Compliance
	bulkhead vii) minimum clearance 2.2m AS2890.1	2.2m high clearance.	
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	Durable materials proposed for front fencing. Expanses of rendered masonry avoided.	Complies
<b>7.2</b>	<b>Front Fencing</b>		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) lightweight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). - avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants)) iv) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii)The fence must align with the front property boundary or the predominant fence setback line along the street. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.	Fence up to 1.8m high. Max. base height of 600mm. Metal infill panels proposed – openness not specified.	Condition would be required for compliance – 30% openness of infill panels.
<b>7.3</b>	<b>Side and rear fencing</b>		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites	No new side or rear fencing proposed.	N/A

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DCP Clause	Controls	Proposal	Compliance
	iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.		
<b>7.4</b>	<b>Outbuildings</b>		
	i) Locate behind the front building line. ii) Locate to optimise backyard space and not over required permeable areas. iii) Except for laneway development, only single storey (3.6m max. height and 2.4m max. wall height) iv) Nil side and rear setbacks where: <ul style="list-style-type: none"> <li>- finished external walls (not requiring maintenance;</li> <li>- no openings facing neighbours lots and</li> <li>- maintain adequate solar access to the neighbours dwelling</li> </ul> v) First floor addition to existing may be considered subject to: <ul style="list-style-type: none"> <li>- Containing it within the roof form (attic) - Articulate the facades;</li> <li>- Use screen planting landscaping to visually soften the outbuilding;</li> <li>- Not be obtrusive when viewed from the adjoining properties;</li> <li>- Maintain adequate solar access to the adjoining dwellings; and</li> <li>- Maintain adequate privacy to the adjoining dwellings.</li> </ul> vi) Must not be used as a separate business premises.	Pool bathroom to rear of site.  3.5m overall height and 3.4m wall height.	Complies  Non-compliant wall height
<b>7.5</b>	<b>Swimming pools and Spas</b>		
	i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject site and adjoining. iii) Located to minimise noise impacts on the adjoining dwellings. iv) Pool and coping related to site topography (max 1m over lower side of site). v) 900mm minimum coping from rear and side boundaries. vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks. vii) Position decking to minimise privacy impacts. viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.	Pool to be within the rear of the site.  Small tree to be removed. Other root systems generally clear.  Clear of adjoining dwellings.  800mm over site topography.  900mm distance from boundaries.  Screen planting proposed.  Associated pool decking/coping can be screened by screen	Complies

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DCP Clause	Controls	Proposal	Compliance
		planting.  Pool pump to be in enclosure clear of adjoining dwellings.	
<b>7.6</b>	<b>Air conditioning equipment</b>		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.	None specified.	N/A
<b>7.7</b>	<b>Communications Dishes and Aerial Antennae</b>		
	i) Max. 1 communications dish and 1 antenna per dwelling. ii) Positioned to minimise visibility from the adjoining dwellings and the public domain, and must be: <ul style="list-style-type: none"> <li>- Located behind the front and below roof ridge;</li> <li>- minimum 900mm side and rear setback and</li> <li>- avoid loss of views or outlook amenity</li> </ul> iii) Max. 2.7m high freestanding dishes (existing).	None specified.	N/A
<b>7.8</b>	<b>Clothes Drying Facilities</b>		
	i) Located behind the front alignment and not be prominently visible from the street	To the rear of proposed garage.	Complies
<b>8</b>	<b>Area Specific Controls</b>		
<b>8.3</b>	<b>Foreshore Scenic Protection Area</b>		
	i) Consider 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) Integrated outbuildings and ancillary structures with the dwelling design (coherent architecture). iii) Colour scheme complement natural elements in the coastal areas (light toned neutral hues). iv) Must not use high reflective glass v) Use durable materials suited to coast vi) Use appropriate plant species vii) Provide deep soil areas around buildings viii) Screen coping, swimming and spa pools from view from the public domain.	The additions and alterations are not particularly visible in relation to the coastal environment. Additions of this scale are not an unexpected outcome in a residential context adjoining the coast.  Durable materials proposed.  Deep soil areas proposed.  Pool to be screened at the rear of the dwelling and screen	Complies

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DCP Clause	Controls	Proposal	Compliance
	ix) Integrate rock outcrops, shelves and large boulders 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.	planting proposed.	

**3. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p><b>Randwick Local Environmental Plan 2012</b></p> <p>The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council’s consent.</p> <p>The proposal is not inconsistent with the specific objectives of the Foreshore Scenic Protection Area (Clause 6.7 of the RLEP 2012). In particular, the proposed external finishes of the dwelling are comparable to existing dwellings within this part of the coastal environment. The additions and alterations are not particularly visible in relation to the coastal environment. Additions of this scale are not an unexpected outcome in a residential context adjoining the coast.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013 apart from those related to car parking. See table above.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not 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	See discussion in Executive Summary Report.
Section 79C(1)(c) – The suitability of the site for the development	The site is not considered suitable for the proposed garage structure.

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Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal is not considered to be in the public interest.

**4. Referral Comments – Mr Paul O’Sullivan, Development Engineer**

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

This report is based on the following plans and documentation:

- Architectural Plans by Classic Plans and dated 22/8/15;
- Statement of Environmental Effects by Classic Plans;
- Survey Plan by Survcheck dated 24.2.15

Landscape Comments by P O’Sullivan:

Approval is granted for the removal of those trees shown on the submitted plan for removal due to the small size.

The development engineer has recommended applicable conditions should consent be approved.

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