

Randwick Local Planning Panel (Public) Meeting

Thursday 10 February 2022



RANDWICK LOCAL PLANNING PANEL (PUBLIC)

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting will be held online via Microsoft Teams on Thursday, 10 February 2022 at 1pm

Declarations of Pecuniary and Non-Pecuniary Interests

Address of RLPP by Councillors and members of the public

Privacy warning;

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

Development Application Reports

D1/22 2 Barrett Place Randwick (DA/409/2019/B) 1

Kerry Kyriacou
DIRECTOR CITY PLANNING

Development Application Report No. D1/22

Subject: 2 Barrett Place Randwick (DA/409/2019/B)

Proposal:	Section 4.55(2) modification of approved development to modify the garage, fencing and first floor bathroom. Original Consent: Alterations and additions to the existing semi-detached dwelling including new first floor addition, garage to side and boundary fence, associated site and landscaped works.
Ward:	North Ward
Applicant:	Ms K L Burke
Owner:	Mr W J Binsted & Ms K L Burke
Cost of works:	\$318,500
Reason for referral:	10 unique submissions by way of objection were received

Recommendation

That the RLPP, as the consent authority, approve the application made under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/409/2019 to modify the garage, fencing and first floor bathroom at No. 2 Barrett Place, Randwick, in the following manner:

- **Amend Condition 1 to read:**
1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

Plan	Drawn by	Dated
DA-001 Rev B	K Burke	12.10.2019
DA-110 Rev B	K Burke	12.10.2019
DA-111 Rev B	K Burke	12.10.2019
DA-112 Rev B	K Burke	12.10.2019
DA-200 Rev B	K Burke	12.10.2019
DA-201 Rev B	K Burke	12.10.2019
DA-300 Rev B	K Burke	12.10.2019
DA-500 Rev B	K Burke	12.10.2019
DA-501 Rev A	K Burke	12.10.2019
DA-600 Rev B	K Burke	12.10.2019

BASIX Certificate No.	Dated
A352264	3 rd July 2019

EXCEPT where amended by:

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- the following Section 4.55 'B' plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 'B' plans and detailed in the Section 4.55 'B' application:

Plan	Drawn by	Dated
DA-001 Rev C	K Burke	30 October 2020
DA-110 Rev C	K Burke	30 October 2020
DA-111 Rev C	K Burke	30 October 2020
DA-112 Rev C	K Burke	30 October 2020

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DA-200 Rev C	K Burke	30 October 2020
DA-201 Rev C	K Burke	30 October 2020
DA-300 Rev C	K Burke	30 October 2020
DA-500 Rev C	K Burke	30 October 2020
DA-501 Rev B	K Burke	30 October 2020
DA-600 Rev C	K Burke	30 October 2020
SK-001 Rev A	K Burke	26 October 2021
SK-002 Rev A	K Burke	26 October 2021

- **Add Conditions 2A, 2B and 2C to read:**

Amendment of Plans & Documentation

- 2A The approved plans and documents must be amended in accordance with the following requirements:

- a. A privacy screen shall be provided parallel to the southern boundary, between the western and eastern edges of the garage roof terrace.

The privacy screen shall have a minimum setback of 1.74m from the southern boundary as shown on drawing No. SK-001 (Rev A).

The privacy screen shall have a height of 1.6m above terrace finished floor level – i.e. the privacy screen shall have a height of RL 72.73. The privacy screen may be open beneath a height of 1m above FFL (RL 72.13) to enable access into the setback for the maintenance of planting only.

Privacy screen/s must be constructed with either:

- Fixed lattice/slats with individual openings not more than 30mm wide.
- Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development

- b. The proposed 'L' shape privacy screen located towards south-eastern corner of the garage roof terrace as shown on drawing No. DA-500 (Issue C) shall be deleted.
- c. The two pillars located on the western boundary, closest to the northern boundary, shall be demolished. Balustrading on the western boundary, within 4.18m of the northern boundary, and balustrading on the northern boundary, within 1.72m of the western boundary shall also be demolished.

A new balustrade shall be installed between the existing pillar on the western boundary, which is setback 4.18m from the street boundary, and the existing pillar on the street boundary, which is setback 1.72m from the western boundary, forming a corner splay as shown on drawing No. SK-001 (Rev A). The balustrade shall have a height of RL 72.15.

Landscaping

- 2B Suitable plans and construction details complying with the following requirements, must be submitted to, and be approved by, the Principal Certifier, prior to commencing with any works to the outdoor terrace area:

- a. A garden bed having a depth of 200mm must be provided in the north-west corner of the roof terrace, bounded by the new balustrade, western boundary and northern boundary, to which, a massed arrangement of only those low growing (200-300mm

mature height), low maintenance succulents, groundcovers, tufted grasses and similar shall be provided. Planting must be selected, including botanic name of the species, size at maturity, pot size at the time of planting, quantity/spacing.

- b. A garden bed having a depth of 200mm must be provided in the setback between the southern boundary and the privacy screen, to which, a massed arrangement of only those low growing (200-300mm mature height), low maintenance succulents, groundcovers, tufted grasses and similar shall be provided. Planting must be selected, including botanic name of the species, size at maturity, pot size at the time of planting, quantity/spacing.
- c. The garden beds shall be non-trafficable and may only be accessed for maintenance purposes.
- d. The soil depth above the garage roof terrace shall not exceed 200mm (RL 71.13)
- d. Waterproofing and drainage, mulch, Engineering Certification, or any other details as needed.

2C The Principal Certifier must then ensure that the landscape works have been fully completed in accordance with the approved plans and details, prior to the issue of any Occupation Certificate, with the owner to then be responsible for maintaining these works/plants in a healthy and vigorous state until maturity, for the life of the development.

- **Add Condition 13A to read:**

13A Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the *certifying authority (and the Council, if the Council is not the certifying authority)*, certifying the structural adequacy of the southern boundary wall to support proposed development including the retention of soil.

Attachment/s:

Nil

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1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as 10 or more unique submissions by way of objection were received.

The proposal seeks development consent for a Section 4.55(2) modification of approved development to modify the garage, roof terrace, fencing and first floor bathroom.

The key issues associated with the proposal relate to the bulk and scale, privacy impact and overshadowing impact of the garage and roof terrace.

The garage was constructed with breaches to the original consent in relation to height and width. The modified fence has also been constructed. The modification application seeks consent to regularise the development as well as propose additional modifications.

The proposal is recommended for approval subject to conditions as outlined in the recommendation section of this report.

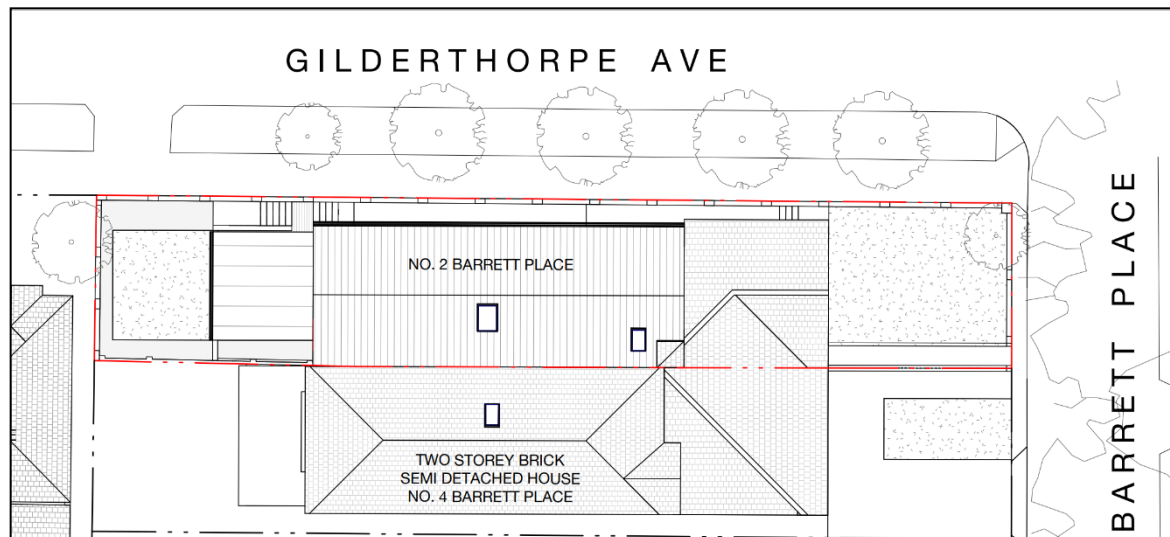


Figure 1. Modified site plan – 2 Barrett Place, Randwick

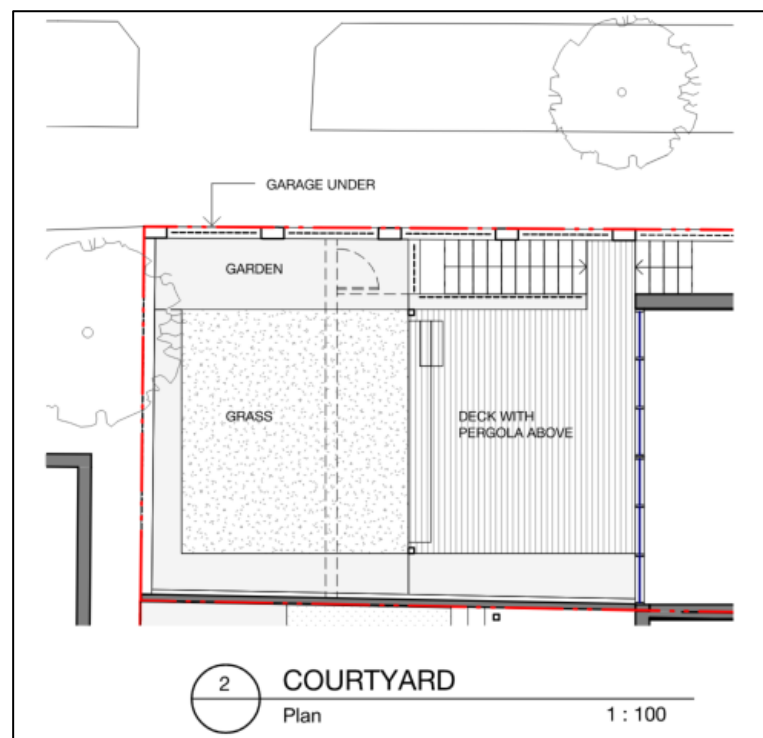


Figure 2. Approved courtyard/terrace plan – 2 Barrett Place, Randwick

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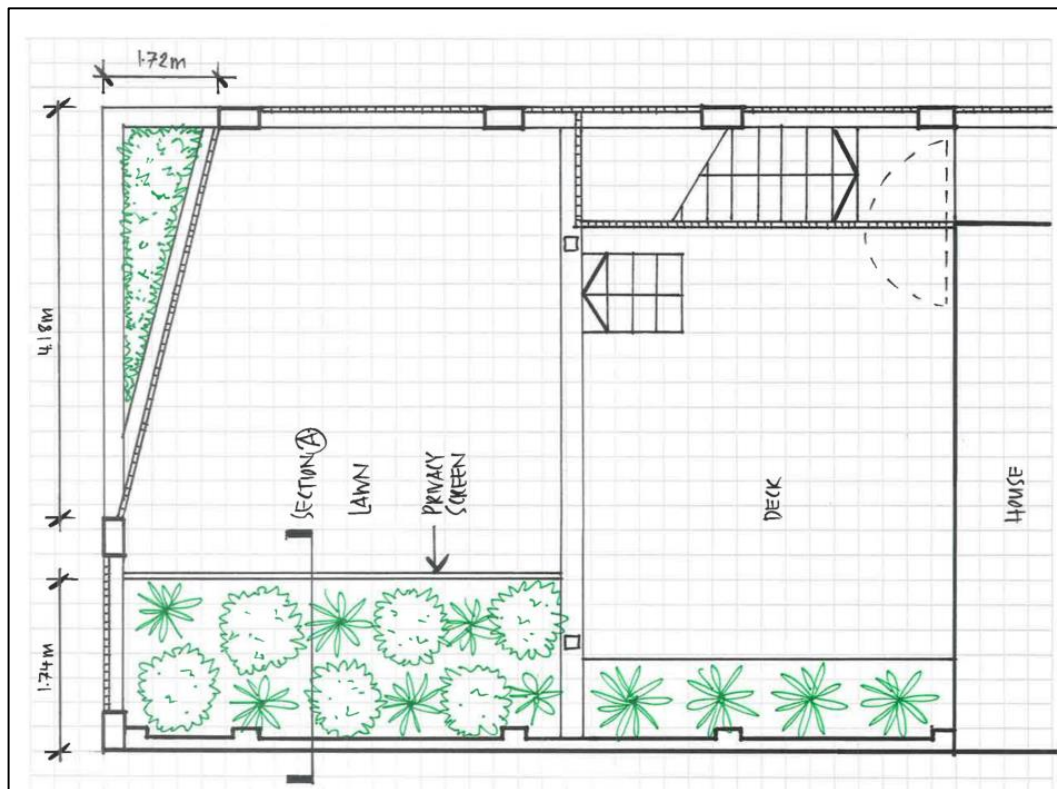


Figure 3. Modified terrace plan – 2 Barrett Place, Randwick

2. Site Description and Locality

The site is identified as Lot 1 DP 222511 No. 2 Barrett Place, Randwick. The site is located on the western side of Barrett Place on the corner of Gilderthorpe Avenue with a 6.6m frontage to Barrett Place and a 36.55m frontage to Gilderthorpe Avenue. The site has an area of 244m².

Existing on the site is a two storey semi-detached dwelling, with a detached garage at the rear, with vehicular access from Gilderthorpe Avenue. Alterations and additions to the property were carried out following the approval of DA/409/2019 for a new first floor addition and garage.



Figure 4. Streetscape view from Barrett Place – 2 Barrett Place, Randwick



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Figure 5. Streetscape view from Gilderthorpe Avenue – 2 Barrett Place, Randwick



Figure 6. View of terrace from deck of 2 Barrett Place, Randwick



Figure 7. View of south-adjointing property at 4 Barrett Place from terrace



Figure 8. View of south-adjointing property at 4 Barrett Place from terrace

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Figure 9. View of west-adjoining property at 54 Gilderthorpe Avenue from terrace



Figure 10. View of 2 Barrett Place from 4 Barrett Place.



Figure 11. View of 2 Barrett Place from 54 Gilderthorpe Avenue.

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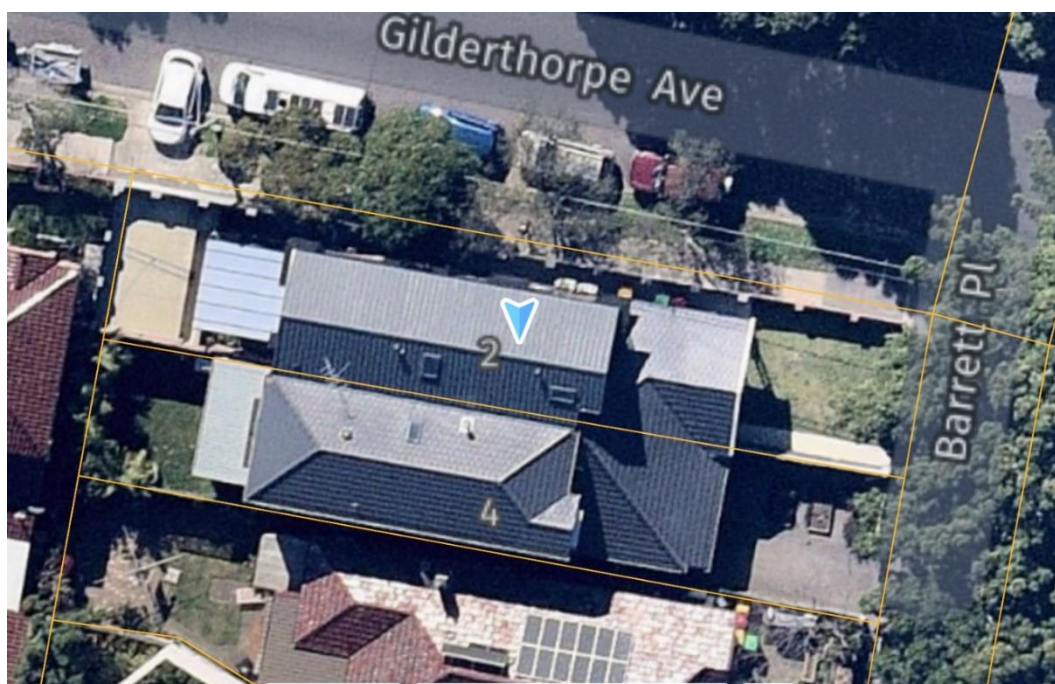


Figure 12. Aerial view – 2 Barrett Place, Randwick (Source: Nearmap, 6 August 2021)

3. Relevant history

The following is a table outlining a summary of the recent development history relating to the subject allotment:

	Note
DA/409/2019	Development application DA/409/2019 was lodged on 29 July 2019 for alterations and additions to the existing semi-detached dwelling including new first floor addition, garage to side and boundary fence, associated site and landscaped works. The application was approved on 22 November 2019. The development consent included a trafficable landscaped terrace above the garage.
DA/409/2019/A	Modification application DA/409/2019/A was lodged on 9 July 2021 to alter alignment of the upstairs external bathroom wall to allow the existing roof section at the apex to drain and to install capping and flashing. The application was withdrawn on 21 August 2021.
Compliance investigations	Investigations were carried out by Council's compliance department in August-December 2020 following neighbour complaints about non-compliances with the development consent. It was found that the internal width of the garage was increased from 3m to 3.5m, the garage roof height was built 240mm higher than indicated on the approved plans, and the columns and balustrading above the garage were constructed higher than indicated on the approved plans.
Mediation	A mediation session took place on 9 October 2020 between the owners of the subject site (2 Barrett Place) and neighbouring owners at 4 Barrett Place and 54 Gilderthorpe Avenue and their representative. The outcomes from the mediation related to structural certification of a boundary wall, removal of ag-line drainage line and a redirection of water pipe servicing 4 Barrett Place.
DA/409/2019/B	Modification application DA/409/2019/B was lodged on 10 November 2020 to modify the garage, fencing and first floor bathroom. The application was placed on notification for a period for 14 days between 13 November 2020 and 27 November 2020.

	<p>A site meeting was conducted at the subject site with the applicant on 9 February 2021. A separate site meeting with the objectors at the adjoining properties, 4 Barrett Place and 54 Gilderthorpe Avenue, was conducted on 16 February 2021.</p> <p>Ongoing discussions were held with the applicant and adjoining owners in an attempt to resolve objector concerns through an amendment of the proposal.</p> <p>The applicant submitted amended plans dated 26 October 2021.</p> <p>The amended plans were renotified to the adjoining property owners at 4 Barrett Place and 54 Gilderthorpe Avenue, between 29 November 2021 and 9 December 2021.</p> <p>Thirteen (13) submissions were received in total against the proposal since the lodgement of the application.</p>
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4. Proposal

The proposal seeks development consent for the following modifications:

Garage and roof terrace

- Finished floor level of garage raised by 100mm to RL 68.42 to meet DA condition 9 (footpath levels)
- Finished level of garage roof slab raised by 240mm to RL70.93 as a result of item 1 above and to achieve compliance with Condition 12 (BCA compliance for the garage door opening height)
- Garage width increased to 3.5m internally to provide side room for garage door installation and to allow bicycle storage in the garage
- Balustrading on garage roof terrace to a height of RL72.15 to create a 1m high barrier protection above the lawn level.
- New privacy screen along the southern side of the garage roof terrace with a minimum height of 1600mm above the lawn area, to prevent sightlines to the deck area and rear facing windows at the ground.

Front yard

- Front fence replacement composed of brick and palings.

Dwelling

- Level 01 bathroom triangular portion of floor area of 0.7m² under the original roof to be utilized to enhance circulation with no external change to the approved roof of that portion of the roof approved to be retained.

The garage has been constructed with breaches to the development consent in relation to height and width. The modified fence has also been constructed. The modification application seeks consent to regularise the development as well as propose additional modifications.

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Participation Plan 2019. Thirteen (13) submissions were received against the proposed development, which have been paraphrased and summarised below. Submissions were received from the following addresses:

- 45 Figtree Avenue, Randwick
- 11/99-105 Frenchmans Road, Randwick

- 4 Barrett Place, Randwick
- 54 Gilderthorpe Avenue, Randwick

Issue	Comment
<p>Visual and acoustic privacy</p> <p>The elevation of the terrace and its proximity to the side and rear boundaries results in adverse visual and acoustic privacy impact.</p> <p>The deck and rooftop garden enables overlooking into neighbours' gardens and key habitable rooms, being the kitchen/living/dining rooms of 4 Barrett place and the living room of 54 Gilderthorpe Avenue.</p> <p>The boundary walls and proposed privacy screen do not adequately mitigate visual and acoustic privacy impact. The proposed privacy screen will only provide the most marginal level of privacy mitigation from an obscure angle immediately adjacent to the screen. The screen is unsightly, ineffective, visually obtrusive, creates further unnecessary shadows, and does not address overlooking to 54 Gilderthorpe. An extension of the privacy screens would result in additional bulk and significant overshadowing.</p>	<p>The application has been amended (and this shall be reinforced by conditions of consent) to minimise visual and acoustic privacy impact. The roof terrace was approved as private open space and the modification application maintains this use.</p> <p><u>Impact on 4 Barrett Place</u></p> <p>A full length 1.6m high privacy screen shall be provided parallel to, and setback 1.74m from, the boundary of 4 Barrett Place. The 1.74m setback figure is derived from calculation of the sun angle, to ensure that the 1.6m high privacy screen does not create additional overshadowing impact on 4 Barrett Place. The setback also mitigates the bulk impact of the privacy screen. The privacy screen will be open beneath the height of 1m (consistent with the minimum height of the boundary wall above terrace FFL), to enable access into the setback for the maintenance of planting.</p> <p><u>Impact on 54 Gilderthorpe Avenue</u></p> <p>A corner splay shall be provided to the balustrading on the north-western corner of the roof terrace, requiring the demolition of the corner pillar and the second pillar from the street on the western boundary. A new balustrade shall be installed between the existing pillar on the western boundary, which is setback 4.18m from the street boundary, and the existing pillar on the street boundary, which is setback 1.72m from the western boundary. The setback arising from the corner splay will minimise the bulk impact on the streetscape and 54 Gilderthorpe Avenue, as well as mitigate overlooking into the windows of 54 Gilderthorpe Avenue.</p>
<p>Height & bulk</p> <p>The height of the boundary walls to accommodate the balustrade around the garage roof are excessive and not constructed to plan. The floor slab is 110mm higher than approved; but this does not account for the extra height of the boundary all with 54 Gilderthorpe Avenue. The garage structure and balustrade stand at 3.9m on the side boundary of 54 Gilderthorpe, nearly 500mm higher than approved.</p> <p>The modification application describes the proposed increased height of the roof slab as 240mm; however, a survey confirms that it is more like 290mm higher. This increase in</p>	<p>The application has been amended (and this shall be reinforced by conditions of consent) to minimise bulk impact.</p> <p>The approved southern boundary wall was scaled off the DA/409/2019 plans by Council's Compliance team to have a height of RL 72.15. The identification survey prepared by G.K. Wilson & Associates, dated 6/08/2020, identifies the as-built height of the southern boundary wall to be RL 72.15, consistent with the approval.</p> <p>Furthermore, the applicant has submitted photos to demonstrate that the southern boundary wall is commensurate in height with the previous fencing on this boundary.</p>

<p>height renders the boundary wall entirely ineffective in mitigating privacy impacts.</p> <p>With regards to the boundary with 4 Barrett Place, the wall stands at 2.5m off the garden. The plans failed demonstrating that there is a 600mm difference between the house/deck and grassed lawn (natural surface) at 4 Barrett Place.</p> <p>The plans suggest that the height of the boundary off the grassed area of 4 Barrett Place should be 2.4m high from RL69.42 (as perceived on original plans) and not 2.5m off RL69.87.</p> <p>The height of the structure is out of character with the surrounding context and greater than the controls ordinarily allow.</p>	<p>The impact of the approved boundary wall is thus considered acceptable in the context of previous development, and shall be retained to maintain safety, because the adjacent privacy screen allows access into the setback.</p> <p>Based on the survey submitted by the neighbours, the rear garden has a level of RL69.87 and the boundary wall has a height of RL72.16 (which is a slight difference from the as-built survey from the applicant which reads RL72.15). The neighbour's survey therefore provides a 2.29m height for the boundary wall as measured from No. 4, not 2.5m.</p> <p>Two pillars and balustrading adjacent to 54 Gilderthorpe shall be demolished, with balustrading relocated to form a corner splay. This will reduce the height of the structure to RL71.13 on the western boundary, forward of the front façade of 54 Gilderthorpe. This is a reduction in bulk from approved under the original DA.</p> <p>There were no levels specified in the approved plans for the roof slab. However, scaled off the plans, the roof slab was approved with a height of RL70.69. The as-built survey submitted by the applicant shows that the slab was built at RL70.93, meaning that the slab was constructed 240mm higher than approved.</p>
<p>Garage</p> <p>The modifications increase the height and width of the garage. The garage structure does not comply with RCDGP 6.5 (ii) as the internal width is 3.5m. The width of the garage is justified in the SEE by the need for bicycle storage, but the garage is 6m in depth and bicycles could be stored at the back of the garage.</p>	<p>It is noted that the garage as constructed does not comply with the maximum internal width control for garages. However, scaled off the plans, it appears that the garage door remains at a width of 3m. The internal extension to the garage therefore does not have an adverse impact on the street, because it is set behind the approved street boundary wall.</p>
<p>Overshadowing</p> <p>The increase in height and width of the garage significantly increases overshadowing for longer periods of the day.</p> <p>The disputed survey information and levels of the garage roof, along with incorrect shadow diagrams (e.g., June 21 at 12 noon is shown differently on DA-403 and DA-400, and many 'existing' shadows are different between sheets) create further distrust and do not give confidence that the impacts are properly understood or can be properly assessed.</p>	<p>The assessment of the proposed shadow impact at 12 noon on June 21 on the south-adjointing property is based on DA-403, as DA-400 is clearly incorrect, based on the sun path.</p> <p>The approved southern boundary wall was scaled off the DA/409/2019 plans by Council's Compliance team to have a height of RL 72.15. The identification survey prepared by G.K. Wilson & Associates, dated 6/08/2020, identifies the as-built height of the southern boundary wall to be RL 72.15, consistent with the approval.</p> <p>The increased height and width of the garage therefore does not result in additional overshadowing.</p>

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	Sun angle calculations, independent of the applicant's shadow diagrams, have been undertaken to determine a suitable privacy screen setback (1.74m) from the southern boundary to minimise any additional overshadowing.
Light spill The increased height and width of the garage and outdoor areas would create additional light spill from outdoor lighting to surrounding properties.	Condition No. 38 in the development consent required "External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance." This condition shall be retained.
Non-trafficable garage roof Due to the above impacts, the modifications to the garage should only be approved on the condition that the rooftop is non-trafficable. The use of the garage roof was never properly contemplated by Council as recreational area that could overlook neighbouring properties, but rather it was assessed as a green roof. The use of the garage as a garden is detrimental to neighbours. This has an adverse effect on their properties and does not comply with RCDGP 2.5, 4.4(i) or 5.3(vi). If the rear terrace was non-trafficable, this would remove the requirement for balustrading around the perimeter of the terrace and reduce bulk impact on neighbours.	The garage roof terrace was approved as trafficable private open space and no conditions were imposed to restrict trafficability on the roof. The modification application seeks to maintain the approved use. The design has been amended to include new privacy screens and new balustrade setbacks to mitigate the bulk and visual privacy impact.
Design and materials The design and materials of the development are not in keeping with the neighbourhood, especially the other properties in Barrett Place and heritage listed Barrett Place – refer to RCDGP 4.1(v), (vi) and 4.2(i)	There are no external changes proposed to the approved dwelling and the proposal has been reviewed by Council's heritage planner. The roof terrace was approved under the original application.
Permeable surface There appears to be very little unbuilt land which raises permeable area and drainage concerns – refer to RCDGP 2.3 & 2.4.	The development as constructed constrains the deep soil provision from 21% to 19%. There is a shortfall of 2.45m ² . The development includes the provision of lawn and planting to the garage roof, which contributes to a landscaped character. Conditions of consent relating to stormwater drainage were included in the original application and will be retained.
Notification There was a lack of proper notification of the original development application that is responsible for many of the undesirable outcomes experienced by the neighbours to date. The amendments proposed to Council in October 2019 were not properly notified, with the amended plans on Council's website incorrectly displaying as older versions of the plan. Had the neighbour's received notification of the changes and intended use of the garage	Council's records show that letters were issued on 15 October 2019 to advise neighbours of amended plans, and that these letters were posted to the owners who submitted statutory declarations stating otherwise – 4 Barrett, 54 Gilderthorpe, 53 Gilderthorpe, 8/49 Gilderthorpe, 3/53 Gilderthorpe, 4/53 Gilderthorpe, 2/53 Gilderthorpe. The DA tracker, as of November 2021, also displays the amended plans and additional information that was received by Council on 15 October 2019.

roof as a recreational space, they would have objected at that time.	
Compliance There are ongoing compliance concerns – ongoing construction is contrary to the approved plans, as well as issues with the Construction Certificate, sufficiency and independence of dilapidation reports, structural issues.	Noted – though this matter must be addressed within the Construction Certificate phase and addressed by the PCA. Council's compliance team also has conducted investigations into this matter.
Mediation The neighbours attended a mediation session with the applicant; but no suitable resolution to neighbour concerns was forthcoming. Other matters agreed at mediation have not been addressed – agricultural line has not been removed and structural adequacy report of boundary wall remains outstanding.	The mediation is a civil matter between neighbours and is separate from the assessment of the modification application. The issues relating to the agricultural line and structural adequacy of the boundary wall would need to be addressed as part of the Construction Certificate phase of the development.
Preferred outcome for the owners of 4 Barrett Place and 54 Gilderthorpe Avenue It is requested that the Council impose conditions of consent, requiring: <i>a. References to 'grass' to the garage roof shown on the Ground Floor Plan and the Landscape Plan are to be deleted, with the exception of the low planters along the southern and western sides of the garage.</i> <i>b. The garage roof balustrade/ batten fencing deleted from the western end and replaced with a small upturn wall to allow planting only.</i> <i>c. A 1m high balustrade / batten fence is to be provided along the western side of the deck extending to the southern boundary.</i> <i>d. The garage roof is not to be used for any trafficable purposes, rooftop garden or use other than roof, with the exception of the low planter along the southern and western sides of the garage.</i> <i>e. The garage roof garden is not to be used for trafficable purposes other than for maintenance.</i>	The development will retain the approved use of the trafficable garage roof terrace, with modifications to address neighbour concerns relating to privacy, bulk and overshadowing. The lawn will be retained as per the approval and planting will be provided adjacent to the southern and western boundaries. Refer to Key Issues.

• **Further submissions from 4 Barrett Place and 54 Gilderthorpe Avenue**

Issue	Comment
Further response dated 6/4/2021 We maintain the use of any area over the garage roof should not have been and should not now be approved. The consent authority has before it an obligation to consider the development as modified, inclusive of those matters with a <i>planning nexus</i> to the requested modifications AND the reasons for granting the consent being modified. Given the history of this proposal and the erroneous notification process by Council, this application is one of those limited cases where it is	The development will retain the approved use of the trafficable garage roof terrace, with modifications to address neighbour concerns relating to privacy, bulk and overshadowing. The levels have been checked against the as-built survey and conditions of consent shall be imposed to reinforce the height

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appropriate for Council to consider the imposition of conditions that go further to minimise the impacts on the adjoining properties.

We request:

- Detailed DA plans with all RLs and measurements, independent shadow studies, front windows and door of 54 Gilderthorpe Avenue to be shown.
- Detailed stormwater plan for garage structure and garden beds, as well as detailed stormwater plan for first floor addition and existing roof.
- Remove retaining wall between lower deck and garden bed, deleting deep soil area.
- Remove railings and pillars from boundary with 54 Gilderthorpe.
- Remove bricks above garage on boundary with 4 Barrett Place from the boundary.
- Construct new safety balustrade 3m from the boundaries with 54 Gilderthorpe Avenue and 4 Barrett Place, to minimise privacy and bulk impact, resulting in 3m by 1m trafficable area on the terrace.
- Delete all garden beds around garage roof boundaries.
- Apply the following conditions to the garage roof area that borders 4 Barrett Place & 54 Gilderthorpe
 - Non-trafficable
 - No soil or lawn due to increased height, no drainage
 - No planter boxes or any plants that need regular maintenance
 - A creeping plant such as star jasmine or other twining climber can be grown over garage and 4 Barrett Place and 54 Gilderthorpe are willing to assist with maintenance
 - No plants/trees that grow higher than 500mm
 - No recreational equipment on permitted garage roof. No trampoline, tent, swing, slide, etc.
- Remove AGG line from 4 Barrett Place and repair lawn afterwards.
- Make good wall on 4 Barrett Place side as per Dividing Fences Act.
- Replace grass in front garden of 54 Gilderthorpe Avenue and on Council owned verge
- Fix footpath on Gilderthorpe following construction and connection to stormwater.
- Changes to the first floor addition should not be approved – the first floor is already too far onto the apex of the roof.
- We request council to keep in mind the history of unauthorised works and non-compliances.

levels.

A sun angle analysis was conducted by the Assessing Officer to determine the appropriate setback for the privacy screen to mitigate any additional overshadowing.

The proposed balustrading modifications to the north-west corner of the terrace will satisfactorily minimise overlooking into the windows of 54 Gilderthorpe Avenue.

Conditions of consent were imposed in the original development consent relating to stormwater, and this will be retained. Stormwater must be addressed as part of the Construction Certification stage.

The proposed amendments satisfactorily reduce the bulk and privacy impact of the development, and hence the removal of the retaining wall and deep soil is not considered warranted, as this would exacerbate deep soil non-compliance.

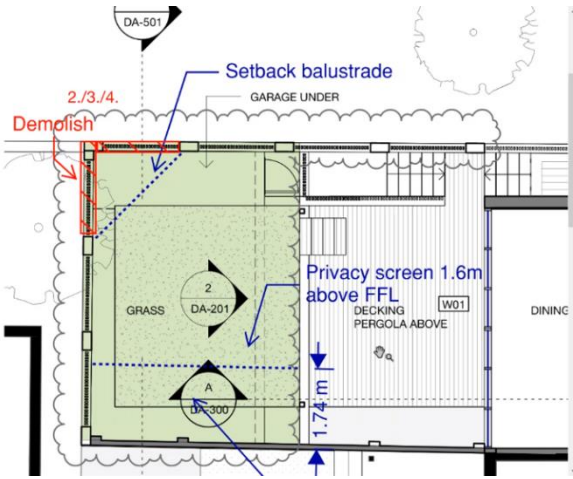
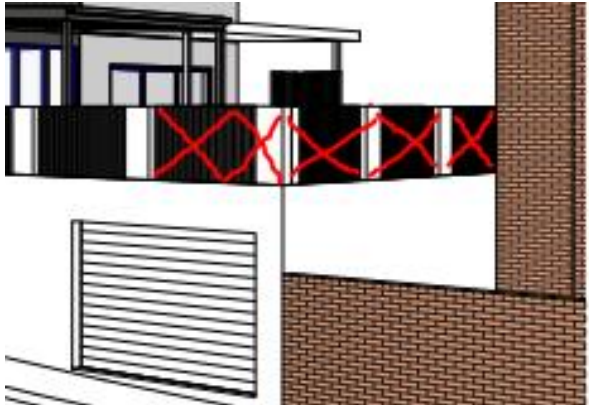
The proposed 1.74m privacy screen and splay balustrade setbacks from the southern satisfactorily addresses the privacy, bulk and overshadowing concerns of the neighbours, while maintaining a functional area of private open space for the subject site.

The proposed garden beds soften the visual impact of the development and its deletion would be unsightly from the street. The 200mm soil depth will restrict the size of planting.

The lawn will be retained as per the approval and planting will be provided adjacent to the southern and western boundaries. Drainage would be addressed as part of the construction certificate stage.

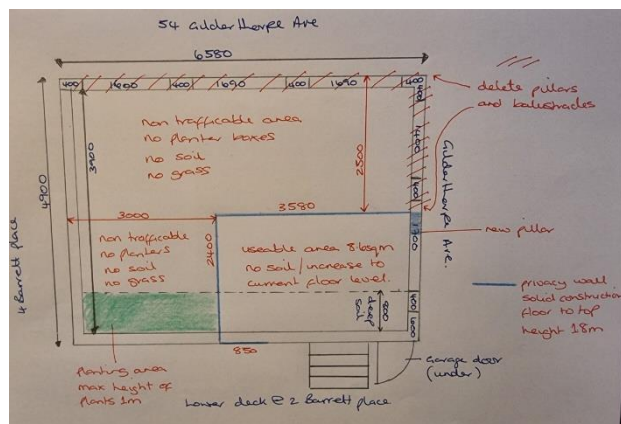
A condition to restrict recreation equipment on the roof terrace is impractical and such equipment is not considered 'development'.

Development must be completed to the satisfaction of the PCA. The provisions relating to the Dividing Fences Act are a civil matter.

	<p>Conditions of consent relating to the nature strip and Council footpath were included in the original development consent and will be retained.</p> <p>The first floor alterations and additions are minor and do not create any external changes to the dwelling.</p>
<p>Further response dated 22/9/2021</p> <p>Council's suggestion below does not address our privacy, solar and bulk concerns.</p>  <p>We request:</p> <ul style="list-style-type: none"> All balustrades and pillars along the boundary to be removed including corner pillar; to reduce overshadowing and bulk  <ul style="list-style-type: none"> Council should note plans submitted by applicants do not reflect correct measurements. Total length of garage roof + deep soil planting equals 4.9m, not 3.5m as shown on DA501B 'Garage'. Given this the pillar positioned centre of garage door to be moved to reflect plans and provide an anchor point for privacy wall as detailed in point 3. Solid 1.8m high block/brick wall to be installed 2.5m from boundary of 54 Gilderthorpe and 3m from boundary of 4 Barrett Place. 	<p>As detailed in Key Issues, two pillars on the western boundary will be removed, with a greater corner splay garden bed. The remaining pillars on the western boundary are located behind the front façade of No.54, to further reduce bulk and privacy impact.</p> <p>There seems to be a misinterpretation in the submission of the garage plan DA501B, which does not portray the deep soil area. The plan correctly portrays the measurements of the garage.</p> <p>As per above comments in this report, the amended setbacks for the balustrade and privacy screen are satisfactory in addressing bulk, privacy and overshadowing impact.</p> <p>The amendments reduce the trafficable area of the terrace, with the area within the privacy screen setback and corner splay designated as non-trafficable garden beds. The planting will soften the visual impact of the development. Deletion of planting, with a blank slab, would appear unsightly from the street.</p>

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- The area between privacy wall and boundary to be non-trafficable.
- No soil, grass or planter boxes on the non-trafficable area. Pebbles may be laid if applicants chose.
- Nothing to be laid in useable area that will increase finished floor level.

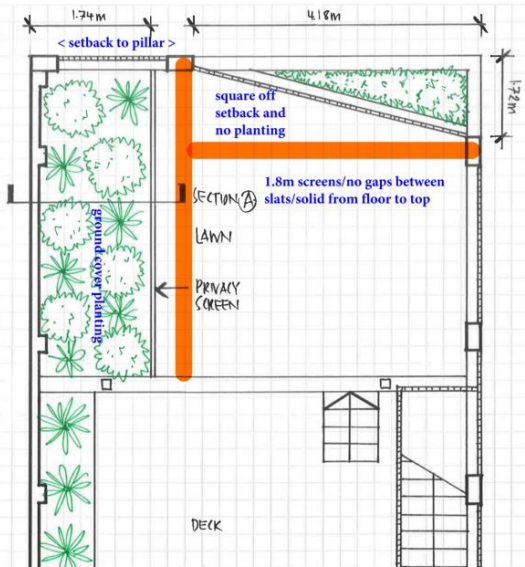


5.1. Renotification

The application was renotified to adjoining properties No. 4 Barrett Place and 54 Gilderthorpe Avenue between 29 November 2021 and 9 December 2021.

Submissions were made by owners of both properties, with the following requests:

Issue	Comment
<p><u>4 Barrett Place</u></p> <ul style="list-style-type: none"> • Privacy screen to be increased to 1.8m to provide more privacy to our garden/kitchen/living/dining. And to reduce visibility from garage roof into our only private outdoor space (refer 'Garage – amended'). • No gaps between screen slats. Screen to be solid from floor to top (refer 'Screen examples'). • Set back to pillar on boundary with 54 Gilderthorpe (refer to 'Yard – amended' attached) to offset overshadowing and bulk from screen. • Low maintenance ground cover planting only. Very few plants will grow in 200mm of soil and we shouldn't be overlooked with constant maintenance. • No planter boxes permitted. <p><u>54 Gilderthorpe Avenue</u></p> <ul style="list-style-type: none"> • Proposed triangle to be made into a rectangle to make an even setback and improve ascetics (refer to 'Yard – amended' attached). • No planting in the setback to eliminate maintenance (which would be 	<p><u>4 Barrett Place</u></p> <p>A 1.8m high solid privacy screen would increase the visual impact of the proposal on the adjoining neighbour and the streetscape. A 1.6m high privacy screen would satisfactorily mitigate overlooking and the additional screen height and setback is not considered warranted for the terrace, which is a secondary private open space.</p> <p>Conditions of consent have been included to ensure that the privacy screen (slats or louvers) will designed to maintain privacy:</p> <p>Privacy screen/s must be constructed with either:</p> <ul style="list-style-type: none"> • Fixed lattice/slats with individual openings not more than 30mm wide; • Fixed vertical or horizontal louvers with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings. <p>Conditions of consent have also been</p>

<p>dangerous) and remove unsightly overflow of soil and water to No. 54.</p> <ul style="list-style-type: none"> Screen to be 1.8m high with no gaps between screen slats. Screen to be solid from floor to top (refer 'Screen examples'). <p>***</p> <p>We are disappointed Council have gone back on their agreement that no soil and grass should be installed (17 March 2021). This would have reduced the extra height impact and issue of insufficient drainage. We understand this recommendation has come from the Certifier and Council's Compliance Dept too.</p> <p>It should also be noted that to date we not seen accurate plans (taking full account neighbouring properties) or shadow diagrams. Nor a green roof maintenance plan or new drainage details.</p> <p>We would appreciate more details of the conditions Council will impose on the property, in particular restrictions on anything that could add bulk, overshadowing or affect our outlook. You mentioned the applicants need to submit further details of colours and materials to be used, please forward this to us when available.</p> 	<p>included in relation to landscaping requirements.</p> <p>54 Gilderthorpe Avenue The proposed triangle-shape setback on this boundary satisfactory addresses the privacy and bulk concerns. The requested additional setback is primarily located behind the front façade of the dwelling at No. 54; this limits its effect in improving the amenity impacts of the proposal.</p> <p>Deletion of the garden bed in the north-west corner of terrace would have a poor visual outcome on the streetscape because it would present as a blank concrete slab. Planting would improve the appearance of the garage and terrace.</p> <p>The 1.8m high solid screen is suggested to extend towards the Gilderthorpe Avenue, where it would have an adverse visual impact on the streetscape.</p> <p>***</p> <p>The lawn will be retained as per the approval and planting will be provided adjacent to the southern and western boundaries. Drainage would be addressed as part of the construction certificate stage.</p> <p>Conditions of consent are imposed to require the submission of details of colours and materials prior to the issuance of a construction certificate.</p>
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6. Relevant Environment Planning Instruments

6.1. SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted in accordance with the requirements of the SEPP (Building Sustainability Index: BASIX) 2004.

6.2. Randwick Local Environmental Plan 2012 (LEP)

The site is zoned Residential R2 Low Density under Randwick Local Environmental Plan 2012 and the proposal is permissible with consent.

The proposal is consistent with the specific objectives of the zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the residents.

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

Clause	Development Standard	Proposal	Compliance (Yes/No)
CI 4.4: Floor space ratio (max)	On merit	0.79:1	Yes
CI 4.3: Building height (max)	9.5m	9m (as approved)	Yes

6.2.1. Clause 5.10 - Heritage conservation

The site is not a heritage item or located within a heritage conservation area. It is however located within the vicinity of a number of heritage items including 63-71 Gilderthorpe Avenue (I383 and I384) listed within Schedule 5 of the Randwick LEP and 6 Barrett Place (I293).

The application has been reviewed by Council's heritage planner, who has raised no objections to the development on heritage grounds. Refer to Appendix 1 for referral comments.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

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

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

8. Environmental Assessment

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 2 and the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the dominant residential character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is in proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

8.1. Discussion of key issues

Amendments to garage roof terrace

Following discussions between Council and the adjoining neighbours, as well as discussions between Council and the applicant – the proposed modification application is acceptable with the following amendments, as illustrated in the sketches in Figures 13 & 14.

- A full length 1.6m high privacy screen shall be provided parallel to, and setback 1.74m from, the boundary of 4 Barrett Place. The 1.74m setback figure is derived from calculation of the sun angle, to ensure that the 1.6m high privacy screen does not create additional overshadowing impact on 4 Barrett Place. The setback also mitigates the bulk impact of the privacy screen. The privacy screen will be open beneath the height of 1m (consistent with the minimum height of the boundary wall above terrace FFL), to enable access into the setback for the maintenance of planting.
- The approved southern boundary wall was scaled off the DA/409/2019 plans by Council's Compliance team to have a height of RL 72.15. The identification survey prepared by G.K. Wilson & Associates, dated 6/08/2020, identifies the as-built height of the southern boundary wall to be RL 72.15, consistent with the approval. This wall is commensurate in height with the previous fencing on this boundary. The impact of the approved boundary wall is thus considered acceptable in the context of previous development, and shall be retained to maintain safety, as the privacy screen allows access into the setback.
- A corner splay shall be provided to the balustrading on the north-western corner of the roof terrace, requiring the demolition of the corner pillar and the second pillar from the street on the western boundary. A new balustrade shall be installed between the existing pillar on the western boundary, which is setback 4.18m from the street boundary, and the existing pillar on the street boundary, which is setback 1.72m from the western boundary. The setback arising from the corner splay will minimise the bulk impact on the streetscape and 54 Gilderthorpe Avenue, as well as mitigate overlooking into the windows of 54 Gilderthorpe Avenue.
- The 200mm soil depth on the roof terrace, as approved, will limit the height of any planting on the terrace and impact on neighbours.

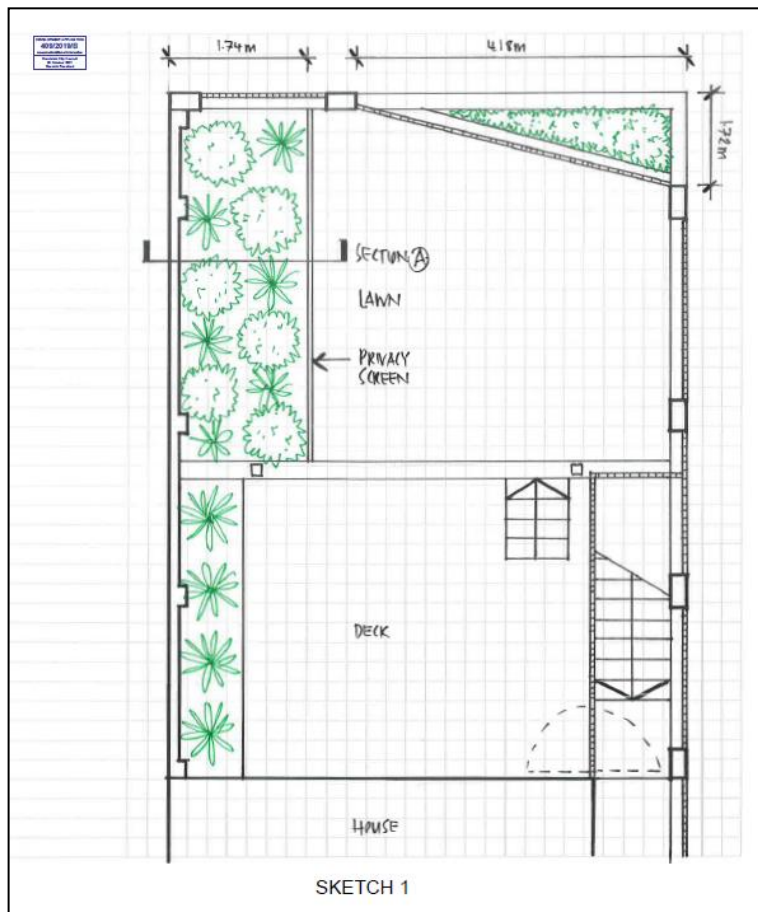


Figure 13. Drawing SK-001 – 2 Barrett Place, Randwick (Source: K Burke, 26/10/2021)

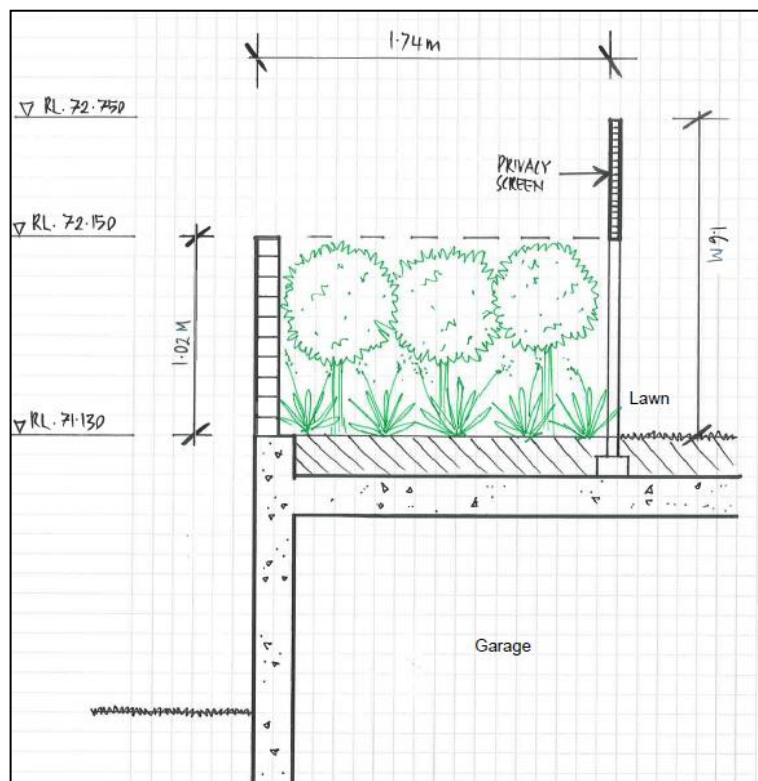


Figure 14. Drawing SK-002 – 2 Barrett Place, Randwick (Source: K Burke, 26/10/2021)

Deep soil

The development as constructed constrains the deep soil provision at 19%. The development was approved with a deep soil provision of 21%, which satisfied the 20% minimum requirement under the DCP. There is a shortfall of 2.45m². The development includes the provision of lawn and planting to the garage roof, which contributes to a landscaped character. Conditions of consent relating to stormwater drainage were included in the original application and will be retained. The minor variation is therefore acceptable in this instance.

Private open space

A minimum private open space area of 5m by 5m is required for the development. The deck has approximate dimensions of 5.2m by 3.8m. The trafficable terrace area has approximate dimensions of 4.5m by 3.5m. The trafficable area of the terrace has been reduced under the proposed modification to mitigate amenity impacts on adjoining neighbours. Due to these amenity considerations, the variation to the private open space provision is considered acceptable in this instance. The overall private open space area is more than 25m² and enables functional recreational use.

9. Conclusion

That the application for the Section 4.55(2) modification of approved development to modify the garage, fencing and first floor bathroom be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R2 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
- External works do not add any significant bulk or detract from the heritage significance of the building or the streetscape

Appendix 1: Referrals

1. Internal referral comments:

1.1. Heritage planner

The Site

The site is located on the corner of Gilderthorpe Avenue and Barrett Place and occupied by a semi-detached early twentieth century (Federation style) dwelling which has undergone substantial alterations and additions (DA/409/2019) involving a new first floor addition, garage to side and boundary fence, associated site and landscaped works.

The site is not located within a heritage conservation area, however it is located within the vicinity of a number of heritage items including 63-71 Gilderthorpe Avenue (I383 and I384) listed within Schedule 5 of the Randwick LEP and 6 Barrett Place (I293).

Background

DA/622/2017 for alterations and additions to no.4 was approved in January 2018. The ground floor level included a rear addition including living area and roofed deck. The first-floor level included two bedrooms and two bathrooms.

DA/409/2019 approved in November 2019 as described above.

Proposal

The proposal involves several changes to the approved DA including:

- Raising of the finished floor level of garage to RL68.42;
- Raising of finished level of garage roof slab to RL70.93;
- Increase in garage door width to 3.5m;
- Raising of garage wall and fence height to north and western boundaries.;
- Replace matching brick to front fence due to tree root damage;
- Enlargement of bathroom at first floor level under triangular section of roof;
- New privacy screen to south eastern corner of upper lawn area to the rear, with height of 1600mm above lawn level.

Submission

- Statement of Environmental Effects prepared by aSquare Planning, dated November 2020;
- Drawings prepared by K Burke, Revision C, dated 30.10.2020

Controls

Clause 5.10(1) of Randwick Local Environmental Plan 2012 includes an Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views. Clause 5.10(4) of Randwick Local Environmental Plan 2012 requires Council to consider the effect of the proposed development on the heritage significance of the

heritage item or heritage conservation area. The Heritage section of Randwick Development Control Plan 2013 provided Objectives and Controls in relation to heritage properties.

Comments

A site inspection was carried out on the 23 December 2020 which revealed that the proposed modifications have already been carried out.

The increase in the height of the garage and fence height along the northern and western boundaries due to the proposed raising of the finished floor level of the garage by 100mm, and the finished roof slab of the garage by 240mm has had no additional impact on the setting of the nearby heritage items at No.6 Barrett Place, or the Federation dwellings located on the opposite side of Gilderthorpe Avenue to the north east (No.63-71). Similarly, the internal width extension of the garage structure has no significant additional visual impact on the streetscape.

The Statement of Environmental Effects indicates that the fence has been damaged by tree roots of the fig trees in Barrett Place, to be replaced with a matching brick and reconstructed to match the approved fence. Proposed plans showing the front elevation would have a different composition for the fencing than shown on the 'approved drawings' particularly in terms of the palings with regard to their spacing, as well as their proportion to the solid brick wall base. While the approved fencing continues to be the preferred style, it was noted on site that the proposal is able to respect the character and setting of the adjoining properties along Barrett Place and the nearby heritage item at No.6.

The plans indicate that the changes at first floor to increase the internal space of the bathroom under the existing roof would have no significant additional impact on the approved roof structure. Views to the site from Barrett Place show that the proposal would not harm the setting of the nearby heritage items or the Gilderthorpe Avenue or Barrett Place streetscapes.

The proposed new privacy screen would be located at the rear of the site and would not be visible from the public domain along Gilderthorpe Avenue, or from Barrett Place or from views experienced from the nearby items. As such, the rear screen would have no impact on the setting or significance of the nearby heritage items.

Recommendation

There are no further conditions recommended.

1.2. Landscape officer

200mm soil depth would only be enough to support tiny plants, succulents etc – it isn't enough to keep plants that will get 1m tall healthy and sustain them into the future as they'll become root-bound, waterlogged, diseased etc.

Appendix 2: DCP Compliance Table**3.1 Section C1: Low Density Residential**

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning		
2.3	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 244m ² Approved = 47% Proposed = 54.7%	Yes
2.4	Landscaping and permeable surfaces		
	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.	Site = 244m ² Approved = 21% Proposed = 19%	No, refer to Key Issues.
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	Site = 244m ² The deck has approximate dimensions of 5.2m by 3.8m. The trafficable terrace area has approximate dimensions of 4.5m by 3.5m.	No, refer to Key Issues.
3	Building envelope		
3.1	Floor space ratio LEP 2012 = On merit	Proposed FSR = 0.79:1	Yes
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 9m (as approved)	Yes
4	Building design		
4.2	Additional Provisions for symmetrical semi-detached dwellings		
	i) Enhance the pair as coherent entity: <ul style="list-style-type: none"> behind apex of roof; low profile or consistent with existing roof new character that is first floor at front only after analysis streetscape outcome ii) Constructed to common boundary of	The additional floor area to the first floor bathroom is located under the roof. It does not change the external	Yes

DCP Clause	Controls	Proposal	Compliance
	adjoining semi iii & iv) avoid exposure of blank party walls to adjoining semi and public domain	appearance of the building.	
4.4	Roof Design and Features		
	<p><i>Rooftop terraces</i></p> <p>i) on stepped buildings only (not on uppermost or main roof)</p> <p>ii) above garages on sloping sites (where garage is on low side)</p> <p><i>Dormers</i></p> <p>iii) Dormer windows don't dominate</p> <p>iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof.</p> <p>v) Multiple dormers consistent</p> <p>vi) Suitable for existing</p> <p><i>Celestial windows and skylights</i></p> <p>vii) Sympathetic to design of dwelling</p> <p><i>Mechanical equipment</i></p> <p>viii) Contained within roof form and not visible from street and surrounding properties.</p>	<p>Modifications to the approved trafficable garage roof mitigate privacy impact on adjoining properties. Refer to Key Issues.</p>	Refer to Key Issues.
4.5	Colours, Materials and Finishes		
	<p>i) Schedule of materials and finishes</p> <p>ii) Finishing is durable and non-reflective.</p> <p>iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration)</p> <p>iv) Articulate and create visual interest by using combination of materials and finishes.</p> <p>v) Suitable for the local climate to withstand natural weathering, ageing and deterioration.</p> <p>vi) recycle and re-use sandstone (See also section 8.3 foreshore area.)</p>	A condition of consent has been included to require the submission of a schedule of materials and finishes to Council for approval, prior to issuing a construction certificate for the development.	Conditioned.
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to neighbouring development:		
	<p>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.</p> <p>iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.</p> <p>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</p>	<p>The southern boundary wall has been constructed as per the DA/409/2019 approval.</p> <p>Sun angle calculations, independent of the applicant's shadow diagrams, have</p>	Refer to Key Issues.

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DCP Clause	Controls	Proposal	Compliance
	<p>planes (not <6m above ground) of neighbouring dwellings.</p> <p>vi) Variations may be acceptable subject to a merits assessment with regard to:</p> <ul style="list-style-type: none"> Degree of meeting the FSR, height, setbacks and site coverage controls. Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. Topography of the subject and adjoining allotments. Location and level of the windows in question. Shadows cast by existing buildings on the neighbouring allotments. 	been undertaken to determine a suitable privacy screen setback (1.74m) from the southern boundary to minimise any additional overshadowing.	
5.3	Visual Privacy		
	Balcony		
	<p>iii) Upper floor balconies to street or rear yard of the site (wrap around balcony to have a narrow width at side)</p> <p>iv) 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)</p> <p>v) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure)</p> <p>vi) For sloping sites, step down any ground floor terraces and avoid large areas of elevated outdoor recreation space.</p>	Condition imposed to ensure that the privacy screen on the terrace meets the materiality requirements.	Conditioned.
5.5	Safety and Security		
	<p>i) dwellings main entry on front elevation (unless narrow site)</p> <p>ii) Street numbering at front near entry.</p> <p>iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place.</p> <p>iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)</p>	Front fence does not obstruct casual surveillance from habitable windows.	Yes
6	Car Parking and Access		
6.5	Garage Configuration		
	<p>i) recessed behind front of dwelling</p> <p>ii) The maximum garage width (door and piers or columns):</p> <ul style="list-style-type: none"> Single garage – 3m Double garage – 6m <p>iii) 5.4m minimum length of a garage</p> <p>iv) 2.6m max wall height of detached garages</p> <p>v) recess garage door 200mm to 300mm behind walls (articulation)</p> <p>vi) 600mm max. parapet wall or bulkhead</p> <p>vii) minimum clearance 2.2m AS2890.1</p>	<p>Garage width has been increased from 3m to 3.5m.</p> <p>However, scaled off the plans, it appears that the garage door remains at a width of 3m. The internal extension to the garage therefore</p>	Refer to Key Issues.

DCP Clause	Controls	Proposal	Compliance
		<p>does not have an adverse impact on the street, because it is set behind the approved street boundary wall.</p> <p>Balustrading above the garage is amended to provide a corner splay garden bed to mitigate the increased height of the garage roof slab.</p>	
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	<ul style="list-style-type: none"> 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 	Front fence has been constructed of brick and metal palings.	Yes
7.2	Front Fencing		
	<ul style="list-style-type: none"> i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. <ul style="list-style-type: none"> - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: <ul style="list-style-type: none"> - 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). <p><i>Note: Any solid fences must avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants))</i></p> iv) 150mm allowance (above max fence height) 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 	Scaled off the plans, the front fence has a maximum height of 1.6m, with the solid portion not exceeding 600mm.	Yes

DCP Clause	Controls	Proposal	Compliance
	line along the street. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.		

Attachment/s:

Nil

Responsible officer: Eunice Huang, Environmental Planning Officer

File Reference: DA/409/2019/B