



**MINUTES OF RANDWICK DEVELOPMENT ASSESSMENT PANEL
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON THURSDAY, 12 APRIL 2018 AT 1PM**

Present:

Chairperson:	Annelise Tuor
Expert Members:	Julie Savet Ward; Oliver Klein
Community Representatives:	Kerri Hamer (Central Ward)
Council Officers present:	
Acting Director City Planning	Mr K Kyriacou
Acting Manager Development Assessment	Mr F Ko
Executive Planner	Ms E Fitzroy

Declarations of Pecuniary and Non-Pecuniary Interests

Nil.

Address of RDAP by Councillors and members of the public

Prior to consideration of the Agenda by the Panel, deputations were received in respect of the following matters:

D6/18 1B MERMAID AVENUE, MAROUBRA (DA/441/2017)

Objector Mr John Riley

Applicant Mr Adrian Swain (representing the applicant)

D7/18 51 CHESTER AVENUE, MAROUBRA (DA/329/2017)

Objector Mr Gregor Danton

Applicant Mr Anthony Betros (representing the applicant)

D8/18 4-6 GROSVENOR STREET, KENSINGTON (DA/166/2017)

Objector Cr Kathy Neilson (representing the objector)

Applicant Ms Hong Huang (representing the applicant)

The meeting was adjourned at 1.58pm and was resumed at 4.08pm.

Development Application Reports

D6/18 Development Application Report - 1B Mermaid Avenue, Maroubra (DA/441/2017)

The Randwick Development Assessment Panel (Panel) has visited the site, considered the submissions and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

A representative of the applicant requested that the matter be deferred to allow the matters raised in the assessment report to be addressed. Whilst the Panel is supportive of aspects of the proposal, particularly the need for rehabilitation of the land, the Panel does not consider that deferment is appropriate as no details of possible amendments or timing were provided. Also substantial redesign is required to address the issues raised in the assessment including:

- The correct location of the foreshore building line
- The removal of structures seaward of the foreshore building line
- The need to obtain any necessary approvals under the Water Management Act 2000
- The visual impact of the proposal on the scenic quality of Lurline Bay, its proximity to the coastal walkway and local neighbours.

The Panel acknowledges the applicant's readiness to consult with adjacent neighbours during the preparation of the new design.

The Panel recommends that any new application addresses all of the reasons for refusal detailed in the assessment report, including the insufficient information documenting the proposal.

RESOLUTION:

That the Randwick Development Assessment Panel, as the consent authority, refuses development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 441/2017 for alterations and additions to pool area including new deck area, shade structures, broadwalk, retaining walls, associated site and landscaping works, weed management and revegetation works. at No. 1B Mermaid Avenue, Maroubra, for the reasons in the assessment report:

Reasons for Refusal

1. The proposal fails to satisfy the relevant objectives of the R2 – Low Density zone under Randwick Local Environmental Plan 2012 in relation to the desired future character of the locality and the protection of residential amenity.
2. The application does not contain sufficient information to clearly document the proposal, describe its intended impacts or justify the conclusions drawn. In this regard, the following necessary information was not submitted to describe or support the proposal:
 - a) The submitted plans do not correctly identify the location of the Foreshore Building Line.
 - b) The submitted plans do not show full and complete details of all earthworks including any batters to the watercourse, temporary soil stabilisation measures or details of the existing and final ground levels across the site.
 - c) The submitted plans do not correctly identify the proposed works in terms of the proximity to adjoining property boundaries or the use of the areas on the adjoining properties in the context of the proposed

- boardwalk and viewing deck.
- d) The submitted plans do not show full and complete details of the proposed boardwalks and in particular, the proposed bridges that cross the watercourse along the southwestern boundary.
 - e) An assessment of the hydraulic performance of the watercourse to determine whether any flooding or flows occur that would impact on the bridges or would be impacted by the proposed bridges and boardwalk.
 - f) The submitted plans do not clearly demonstrate the location of the proposed works in the context of the allotment boundaries and existing topographical features such as rock outcrops, clifftops and embankments.
 - g) A geotechnical assessment of site stability has not been provided, given the proximity of the works to the watercourse and clifftops and the extent of excavation proposed.
 - h) The application does not include any assessment by a qualified arborist to justify the removal of the trees across the site and does not provide any quantification to the selection of tree species along the northern boundary which could have the potential to cause a loss of views to adjoining properties.
 - i) The application is not supported by any form of visual impact analysis to demonstrate the proposal will not have an adverse visual impact on the scenic qualities of the coastline in general and specifically on Lurline Bay.
 - j) The application is not supported by any view loss assessment to demonstrate the proposal will not have an adverse impact on the residential amenity of adjoining properties and supports the reasonable sharing of views over Lurline Bay.
 - k) The application has not adequately demonstrated the site's potential for Aboriginal cultural heritage and that the proposed earthworks will not have an adverse impact in this regard.
 - l) The Statement of Environmental Effects refers to superseded legislation (the Noxious Weeds Act 1993 was replaced in 2015 by the Biosecurity Act 2015) and fails to address the relevant statutory considerations (the Coastal Management SEPP) or demonstrate that a Controlled Activity Approval under the Water Management Act 2000 is not required for the works adjacent to the waterfront land.
 - m) The application fails to demonstrate that access can be achieved by vehicles during construction without significant disruption to adjoining properties, given the long and narrow shared driveway.
 - n) Full details of the proposed shade sails or the roof over the tea house have not been provided.
 - o) Complete details of the proposed colour schemes and materials have not been provided.
3. The proposal fails to satisfy the Objectives and specific provisions contained in Clauses 14, 15 and 16 of the draft State Environmental Planning Policy (Coastal Management) 2018.
4. The proposal fails to satisfy the Objectives and specific provisions contained in Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection.

5. The proposal will have a significant adverse impact on the Coastal Zone and does not satisfy the objectives and specific provisions contained in Clause 5.5 – Development within the Coastal Zone of the Randwick Local Environmental Plan 2012.
6. The proposal does not provide sufficient information to demonstrate the proposed earthworks will not have an adverse impact on the environment and cannot satisfy the specific provisions contained in Clause 6.2 - Earthworks of the Randwick Local Environmental Plan 2012.
7. The proposal does not satisfy the specific provisions contained in Clause 6.6 – Foreshore Building Line of the Randwick Local Environmental Plan 2012 in that it proposes works and structures that will not be compatible with the surrounding area; have the potential to cause significant adverse environmental harm and will result in an unacceptable visual impact on the aesthetic appearance of the vegetated foreshore of Lurline Bay, detracting from the scenic qualities of the coast.
8. The proposal does not satisfy the specific provisions contained in Clause 6.7 – Foreshore Scenic Protection Area of the Randwick Local Environmental Plan 2012 in that it will not protect and enhance the natural, visual and/ or environmental qualities of the scenic areas of the coastline; will result in an unacceptable visual impact through the removal of a number of trees, replacement with inappropriate species; alteration of the appearance of the vegetated foreshore of Lurline Bay and introduce a number of new structures which will penetrate to vegetated coastal zone; will have an adverse visual impact on the views of the coast from both private land and the public domain; and will not result in appropriate development within the coastal zone and will detract from the scenic qualities of the coast.
9. The proposal fails to satisfy the relevant objectives and controls of Section 3.1 - Existing Vegetation and Natural Features under Part B4 of the Randwick Comprehensive Development Control Plan 2013 in that the removal of the significant vegetation from the site will create an adverse visual impact on the scenic qualities of Lurline Bay, which is inconsistent with the coastal zone characteristics.
10. The proposal does not provide adequate provisions for construction vehicles during the construction stage under Part B7, Section 3 – Parking and Service Delivery Requirements of the Randwick Comprehensive Development Control Plan 2013.
11. The proposal fails to satisfy the relevant objectives and controls of Part B10 – Foreshore Scenic Protection Area and Section 8.3 in Part C of the Randwick Comprehensive Development Control Plan 2013 in that the removal of the significant vegetation from the site will create an adverse visual impact on the scenic qualities of Lurline Bay, which is inconsistent with the coastal zone characteristics.
12. The proposal fails to satisfy the relevant objectives and controls of Section 4.1 – General Building Design under Part C of the Randwick Comprehensive Development Control Plan 2013 in that the proposed structures would be visually intrusive and inconsistent with the surrounding topography.
13. The proposal fails to provide sufficient details to satisfy the following provisions of Part C of the Randwick Comprehensive Development Control Plan 2013:
 - Section 4.5 – colour schemes

- Section 4.6 – details of all earthworks
 - Section 5.6 – provision of landscaping which could intrude upon reasonable sharing of views
14. The approval of a development with a significant lack of information and lack of justification for particular aspects of the proposal is not in the public interest and will set an undesirable precedent for other similarly inadequate proposals, resulting in a significant adverse effect on coastal zone, the visual quality of the locality and general residential amenity.
15. The development application is not in the broader public interest having regard to the number and nature of submissions received and providing development that meets minimum levels of design quality and minimises impacts to neighbouring developments. Approval of such a development will establish an undesirable precedent for future development in the locality.

CARRIED UNANIMOUSLY.

**D7/18 Development Application Report - 51 Chester Avenue, Maroubra
(DA/329/2017)**

REASONS:

The Panel has visited the site, considered the submissions and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

The Panel considers that the emerging character in the immediate part of Chester Avenue is one with an 8m external wall height and a setback upper level (for example, 47 Chester Avenue).

Whilst the Panel does not in principle object to the breach in the building height control, the upper floor level should be redesigned to ensure that the development is in keeping with the character in the immediate area and to reduce the overshadowing impacts on units 2 and 3 of 53 Chester Avenue. Preferably units 9 and 10 should be combined to provide a 2 bedroom unit to improve the diversity of unit mix.

Furthermore, deep soil planting calculations should be checked and the potential to reduce the floor plate of the basement carpark to accommodate additional deep soil planting along the southern boundary considered.

Determination of the application is, therefore, deferred for the applicant to provide further information on the above matters within 3 weeks.

RESOLUTION:

That the application be deferred to enable the applicant to address the above matters.

CARRIED UNANIMOUSLY.

**D8/18 Development Application Report - 4-6 Grosvenor Street,
Kensington (DA/166/2017)**

REASONS:

The Panel has visited the site, considered the submissions and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

The Panel is satisfied that the applicant's written request under cl 4.6 to vary the height of buildings development standard under clause 4.3 of Randwick LEP 2012 adequately addresses the relevant matters, and the proposed development will be in the public interest because it is consistent with the objectives of the floor space ratio development standard and the objectives for development within the R3 Medium Density Residential zone.

The application is approved for the reasons detailed in the assessment report. In particular, the proposal is below the maximum height standard in Randwick LEP 2012 and the southern most part of the development exceeds the setback controls in RDCP 2013, which minimize the overshadowing impact on 2 Grosvenor Street.

These matters are considered fundamental to the determination.

RESOLUTION:

- A. That the RDAP, as consent authority, is satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated and that consent may be granted to the development application, which contravenes the floor space ratio development standard in Clause 4.4 of Randwick Local Environmental Plan 2012.
- B. That the RDAP, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/166/2017 for demolition of existing structures, construction of a 3 storey residential flat building containing 9 dwellings, basement parking for 13 vehicles, landscaping and associated works at 4-6 Grosvenor Street, Kensington, subject to the development consent conditions in the assessment report.

CARRIED UNANIMOUSLY.

D9/18 Development Application Report - 31 Torrington Road, Maroubra (DA/281/2017)

REASONS:

The Panel has visited the site, considered the submissions and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

The Panel approves the application by adopting the resolution detailed below subject to the following amendments:

- Lower the sill height of the windows to the southern elevation to 900mm above first floor level. This requirement is included to improve the internal amenity of the first floor and enhance the appearance of the building from The Corso.
- Conditions 12 and 44 be amended as detailed in the resolution below to address the concerns of the adjoining neighbor

RESOLUTION:

That the RDAP, as the consent authority grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/281/2017 for construction of a double garage and two storey secondary dwelling fronting The Corso at No. 31 Torrington Road, Maroubra, subject to the development consent conditions detailed in the assessment officers report subject to the following amendments:

- **Add new condition 2 e:**

2 e. Lower the sill height of the windows to the southern elevation to 900mm above first floor level. This condition is included to improve the internal amenity of the first floor and enhance the appearance of the building from The Corso.

- **Amend conditions 12 and 44:**

12. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site, in Torrington Road, to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Note: A minimum sized 150mm grated drain is to be located along the garage door entrance which is to be connected to the stormwater drainage system which discharges to Torrington Road.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

44. The applicant must meet the full cost for a Council approved contractor to:

a. Construct a new concrete vehicular crossing and new standard layback centrally located with a maximum width of 4 metres opposite the vehicular entrance to the site, in The Corso, to Council's specifications and requirements.

Note: The footpath allocation for the driveway is to be located adjacent to the new Council layback and have fall out to the street.

The Council nature strip along the eastern edge of the Council driveway is to be constructed with a 70mm -100mm high point above the eastern edge of the Council driveway so as to reduce stormwater runoff from the Council driveway towards the adjoining neighbours garage entrance.

Any questions regarding the above notes relating to the Council driveway can be directed to Mr P O'Sullivan on 9093 6923 .

CARRIED UNANIMOUSLY.

The meeting closed at 4.17pm.

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CHAIRPERSON