



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK HELD ON THURSDAY,
12 JULY 2018 AT 1:00PM**

Present:

Alternate Chairperson: Garry West

Expert Members: Kara Krason; Janette Murrell

Community Representatives: Mio Margarit Chow (North Ward)

Council Officers present:

Manager Development Assessment	Mr F Ko
Senior Environmental Planning Officer	William Jones
Senior Administrative Coordinator	Ms J Hartshorn
Executive Planner	Ms Emma FitzRoy

Declarations of Pecuniary and Non-Pecuniary Interests

Nil.

Address of RLPP 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:

COUNCILLORS

D54/18 13/20 GLEBE STREET, RANDWICK (DA/3/2018)

Cr Kathy Neilson

D55/18 14/20 GLEBE STREET, RANDWICK (DA/4/2018)

Cr Kathy Neilson

D56/18 2 LLANFOYST STREET, RANDWICK (DA/725/2017)

Cr Kathy Neilson

Cr Murray Matson

MEMBERS OF THE PUBLIC

D54/18 13/20 GLEBE STREET, RANDWICK (DA/3/2018)

Applicant Mr Rob Brownrigg

D55/18 14/20 GLEBE STREET, RANDWICK (DA/4/2018)

Applicant Ms Joanne McGuinness (representing the applicant)

D56/18 2 LLANFOYST STREET, RANDWICK (DA/725/2017)

Objector Mr Bill Tulloch (representing the objectors)

Applicant Ms Genevieve Slattery (representing the applicant)

D57/18 130A MARINE PARADE, MAROUBRA (DA/198/2017)

Objector Mr Matthew Delfendahl

Applicant Allan Smuskowitz

D58/18 3 MILFORD STREET, RANDWICK (DA/128/2018)

Objector Mr Amos Stark

The meeting was adjourned at 1:50pm and was resumed at 5.07pm.

Urgent Business

Nil.

Development Application Reports

D54/18 Development Application Report - 13/20 Glebe Street, Randwick (DA/3/2018)

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.

Whilst the panel does not object in principle to the utilisation of the storage area for habitable purposes, the current proposal is not supported for the following reasons:

1. The proposal deals only with alterations and additions to a dwelling, rather than alterations to a residential flat building. The latter requires consideration of other matters not addressed in the development application including but not limited to the Apartment Design Guide requirements, and functional communal open space.
2. As noted in the public meeting the use of the communal open space for the adjoining proposed basement conversion is not part of this development application and therefore cannot be considered.

RESOLUTION:

That the RLPP refuse development consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 3/2018 for alterations and additions to the existing dwelling (unit 13) including conversion of the associated storage area underneath unit 13 into a living area at No. 13/20 Glebe Street, Randwick for the following reasons:

1. The proposal deals only with alterations and additions to a dwelling, rather than alterations to a residential flat building. The latter requires consideration of other matters not addressed in the development application including but not

limited to the Apartment Design Guide requirements, and functional communal open space.

2. As noted in the public meeting the use of the communal open space for the adjoining proposed basement conversion is not part of this development application and therefore cannot be considered.

CARRIED UNANIMOUSLY.

**D55/18 Development Application Report - 14/20 Glebe Street, Randwick
(DA/4/2018)**

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.

Whilst the panel does not object in principle to the utilisation of the storage area for habitable purposes, the current proposal is not supported for the following reasons:

1. The proposal deals only with alterations and additions to a dwelling, rather than alterations to a residential flat building. The latter requires consideration of other matters not addressed in the development application including but not limited to the Apartment Design Guide requirements, and functional communal open space.
2. As noted in the public meeting the use of the communal open space for the adjoining proposed basement conversion is not part of this development application and therefore cannot be considered.

RESOLUTION:

That the RLPP refuse development consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 4/2018 for alterations and additions to the existing dwelling (unit 14) including conversion of the associated storage area underneath unit 14 into a living area at No. 14/20 Glebe Street, Randwick for the following reasons:

1. The proposal deals only with alterations and additions to a dwelling, rather than alterations to a residential flat building. The latter requires consideration of other matters not addressed in the development application including but not limited to the Apartment Design Guide requirements, and functional communal open space.
2. As noted in the public meeting the use of the communal open space for the adjoining proposed basement conversion is not part of this development application and therefore cannot be considered.

CARRIED UNANIMOUSLY.

**D56/18 Development Application Report - 2 Llanfoyst Street, Randwick
(DA/725/2017)**

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.

For the reasons outlined in the assessment report, the Panel supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 and adopts the recommendation in the report with the amendments to conditions as detailed below.

The new and amended conditions have been included to address issues raised in the public meeting and submissions and to protect the structural integrity of the adjoining Nugal Hall.

RESOLUTION:

- A. That the RLPP 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. The Panel assumes the concurrence of the Secretary, Department Planning and Environment.
- B. That the RLPP grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 725/2017 for demolition of all structures on site and construction of a part two and part three storey multi-dwelling housing development comprising 4 dwellings, car parking for 8 vehicles and associated site and landscaped works at No. 2 Llanfoyst Street, Randwick subject to the development consent conditions attached to the assessment report with the following amendments:

Renumber condition 68 to become condition 1 a.

- 1 a. In order to avoid damage to the internal and external fabric of the adjacent 160 year old heritage item, the proposed development shall be implemented in accordance with the recommendations of the Geotechnical Report prepared by JK Geotechnics in October 2017 (and supplementary engineering reports prepared in accordance with the conditions of consent), in relation to excavation methods and techniques, drainage, excavation support, retaining walls, footings, on-grade floor slabs and further geotechnical input.

Add new condition 1 b.

- 1 b. A suitably qualified engineer with heritage experience shall be engaged to supervise demolition, excavation and basement construction works to ensure the structural integrity of Nugal Hall is maintained. Evidence of engagement of the engineer shall be submitted to the Principal Certifying Authority and Council prior to the issue of a construction certificate.

Add new condition 2 h.

- 2 h. The basement setback from the southern boundary shall be increased by an additional 2 metres.

Details showing compliance with the requirements detailed in condition 2 shall be submitted to Council for approval prior to the issue of a construction certificate.

Amend conditions 14, 28 and 31 to read:

Site stability, Excavation and Construction work

14. A report must be obtained from a suitably qualified engineer **with heritage experience**, which includes the following details, to the satisfaction of the Certifying Authority for the development:
 - a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.

- b) Details of the proposed methods of excavation and support for: **the heritage building known as Nugal Hall**; adjoining land (including any public place) and other adjacent buildings.
- c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and shall not result in any damage to **Nugal Hall**, other adjacent adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) The adjoining land and buildings (**including Nugal Hall**) located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
- e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

Dilapidation Reports

28. A dilapidation report (incorporating photographs of relevant buildings) must be obtained from an Engineer **with heritage experience**, detailing the current condition and status of all of the buildings (**including Nugal Hall**) and structures located upon all of the properties adjoining the subject site and any other property or public land which may be affected by the works, to the satisfaction of the *Principal Certifying Authority*.

The dilapidation report must be submitted to the Council, the *Principal Certifying Authority* and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

A post construction dilapidation report shall be obtained and a copy submitted to Council and the Principal Certifying Authority prior to the issue of any occupation certificate.

Construction Noise & Vibration Management Plan

31. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, in accordance with the following requirements:

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises (**including Nugal Hall**) or result in an unreasonable loss of amenity to nearby residents.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work will not adversely impact the structural integrity of **Nugal Hall**, and satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*,

current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

CARRIED UNANIMOUSLY.

D57/18 Development Application Report - 130A Marine Parade, Maroubra (DA/198/2017)

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.

For the reasons outlined in the assessment report, the Panel supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 and adopts the recommendation in the report subject to Condition 87 being amended as follows to address a concern raised by the adjoining owner.

- 87. External **and stairwell** lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

RESOLUTION:

- A. That the RLPP 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. The Panel assumes the concurrence of the Secretary, Department Planning and Environment.
- B. That the RLPP 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/198/2017 for Demolition of existing dwelling, construction of a part 3 part 4 level residential flat building comprising 3 dwellings and a semi-basement car park for 5 car spaces, and associated works at No. 130A Marine Parade, Maroubra NSW 2035, subject to the development consent conditions attached to the assessment report with the following amendment:

**Amend condition 87 to read:
Environmental Amenity**

- 87. External **and stairwell** lighting to the premises must be designed and located

so as to minimise light-spill beyond the property boundary or cause a public nuisance.

CARRIED UNANIMOUSLY.

**D58/18 Development Application Report - 3 Milford Street, Randwick
(DA/128/2018)**

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 has reviewed the submitted clause 4.6 exception and is not satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated. Therefore the variation in the circumstance of this case is not well founded.

The Panel does not support the proposed pool and raised deck extension as the resulting deep soil permeable surface area for landscaping is inadequate being reduced to 8.6%, which is well under the DCP requirement of 30%. While the Panel notes that the site is currently below the requirement, further non-compliance cannot be supported.

RESOLUTION:

- A. That the RLPP is not satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been adequately demonstrated. Therefore the clause 4.6 exception to a development standard under clause 4.4 of Randwick Local Environmental Plan 2012, is not approved.
- B. That the RLPP refuses development consent under Sections 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/128/2018 for alterations and additions to existing dwelling at basement level including addition of three windows along eastern elevation, construction of deck and swimming pool to rear with associated works (variations to floor space ratio control), at No. 3 Milford Street, Randwick, for the following reasons:
- a. The resulting deep soil permeable surface area for landscaping is inadequate.
 - b. The extension of the elevated deck will result in unacceptable amenity impacts on the subject site and adjoining properties.

CARRIED UNANIMOUSLY.

The meeting closed at 5.22m.

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CHAIRPERSON