



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK HELD ON
THURSDAY, 9 AUGUST 2018 AT 1:10PM**

Present:

Chairperson: Annelise Tuor

Expert Members: Jan Murrell; Peter Romey

Community Representatives: Michelle Finegan (West Ward)

Council Officers present:

Acting Manager Development Assessment	Mr F Ko
Executive Planner	Ms E Fitzroy
Senior Administrative Coordinator	Ms J Hartshorn

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:

D60/18 338-342 CLOVELLY ROAD, CLOVELLY (DA/592/2017)

Councillor Cr Kathy Neilson

Objector Mr Matthew O'Donnell - representing the objector

Applicant Mr Ben Black - representing the applicant

D61/18 118-120 GARDEN STREET, MAROUBRA (DA/30/2018)

Applicant Mr Derek Raithby - Architect

D62/18 58-60 CARR STREET, COOGEE (DA/116/2014/A)

Councillor Cr Kathy Neilson

Applicant Mr Richard Stapleton - Architect

D63/18 5 CANBERRA STREET, RANDWICK (DA/437/2017)

Applicant Mr Philip Bull - representing the applicant

D66/18 38 BURNIE STREET, CLOVELLY (DA/42/2018)

Councillor Cr Kathy Neilson

Applicant Ms Joanna Lukaszewicz - Architect

The meeting was adjourned at 2.01pm and was resumed at 5.37pm.

Development Application Reports

D59/18 Development Application Report - 80 Yorktown Parade, Maroubra (DA/244/2017)

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 supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 and adopts the recommendation in the report for the following reasons:

- The proposed development satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended;
- The proposal is consistent with the objectives contained within the RLEP 2012 (including the objectives of the R3 medium density residential zone) and the relevant requirements of the RDCP 2013
- The proposal is consistent with the relevant provisions within SEPP 65
- The scale and design of the proposal is considered to be suitable for the location and is consistent with the desired future character of the locality.
- All matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated.

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 building height development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- 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/244/2018 for the demolition of all structures on site and construction of a 3 storey residential flat building comprising of 9 dwellings including 3 affordable housing units, ground and basement level parking for 12 vehicles, strata subdivision, associated site and landscaping works and boundary fence (variation to building height control), at No. 80 Yorktown Parade, Maroubra, subject to the development consent conditions contained in the assessment report.

CARRIED UNANIMOUSLY.

D60/18 Development Application Report - 338-342 Clovelly Road, Clovelly (DA/592/2017)

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 notes that whilst the proposal does not comply with the numerical external wall height requirement in the RDCP 2013, the development complies with the building height development and floor space ratio development standards.

The panel has considered the issues raised on behalf of the adjoining property owner at 344-350 Clovelly Road regarding how the proposed development may impact on its development potential and has determined that the balcony and balustrade located directly in front of the three awning windows on the eastern elevation of the dining room on all levels should be deleted. This will ensure that the future development of the adjoining site will be in accordance with the relevant provisions of SEPP 65 and Council's DCP is not unreasonably prejudiced.

To minimize the impact of the construction traffic on the adjoining businesses, the panel considers that conditions 37 & 51 should be amended to require the construction hours to be determined after consideration has been given to the Construction Traffic Management Plan.

The panel notes that condition 32 requires a dilapidation report which addresses the concerns of the objector

For the reasons outlined in the assessment report, the Panel adopts the recommendation in the report. Subject to:

- condition 2 being amended to require deletion of that part of the balconies directly in front of the three awning windows on the eastern elevation of the dining room on all levels; and correct a typographical error in condition 2a and 2b (north eastern changes to north western),
- conditions 37 & 51 being amended to require the construction hours to be determined after consideration has been given to the construction management plan.

Deletion of the roof terrace (as detailed on the amended plans) is fundamental to the approval of this application.

RESOLUTION:

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/592/2017 for demolition of existing structures, construction of a 4 storey residential flat building containing 4 dwellings, basement carparking for 6 vehicles, roof terrace, lap pool at ground level, landscaping and associated works, at No. 338-342 Clovelly Road, Clovelly, subject to the development consent conditions contained in the assessment report with the following amendments:

Amend conditions 2, 37 and 51 as follows:

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A 3.25m long privacy screen shall be provided along the western side of Level 1 and Level 2 front balconies running from the north **western** corner

of the living room. The privacy screens shall be full height screens running from floor level to the underside of the balcony above.

- b. The Level 3 balcony along the western side of the living room shall be converted into non-trafficable area. A 3.25m long privacy screen shall be provided along the western side of Level 3 front balcony running from the north **western** corner of the living room.
- c. 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.
- d. **The part of the balustrade located directly in front of the three awning windows on the eastern elevation of the dining room on all levels shall be deleted and the area converted from a balcony to a non-trafficable area.**

Details showing compliance with this condition shall be submitted to Council's Manager of Development Assessments prior to a Construction Certificate being issued for the development.

51. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm (subject to the construction site traffic management required in condition 37 allowing for work on Saturday) • Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

37. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Clovelly Road for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

The detailed Construction Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site, **particularly to minimise impacts in the locality on a Saturday.**
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

CARRIED UNANIMOUSLY.**D61/18 Development Application Report - 118-120 Garden Street, Maroubra (DA/30/2018)****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 does not support the applicants request to defer determination of the application, as the amendments tabled at the meeting would not adequately address the reasons for refusal as set out below.

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. DA/30/2018 for demolition of existing structures and construction of a 4 storey shop top housing development comprising a ground floor retail premises, 3 office premises, 7 residential units, semi-basement parking, roof terraces and associated landscaped works at No. 118-120 Garden Street, Maroubra for the following reasons:

- The development as currently proposed is prohibited in the B2 Local Centre zone. However, it is noted that this could be overcome by designating the ground floor premises as business premises and demonstrating that the design, access and layout is suitable for a business use.
- The request pursuant to Clause 4.6 of the Randwick Local Environmental Plan 2012 to vary Clause 4.3 height of buildings is not well founded and does not adequately demonstrate the requirements of clause 4.6 (4).
- Adequate regard has not been given to the design quality principles of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.
- Adequate regard has not been given to the objectives and design criteria of the Apartment Design Guide with regards to visual privacy, communal open space at ground level and maximum habitable room depths.
- The proposed development does not comply with the Randwick Comprehensive Development Control Plan 2013 key building envelope controls including number of storeys, building depth, building separation, lack of solar shading to north, east and west-facing windows and unrelieved facades / articulation.
- The proposed development does not comply with Randwick Comprehensive Development Control Plan 2013 key design controls relating to amenity of communal open spaces, height of the sub-basement above natural ground level, shared residential and retail / office premises access, and poor integration of service elements as part of the rooftop terrace.
- The proposed development will result in adverse visual amenity impacts to surrounding properties.
- The proposed development will result in unreasonable overshadowing to the southern adjoining property.
- The proposed development does not comply with car parking rates specified by

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Randwick Comprehensive Development Control Plan 2013, having a shortfall of 3 car parking spaces.

CARRIED UNANIMOUSLY.

**D62/18 Development Application Report - 58-60 Carr Street, Coogee
(DA/116/2014/A)**

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 proposed modifications will have no material impacts beyond those in the approval of the original development application.

For the reasons outlined in the assessment report, the Panel adopts the recommendation in the report.

RESOLUTION:

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. 116/2014/A for the modification to the original consent by adding new service/ storage area, a pedestrian gate fronting Carr Street at lower ground floor level, modify entry including new lift and internal reconfiguration to café, enclosure of car spaces at ground floor level, increase size of balconies and new roof to upper level balconies, changes to openings on elevations and installation of mechanical ventilation system and associated acoustic attenuation box on the western side of the carpark and amend consent to allow residential works to be completed and occupied separately from the completion of the café works at 58-60 Carr Street, Coogee, subject to the following conditions:

A. Amend Condition 1 to read:

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/ or by other conditions of this consent:

Plan – L&EC Revision	Drawn by	Version	Dated
Refurbishment Proposed – 001	McGregor Westlake Architecture	D	16/02/2015
Lower Ground Floor Plan – 100	McGregor Westlake Architecture	K	26/02/2015
Ground Floor Plan – 101	McGregor Westlake Architecture	M	16/03/2015
First Floor Plan – 102	McGregor Westlake Architecture	M	23/03/2015
Typical Floor Plan – 103	McGregor Westlake Architecture	G	26/02/2015
Elevations – 202	McGregor Westlake Architecture	I	26/02/2015
Carport, garbage room, side boundary – 205	McGregor Westlake Architecture	D	26/02/2015

DCP Envelope Comparison – 206	McGregor Westlake Architecture	C	26/02/2015
Setout – 250	McGregor Westlake Architecture	B	26/02/2015
Perspective – 910	McGregor Westlake Architecture	C	26/02/2015
DA Perspective & Amended Perspective	McGregor Westlake Architecture	A	16/02/2015
Materials & Finishes – 301 (subject to metal framed clear glass balustrades being provided to balconies)	McGregor Westlake Architecture	B	16/02/2015

BASIX Certificate No.	Dated
822667M	23 May 2017

The development must be implemented substantially in accordance with the Court Order No. 10828 of 2014 dated 16 September 2015, the application form and on any supporting information received with the application, as amended by the Section 96 plans received by Council on 24 August 2017, 21 December 2017 and 12 June 2018, only in so far as they relate to the modifications highlighted on the Section 4.56 plans and detailed in the Section 4.56 application, except as amended by the following conditions:

Plan	Drawn by	Version	Dated
Lower Ground Floor Plan – 100	McGregor Westlake Architecture	W	31/05/2018
Ground Floor Plan – 101	McGregor Westlake Architecture	AD	31/05/2018
First Floor Plan – 102	McGregor Westlake Architecture	V	17/08/2017
Typical Floor Plan – 103	McGregor Westlake Architecture	O	17/08/2017
Roof Plan – 104	McGregor Westlake Architecture	M	17/08/2017
Elevations North + West – 201	McGregor Westlake Architecture	T	31/05/2018
Elevations South + East – 202	McGregor Westlake Architecture	T	31/05/2018
Section – 203	McGregor Westlake Architecture	P	31/05/2018
Carport, Garbage Room, Side Boundary – 205	McGregor Westlake Architecture	S	12/12/2017
Materials & Finishes – 301	McGregor Westlake Architecture	I	17/08/2017

B. Add Conditions 2d, 2e and 2f, to read as follows:

Height of Lift overrun

2.d No changes shall be made to the height of the existing lift overrun.

Turning Bay

2.e This development consent does not approve the “potential space for future external A/C and re-refrigeration plan” located at ground floor

level immediately south of the void area.

- 2.f The turning bay area located to the south of the void area at ground floor level shall remain clear at all times to allow for reversing to or from the proposed three car garage and must not be used for any loading/ unloading purposes or any other purposes associated with the proposed commercial use of the front of the site.

C. Amend Condition 30 to read:

- 30 Prior to the commencement of any building works, the following requirements must be complied with:

- a. A Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the council officers and all building contractors for assessment

- b. a Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate (in regard to each use); and
- c. the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and
- d. at least two days' notice must be given to the Council, in writing, prior to commencing any works; and
- e. the relevant requirements of the Home Building Act 1989 (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.
- f. A Principal Certifying Authority (PCA) may issue separate construction and occupation certificates in relation to the alterations to the Residential Flat Building and the Café within the site, subject to compliance with all relevant conditions contained within the development consent

D. Amend Condition 35a to read:

35. All acoustic recommendations outlined in the acoustic report prepared by Renzo Tonin & Associates report No. TG645-02F05, dated 16 October 2017 are implemented in order to minimise the potential noise impacts from the development. Details are to be provided with each Construction Certificate verifying compliance with this condition.

The following acoustic treatments, as recommended in an email dated 31 May 2018 from Renzo Tonin & Associates, are to be implemented and the details are to be provided with each Construction Certificate with this condition.

For GEF-01:

- The discharge ductwork (measured from the drawing to be at least 3.0m long from the fan) is to be acoustically lined with a minimum 25mm thick acoustic insulation as shown in the drawing (3.0m long).

- The intake ductwork (measured from the drawing to be at least 0.75m from the fan to the branch) PLUS the two branches before the first intake grille on either sides (at least 1.0m) are to be acoustically lined with a minimum 25mm thick acoustic insulation (1.75m long).
- The fan casing is to be located underneath the solid awning/ roof covering the garage.

E. Amend Condition 66 to read:

Patron Numbers

66. The patron numbers in the internal area shall be limited to a maximum of 48, the outdoor terrace area shall be limited to a maximum of 20 and a maximum of 35 for the footway dining area.

F. Add Condition 71, 72 and 73 as follows:

- 71 An acoustic report/ validation assessment, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 1 months of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources and must include an assessment of the jet fans operating during the night time period (10:00pm- 7:00am).
- 72 The report must also confirm that all recommendations outlined in the acoustic report (prepared by Renzo Tonin & Associates report no. TG645-02F05, dated 16 October 2017 and an email dated 31 May 2018) and any additional acoustic report recommendations approved by council, have been implemented and are sufficient to achieve the relevant noise criteria.
- 73 The operations of the premises must comply with the requirements of the acoustic recommendations outlined in the acoustic report prepared by Renzo Tonin & Associates report no. TG645-02F05 dated 16 October 2017 and an email dated 31 May 2018 in order to minimise the potential noise impacts from the development.

CARRIED UNANIMOUSLY.

D63/18 Development Application Report - 5 Canberra Street, Randwick (DA/437/2017)

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.

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 concurrence of the Director of the Department of Planning & Environment may be assumed.

- 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/437/2017 for alterations and additions to existing shop and residence for 3 level dual occupancy plus alterations and additions to existing shop and associated works, at No. 5 Canberra Street, Randwick NSW 2031, subject to the development consent conditions contained in the assessment report.

CARRIED UNANIMOUSLY.

D64/18 Development Application Report - 182 Marine Parade, Maroubra (DA/717/2017)

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 adopts the recommendation in the report.

A condition has been included requiring the applicant to obtain approval for the footway dining under the Roads Act 1993.

RESOLUTION:

That the RLPP, 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/717/2017 for outdoor dining and seating area to front of The Bay Hotel and Diner for 30 patrons and hours of operation being 8:00am to 9.30pm seven days per-week, at No. 178-182R Marine Parade, Maroubra, subject to the development consent conditions contained in the assessment report with the following amendment:

Add the following condition:

- 3a. Prior to entering into an official agreement with Council for use of the footway dining area, the applicant shall submit to Council for approval and have approved an application for footway dining under the Roads Act 1993.

CARRIED UNANIMOUSLY.

D65/18 Development Application Report - 77 New Orleans Crescent, Maroubra (DA/603/2017)

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 supports the exceptions to development standard for building height under Clause 4.3 of Randwick Local Environmental Plan 2012 and adopts the

recommendation in the report for the following reasons:

- The proposed development satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended;
- The proposal is consistent with the objectives of the RLEP 2012 (including the objectives of the R3 medium density residential zone) and the relevant requirements of the RDCP 2013
- The proposal is consistent with the relevant provisions within SEPP 65
- The scale and design of the proposal is considered to be suitable for the location and is consistent with the desired future character of the locality.
- All matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated.

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 building height development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- 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/603/2017 for demolition of existing structures, construction of 3 storey residential flat building containing 7 dwellings, basement car parking for 5 vehicles, Strata subdivision, landscaping and associated works (variation to height control), at No. 77 New Orleans Crescent, Maroubra, subject to the development consent conditions contained in the assessment report.

CARRIED UNANIMOUSLY.

**D66/18 Development Application Report - 38 Burnie Street, Clovelly
(DA/42/2018)**

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.

For the reasons given in the assessment report, the Panel supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012.

To balance the objectives of maintaining a reasonable degree of privacy to adjoining property (No. 40 Burnie Street) whilst improving the internal light and amenity at the subject site, the panel considers that it is appropriate to allow full height glass doors with an external balustrade that projects a maximum of 200mm from the face of the building. Alternatively, the existing window configuration may be maintained.

Subject to condition 2a being amended in accordance with the above requirements and the panel adopts the recommendation in the report

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 concurrence of the Director of the Department of Planning & Environment may be assumed.
- 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/42/2018 for upper level addition to provide for a new master bedroom, bathroom and terrace, studio in rear garden, new French doors and balcony to rear first floor level (variation to floor space ratio), at No. 38 Burnie Street, Clovelly, subject to the development consent conditions contained in the assessment report with the following amendment:

Amend condition 2a as follows:

- 2a. The proposed Juliette balcony to the rear of Bedroom 3 at first floor level shall be amended so that the external balustrade projects a maximum of 200mm from the face of the building. Alternatively, the existing window configuration may be maintained.

CARRIED UNANIMOUSLY.

The meeting closed at 5.52pm.

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CHAIRPERSON