



**MINUTES OF RANDWICK LOCAL PLANNING PANEL OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
THURSDAY, 8 NOVEMBER 2018 AT 1.03PM**

**Present:**

<b>Chairperson:</b>	Garry West
<b>Expert Members:</b>	Sandra Robinson; Peter Romey
<b>Community Representatives:</b>	Sarah Kelly (East 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:

D84/18	17 MULWARREE AVENUE, RANDWICK (DA/784/2017)
	<b>Applicant</b> Mr Eli Gescheit & Mr Alex Smith (representing the applicant)
D85/18	105 WENTWORTH STREET, RANDWICK (DA/286/2018)
	<b>Objector</b> Ms Joanne Kingsbury
D86/18	24 CHURCH STREET, RANDWICK (DA/177/2018)
	<b>Councillor</b> Mayor Cr Kathy Neilson
	<b>Objector</b> Ms Tracey Mackey
	<b>Applicant</b> Mr Con Harris (representing the applicant)
D87/18	2 ADA STREET, RANDWICK (DA/375/2018)
	<b>Councillor</b> Mayor Cr Kathy Neilson
	<b>Objector</b> Ms Margaret Campbell
	<b>Applicant</b> Mr Joseph Agaka

D88/18 11 HOOPER STREET, RANDWICK (DA/907/2015/A)

**Councillor** Mayor Cr Kathy Neilson

**Objector** Mr Clive Kessler

**Applicant** Mr Mark Swain (representing the applicant)

D89/18 169-181 DOLPHIN STREET, COOGEE (DA/436/2018)

**Councillor** Mayor Cr Kathy Neilson

**Applicant** Ms Deirdre Ryan (representing the applicant)

D90/18 212 ARDEN STREET, COOGEE (DA/427/2016/B)

**Councillor** Mayor Cr Kathy Neilson

The meeting was adjourned at 1:50pm and was resumed at 4.54pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

#### **D84/18 Development Application Report - 17 Mulwarree Avenue, Randwick (DA/784/2017)**

##### **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 the development has been considered by the Design Excellence Panel and amendments have made to the design as a result of the review.

The Panel also notes that whilst the proposal does not comply with the numerical external wall height and communal open space controls in the RDCP 2013, the development complies with the building height and FSR development standards in the RLEP 2012. Further the side setbacks generally comply with those required under the DCP and appropriate conditions have been imposed to protect privacy.

The Panel supports the applicant's request to amend condition 17.

For the reasons outlined in the assessment report, the Panel adopts the recommendation in the report, subject to condition 17 being amended as detailed below.

##### **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. 784/2017 for demolition of existing house and construction of a new residential flat building with basement car park, at No. 17 Mulwarree Avenue, Randwick, subject to the development consent conditions attached to the assessment report with the following amendment:

- **Amend condition 17 to read:**

17. The proposed 6m length of internal driveway with a gradient of 1 in 20 (5%) shall be reduced to 5m in length or raise the garage door structure (without any increase in overall building height or changes to floor levels) to address a minor non-compliance on the internal driveway with the overhead clearance requirement of 2.20m as required by AS 2890.1, (i.e. the driveway may change to the proposed grade of 1 in 8 (12.5%) at 5m into the property). The remaining portion of the internal access driveway as well as the carpark layout must be designed and constructed in accordance with AS 2890.1

(2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council).

A longitudinal section of the driveway must be provided with the construction certificate plans, at a scale of 1:25 or 1:50 along the centreline of the driveway. The section shall demonstrate compliance with the Council issued alignment level at the property boundary, together with satisfactory ramp grades (including transitions) and head clearances in accordance with the above requirements and Australian Standard 2890.1 (2004).

**CARRIED UNANIMOUSLY.**

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**D85/18      Development Application Report - 105 Wentworth Street, Randwick  
(DA/286/2018)**

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**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 acknowledges the overshadowing impact on the adjoining property to the south (107 Wentworth Street). However, the impact is largely unavoidable given the site constraints and notes that the scale of development proposed is consistent with other developments in the area.

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

**RESOLUTION:**

That the RLPP grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, to Development Application No. 286/2018 for demolition of existing structures, construction of a three storey residential flat building comprising six apartments including two affordable rental housing apartments, and basement car parking, at 105 Wentworth Street, Randwick, subject to the development consent conditions attached to the assessment report.

**CARRIED UNANIMOUSLY.**

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**D86/18      Development Application Report - 24 Church Street, Randwick  
(DA/177/2018)**

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**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 of the view that the existing sandstone and iron palisade fence is a significant and tangible element in Kynaston Avenue Reserve. A new condition 1a has been added to ensure the fence is reconstructed in an appropriate manner.

The Panel notes that whilst the proposal does not comply with the solar access, wall height and some setback controls in the RDCP 2013, the development complies with the building height and FSR development standards in the RLEP 2012. Further, the overshadowing impact is largely unavoidable given the site constraints and the development proposed is consistent with the height and scale envisaged in Zone R3. Appropriate conditions have been imposed to address privacy impacts.

For the reasons outlined in the assessment report, the Panel adopts the recommendation in the report subject to the addition of new condition 1a as detailed below.

**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. 177/2018 for demolition of existing structures, construction of a part three, part four storey residential flat building comprising five apartments including one affordable rental housing apartment, and semi-basement car parking, at No. 24 Church Street, Randwick, subject to the development consent conditions attached to the assessment report with the following amendments:

- **Add condition 1a:**

- 1 a. To conserve the historically significant sandstone and iron palisade fence the following shall be undertaken:
  - The existing sandstone block wall and iron fence on the rear boundary, which directly abuts the adjoining public reserve, shall be re-constructed in its current position;
  - Each of the sandstone blocks must be catalogued and itemised so that their existing arrangement is maintained as part of the re-construction;
  - All excavations and works associated with this; being demolition, preparation of footing, drainage and re-construction of the actual wall, must be performed by hand, not machinery, to prevent the indiscriminate damage of roots;
  - A suitably qualified aborist shall be present and supervise all works involving excavation and construction near the tree roots
  - Following demolition of the existing wall, Council's Landscape Development Officer must then be contacted directly on 9093-6613, giving at least 2 working days-notice, and prior to proceeding further with any works, to inspect the affected area and any roots present;
  - Where major roots are encountered that the aborist determines must be preserved, then site specific measures will need to be utilised to ensure this, such as a pier and beam footings/cantilevered sections or any other measures deemed necessary to facilitate the works while ensuring their preservation;
  - Reconstruction of the sandstone base wall and iron palisade fence must be undertaken by suitably qualified tradespersons with experience in heritage reconstruction works;
  - Council's instructions issued on-site must be complied with at all times, with written confirmation of this to be provided by Council's Landscape Development Officer, prior to the issue of any Occupation Certificate.

**CARRIED UNANIMOUSLY.**

### **D87/18 Development Application Report - 2 Ada Street, Randwick (DA/375/2018)**

#### **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 is satisfied the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated in the applicant's written request and that consent may be granted to the development application.

The Panel notes that stormwater and drainage issues have been considered by Council's Development Engineers and addressed through the conditions of consent.

Appropriate conditions have been imposed to address privacy impacts.

The Panel notes that whilst the proposal does not comply with the open space, side setback, external wall heights and wall length controls in the RDCP 2013, the development is generally consistent with the scale and height of development expected in an R3 zone. Further, alterations

and additions to the existing contributory building is a preferred planning outcome in the heritage conservation area. A new condition of consent (3a) has been imposed to ensure that the extent of demolition works does not exceed that necessary to implement the development.

For the reasons outlined in the assessment report, the Panel adopts the recommendation in the report subject to the wording of condition 3 being amended to clarify its intent, and a new condition 3a being added

**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 height of buildings 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. 375/2018 for partial demolition of the existing building, demolition of the existing carport, change of use of the existing attached dual occupancy to a residential flat building comprising 3 dwellings (addition of 1 new dwelling), alterations and additions to the existing building including a new rear extension comprising 3 storeys, 3 at-grade car parking spaces to the rear, landscaping and associated site works, at No. 2 Ada Street, Randwick, subject to the development consent conditions attached to the assessment report with the following amendments:
- **Amend condition 3 to read:**
3. New openings in existing external brickwork are to be carefully carried out to avoid damage to existing brickwork surfaces, as rendering and/or painting of existing brickwork surfaces will not be supported.
- Add new condition 3a
- 3 a. Only those parts of the existing building that are identified for demolition as part of the approved demolition plan (DA18) can be demolished. No other parts of the existing building shall be demolished.

**CARRIED UNANIMOUSLY.**

**D88/18 Development Application Report - 11 Hooper Street, Randwick  
(DA/907/2015/A)**

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**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.

The deletion of the upper level to Building B is fundamental to the determination.

**RESOLUTION:**

That the RLPP grants development consent under Sections 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/907/2015 for modification of the approved development by alteration to basement, new external stairs, internal changes, and increase size of rear ground floor decks to Building B at No. 11 Hooper Street, 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA100 Rev B	Kvmzv Architecture	12 May 2016
DA102 Rev B	Kvmzv Architecture	12 May 2016
DA105 Rev B	Kvmzv Architecture	12 May 2016
DA106 Rev B	Kvmzv Architecture	12 May 2016
DA110 to DA114 Rev B	Kvmzv Architecture	12 May 2016
DA200 to DA207 Rev B	Kvmzv Architecture	12 May 2016
DA301 to DA304 Rev B	Kvmzv Architecture	12 May 2016
DA401 to DA405 Rev B	Kvmzv Architecture	12 May 2016
DA601 to DA602 Rev A	Kvmzv Architecture	10 December 2016
DA701 to DA705 Rev B	Kvmzv Architecture	12 May 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>
682295M	2 December 2015

**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 plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 plans and detailed in the Section 4.55 application:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA100 Rev F	Kvmzv Architecture	14/8/18
DA102 Rev F	Kvmzv Architecture	14/8/18
DA105 Rev F	Kvmzv Architecture	14/8/18
DA106 Rev F	Kvmzv Architecture	14/8/18
DA200- DA201 Rev F	Kvmzv Architecture	30/8/18
DA202 Rev F	Kvmzv Architecture	14/8/18
DA302-DA304 Rev F	Kvmzv Architecture	14/8/18
DA404 Rev F	Kvmzv Architecture	14/8/18
DA405 Rev F	Kvmzv Architecture	30/8/18
DA601-DA602 Rev F	Kvmzv Architecture	30/8/18
DA701-DA705 Rev F	Kvmzv Architecture	14/8/18

- **Delete condition 2d.**
- **Amend condition 2e to read:**  
2e. A privacy screen with a height of 1.6m above the finished level of the walkway shall be installed along the western side of the western walkway for a length of 12m from the walkways southern edge.
- **Delete condition 15**
- **Amend condition 64 to read:**  
**Flooding**  
64. The PCA shall be satisfied that all flood mitigation measures as detailed in the approved documentation have been undertaken, including but not limited to floor levels, and provision of the undercroft area at the rear of the building.  
  
The floodgates are unnecessary and shall be deleted from the development.
- **Amend condition 70 to read:**  
**Landscaping**  
70. Prior to issuing any type of Occupation Certificates, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plan by KVMZV Architecture, dwg DA105, **rev E, dated 24.04.18.**

**CARRIED UNANIMOUSLY.****D89/18 Development Application Report - 169-181 Dolphin Street, Coogee  
(DA/436/2018)**

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**REASONS:**

The Panel has 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 the proposal will reduce the patron capacity of the Hotel.

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. DA/436/2018 for refurbishment of Level 1 of existing Coogee Pavilion including dining room, bars, storage areas, kitchen, amenities and alteration to windows on Dolphin Street and Beach Street facades at No. 169-181 Dolphin Street, Coogee, subject to the development consent conditions attached to the assessment report.

**CARRIED UNANIMOUSLY.****D90/18 Development Application Report - 212 Arden Street, Coogee  
(DA/427/2016/B)**

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**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 the Eastern Beaches Area Command do not support the deletion of Condition 21 due to the potential impacts on pedestrians and surrounding residents, and the risk of anti-social behavior. These matters are considered fundamental to the determination.

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

**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/427/2016/B to modify the original development consent to delete condition 21 at No. 212 Arden Street, Coogee, for the following reasons:

1. The proposal does not meet the relevant objectives of the B2 – Local Centre zone under Randwick Local Environmental Plan 2012 namely:
  - To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
  - To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.
  - To facilitate a safe public domain.
2. The proposal is not in the public interest in that it:
  - (a) is likely to alienate the usage of the footpath away from the broader body of beach

users and shoppers; and

- (b) is likely to encourage an undesirable congregation of patrons on the footpath around the windows outside the Sports Bar area.

**CARRIED UNANIMOUSLY.**

### **Miscellaneous Reports**

#### **M4/18      Miscellaneous Report - Planning Proposal: 819-829 Anzac Parade, Maroubra (RZ/2/2017)**

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##### **REASONS:**

The Panel has visited the site and reviewed the strategic planner's report.

For the reasons outlined in the report, the Panel agrees with the recommendation that the planning proposal should not be forwarded to the Greater Sydney Commission for a Gateway determination.

##### **RESOLUTION:**

That the RLPP advises Council that the Planning Proposal should not be forwarded to the Greater Sydney Commission under *Section 3.34* of the *Environmental Planning and Assessment Act 1979* for the following reasons:

1. The proposal provides insufficient justification on heritage conservation grounds to support the heritage delisting and subsequent demolition of Corio House. Comprehensive research and investigations undertaken over the past 12 months have provided a strong evidence base to support the retention of the property as a local heritage item.
2. The proposal does not meet the strategic merit test as it is inconsistent with the state and local strategic planning framework directions with regards to heritage conservation.
3. The costs to the community associated with the loss of an item of local heritage significance have not been adequately considered or addressed.
4. Approval of the Planning Proposal would create a precedent for other heritage items across the LGA.
5. A spot rezoning is not the best, most efficient or effective means of achieving a review of the planning controls applicable to the site. Council has commenced initial background work into a comprehensive Housing Strategy for the LGA and increased housing capacity, locations and densities are better identified and managed through this strategic planning process.
6. The indicated design concept would create a poor urban design outcome for Anzac Parade through increased building bulk and scale, overbearing of the adjoining heritage item at 817 Anzac Parade and potential amenity impacts to neighboring residential properties.
7. The planning proposal would result in a mix of uses that would be inconsistent with the Zone SP2 objectives.

**CARRIED UNANIMOUSLY.**

The meeting closed at 5.06pm.

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**CHAIRPERSON**