



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON
MONDAY, 10 DECEMBER 2018 AT 12:05PM**

Present:

Chairperson: Lindsay Fletcher
Expert Members: Janette Murrell; Sandra Robinson
Community Representatives: Kerri Hamer (Central Ward)

Council Officers present:

Coordinator Development Assessment	Mr R Quinton
Executive Planner	Ms E Fitzroy
Acting Coordinator Development Assessment Fast Track	Mr E Coorey
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:

D98/18 928-930 ANZAC PARADE, MAROUBRA (DA/806/2017) (DEFERRED)

Applicant Mr Max Sgammotta

D99/18 146 CARRINGTON ROAD, RANDWICK (DA/106/2018) (DEFERRED)

Councillor Mayor, Cr Kathy Neilson

Objector Dr Brian Uy

Applicant Mr Kent Williams (representing the applicant)

D100/18 31 KNOX STREET, CLOVELLY (DA/270/2018)

Councillor Mayor, Cr Kathy Neilson

Applicant Mr Andrew Chapman (representing the applicant)

D101/18 11A DENNING STREET, SOUTH COOGEE (DA/471/2018)

Councillor Mayor, Cr Kathy Neilson

Applicant Dr Gary Shiels (representing the applicant)

- D102/18 195 BEACH STREET, COOGEE (DA/230/2017)
- Councillor** Mayor, Cr Kathy Neilson
- Objector** Mr Ray Murrirhy
- Applicant** Mr Mark Swain (representing the applicant)
- D103/18 4 GOVETT STREET, RANDWICK (DA/367/2018)
- Councillor** Mayor, Cr Kathy Neilson
- Objector** Mr Justin Rothwell
- Applicant** Mr Mark Swain (representing the applicant)

The meeting was adjourned at 1.17pm and was resumed at 5.05pm.

Urgent Business

Nil.

Development Application Reports

D98/18 Development Application Report - 928-930 Anzac Parade, Maroubra (DA/806/2017) (Deferred)

REASONS:

The Panel has visited the site, considered the submissions (including the further submission from 144 Garden Street following the re-exhibition of the amended application) 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.

This matter was deferred at the Panel meeting on 11 October 2018, and the issues raised by the Panel have now been addressed to the satisfaction of the Panel. For this reason, the Panel adopts the recommendation in the report.

The Panel notes that the applicant did not raise any issues with the draft conditions.

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. 806/2017 for demolition of existing structure, construction of part 3 part 6 storey shop-top housing development in 2 building forms with 26 dwellings, 4 commercial premises and 2 levels of basement carparking for 45 cars with associated works at No. 928-930 Anzac Parade Maroubra, subject to the development consent conditions in the assessment report.

CARRIED UNANIMOUSLY.

D99/18 Development Application Report - 146 Carrington Road, Randwick (DA/106/2018) (Deferred)

REASONS:

The Panel has visited the site, considered the submissions (including the verbal submission made by Dr Brian Uy) 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.

This matter was deferred at the Panel meeting on 11 October 2018, and the issues raised by the Panel have now been addressed in the amended plans to the satisfaction of the Panel. Whilst the Panel understands the concerns of neighbours regarding overshadowing in winter, the proposal complies with the statutory controls and the amendments have reduced the overshadowing

impacts. The Panel acknowledges that there is still some overshadowing; however, this is due to the topography and orientation of the allotments. Furthermore an additional condition has been imposed to minimise overshadowing from planting at level two.

The panel also notes that the site is in zone R3 and the development is consistent with the desired future character of the area. For this reason, 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. 106/2018 for demolition of existing structures, construction of 3 storey residential flat building containing 5 dwellings, basement car parking for 8 vehicles, landscaping and associated works, at No. 146 Carrington Road, Randwick, subject to the development consent conditions in the assessment report with the following amendments:

- **Amend condition 24 to state:**

24. Subject to condition 24a below, the Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Site Design + Studios, dwg's L-01 04, issue C, dated 05/02/18.

- **Add condition 24 a:**

24 a. The planting in the non-trafficable area located surrounding the rear balcony on level two shall be of a native species that does not exceed a maximum height of 1 metre at maturity. This condition is included to minimise winter overshadowing of neighbouring properties.

CARRIED UNANIMOUSLY.

D100/18 Development Application Report - 31 Knox Street, Clovelly (DA/270/2018)

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 notes that the extent of demolition proposed is substantial and the development should not be characterized as alteration and additions. Given this, existing setbacks and height non-compliances cannot be used to justify the continued and further non-compliances.

The panel notes the applicant's request to defer the matter, however, the Panel considers that the extent of alterations required warrant a new application.

For the reasons detailed below, the Panel refuses the application

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/270/2018 for alterations and addition to existing dwelling at lower ground and first floor levels, double garage at front, swimming pool to rear, landscaping and associated works (variation to height control), at No. 31 Knox Street, Clovelly, for the following reasons:

1. The Clause 4.6 variation to the development standard is not well founded. The proposal does not comply with the Clause 4.3 Height standard under Randwick Local Environmental Plan 2012 in that the size and scale of the proposal is incompatible with the existing and desired future character of the locality, which makes the height non-compliance inconsistent with the relevant objectives of the RLEP 2012 and unsupportable.
2. The proposed double garage results in an inadequate setback from the northern boundary and is not consistent with section 6.1 of Part C1 of the Randwick DCP which requires a 12 metre wide site frontage for a double garage.

3. The proposed development is inconsistent with the relevant objectives of the R2 Low Density Residential zone under RLEP 2012 in that the proposed built form will not protect the amenity of the local residents and recognise the desirable element of the existing streetscape and built form along the eastern side of Knox Street.
4. The proposed development fails to satisfy the relevant objectives and development controls of the Randwick Comprehensive Development Control Plan 2013, in relation to the following:
 - Part C1 – Low Density Housing
 - 3.2 Building and Wall heights
 - 3.3.2 Side Setback
 - 4.1 Building Design
5. The proposal is unacceptable pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 in that the proposal's non-compliances and inconsistencies with the provisions of adopted environmental planning instruments and the development control plan together with the public submissions received means that approval of the development would not be in the public interest.

CARRIED UNANIMOUSLY.

D101/18 Development Application Report - 11A Denning Street, South Coogee (DA/471/2018)

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 notes the applicant's request to defer the matter, however, the Panel considers that the extent of alterations required warrant a new application.

The panel also notes that the submitted shadow diagrams do not show the shadows cast by the fence along the southern boundary

For the reasons detailed below, the Panel refuses the application.

RESOLUTION:

That the RLPP refuses development consent under Sections 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 471/2018 for demolition of the existing dwelling, construction of a new level dwelling with double garage to front, swimming pool to rear, landscaping and associated works, at No. 11A Denning Street, South Coogee for the following reasons:

1. The proposal does not comply with the maximum Floor Space Ratio development standard under Clause 4.4 of Randwick Local Environmental Plan 2012 and no written request to vary the development standard was submitted with the development application.
2. The proposal does not comply with the maximum Height of buildings development standard under Clause 4.3 of Randwick Local Environmental Plan 2012 and no written request to vary the development standard was submitted with the development application.
3. The proposal does not comply with the objectives of the Foreshore Scenic Protection Area under Clause 6.7 of Randwick Local Environmental Plan 2012 as it would result in a visually dominant built form within the foreshore area adjoining a public reserve.
4. The proposal does not comply with the side setback control under Part C1 Section 3.3.2 of Randwick Development Control Plan 2013.
5. The side and front setbacks of the proposed double garage and planter above do not comply with the design requirements under Part C1 Section 6.1, 6.3 and 6.5 of Randwick

Development Control Plan 2013.

6. The proposal does not comply with the building design requirements under Part C1 Section 4.1 of Randwick Development Control Plan 2013.
7. The north facing decks on the first floor level do not comply with the visual privacy controls under Part C1 Section 5.3 of Randwick Development Control Plan 2013.
8. The proposed swimming pool coping does not comply with Part C1 Section 7.5 of Randwick Development Control Plan 2013.
9. The proposed side fence/boundary walls do not comply with Part C1 Section 7.3 of Randwick Development Control Plan 2013.
10. The extent of overshadowing to the public recreational area located immediately to the south of the property should be minimised through reduced fence/wall heights and increased setbacks.

CARRIED UNANIMOUSLY.

D102/18 Development Application Report - 195 Beach Street, Coogee (DA/230/2017)

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 application is for a dual occupancy despite being in an area zoned R3 that permits residential flat buildings. The application has been assessed under the relevant controls pertaining to dual occupancies as contained in Section C1 of the Randwick DCP.

The Panel notes that the proposal complies with the FSR and building height standards contained in the RLEP. Objectors have raised concerns regarding view loss, however the panel consider that varying degrees of view loss must be expected given the zoning, FSR and 12 metre height development standards.

The panel refuses the application primarily for the reasons of poor internal arrangements and inadequate internal residential amenity as detailed in the assessing officer's 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. 230/2017 for demolition of existing structures, construction of part 3, part 4 storey dual occupancy with parking for 3 vehicles, landscaping and associated works, at No. 195 Beach Street, Coogee, for the following reasons:

1. The internal function and amenity of the dwellings (including room sizes and internal floor to ceiling heights) is unsatisfactory. The purpose of the office and powder room on level 3 and the need for the lift to extend to that level is unclear.
2. The internal floor to ceiling height of level 0 is excessive and results in greater building height and greater boundary wall height than necessary.
3. Level 0 of the proposal does not comply with the side setback controls under Part C1 of the Randwick Comprehensive Development Control Plan 2013.
4. The proposal does not comply with the rear setback controls under Part C1 of the Randwick Comprehensive Development Control Plan 2013. This non-compliance would result in unreasonable privacy impacts to the adjoining properties.
5. The proposal does not satisfy the front fencing requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because the front fence would present as a

prominent feature and detract from the character of fencing along this part of Beach Street.

CARRIED UNANIMOUSLY.

D103/18 Development Application Report - 4 Govett Street, Randwick (DA/367/2018)

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 not satisfied that the application in its current form gives adequate consideration to the heritage conservation area or amenity for the two households on the site. Therefore the Panel considers that determination of the application should be deferred pending submission of the following:

1. Landscape plans showing soft planting within the Govett Street setback and the triangular planter at the western corner of the site
2. A boundary survey by a registered surveyor
3. Amended plans showing:
 - All works being located wholly within the subject site
 - Reinstatement of the verandah on the Govett Street frontage
 - The front fence being replaced with a design more sympathetic with the heritage conservation area.
 - Removal of the fence above the garage along the Govett Lane frontage and replacement with a 1 metre wide planter in front of a 1.2 metre high balustrade.
4. Details of the colours, materials and finishes. These details shall be sympathetic with the conservation area

Following submission of the additional information, the application may be determined electronically or at a further public meeting.

RESOLUTION:

- A. That the RLPP defers determination of Development Application No. 367/2018 for alterations and additions to the existing dwelling house to include a secondary dwelling (heritage conservation area and variation to development standard for a secondary dwelling), at 4 Govett Street, Randwick, pending submission of the following
1. Landscape plans showing soft planting within the Govett Street setback and the triangular planter at the western corner of the site
 2. A boundary survey by a registered surveyor
 3. Amended plans showing:
 - All works being located wholly within the subject site
 - Reinstatement of the verandah on the Govett Street frontage
 - The front fence being replaced with a design more sympathetic with the heritage conservation area.
 - Removal of the fence above the garage along the Govett Lane frontage and replacement with a 1 metre wide planter in front of a 1.2 metre high balustrade.
 4. Details of the colours, materials and finishes. These details shall be sympathetic with the conservation area
- B. That the additional information be submitted Council with 8 weeks of this resolution.

CARRIED UNANIMOUSLY.

Miscellaneous Reports

Nil.

The meeting closed at 5.26pm.

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CHAIRPERSON