



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING  
OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON  
THURSDAY, 13 DECEMBER 2018 AT 1:07PM**

**Present:**

**Chairperson:** Annelise Tuor

**Expert Members:** Jason Perica; Deborah Laidlaw

**Community Representatives:** Peter Ryan (South 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**

Jason Perica declared conflicts of interest in Items D108/18 and D109/18 as objectors on each of these matters have been previous clients of his. Although neither objector is a current client, Jason Perica indicated that he would not take part in the deliberating or the voting on either matter.

**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:

D105/18 70 LOCH MAREE, MAROUBRA (DA/583/2018)

**Councillor** Mayor Cr Kathy Neilson

**Objector** Mr Mark Swain (representing the objectors)

**Applicant** Mr Dan Glass and Ms Joanne Glass

D106/18 6 FENTON AVENUE, MAROUBRA (DA/510/2018)

**Councillor** Mayor Cr Kathy Neilson

**Objector** Ms Mariana Zafeirakopoulous

D107/18 UNIT 14/20-22 GLEBE STREET, RANDWICK (DA/4/2018)

**Applicant** Ms Joanne McGuinness (representing the applicant)

D108/18 15 CLOVELLY ROAD, RANDWICK (DA/224/2018)

**Note: Having previously declared an interest, J Perica left the chamber and took no part in the debate or voting on this matter.**

<b>Councillor</b>	Mayor Cr Kathy Neilson
<b>Objector</b>	Mr Steve King
<b>Applicant</b>	Mr Colin Porter

D109/18 5 CRANA AVENUE, SOUTH COOGEE (DA/258/2018)

**Note: Having previously declared an interest, J Perica left the chamber and took no part in the debate or voting on this matter.**

<b>Objector</b>	Mr Napoleon Perdis
<b>Applicant</b>	Ms Madeline Blanchfield (representing the applicant)

M5/18 RANDWICK LOCAL PLANNING PANEL GUIDELINES

<b>Councillor</b>	Mayor Cr Kathy Neilson
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The meeting was adjourned at 3.31pm and was resumed at 5.42pm.

**The Chairperson indicated that the following matters would be brought forward for immediate consideration:**

- **D105/18 - Development Application Report - 70 Loch Maree, Maroubra (brought forward due to the level of public interest in the proposal).**
- **M5/18 - Miscellaneous Report - Randwick Local Planning Panel Guidelines (brought forward to consider the amended guidelines with a view to deliberating and voting on the remaining matters on the agenda after closing the public meeting).**

**The public meeting closed at 5.53pm and the Panel moved to the Coogee Room for deliberating and voting on the remaining matters on the agenda.**

### **Development Application Reports**

#### **D104/18 Development Application Report - 218 Clovelly Road, Randwick (DA/315/2018)**

##### **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 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. 315/2018 for alterations and additions to the existing shop top housing for a third storey addition containing a new one bedroom apartment at 218 Clovelly Rd, Randwick, subject to the development consent conditions attached to the assessment report with the following amendments:

##### **Add condition 2b:**

- 2b. The following glazing shall be obscure:
  - Glazing to the stairwell on the eastern elevation

- All new glazing up to a height of 1.6 metres above finished floor level

**CARRIED UNANIMOUSLY.**

## **D105/18 Development Application Report - 70 Loch Maree, Maroubra (DA/583/2018)**

### **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 outlined in the assessment report, the Panel (by majority vote) adopts the recommendation in the report subject to conditions which reduce the hours of operation and introduce a 12 month trial period.

The Panel notes that the proposed use is permissible in the Residential R2 zone and that the scale and intensity of the use (subject to the conditions) will not have an unreasonable impact on the residential amenity of the area and is consistent with a key objective of the R2 zone:

*To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

### ***Dissenting view:***

Jason Perica was of the view the intensity and hours were excessive and the use should not operate outside the base hours agreed by the Panel. However, this was a different proposal than lodged and thereby he did not support approval for the following reasons:

- Whilst the use is permissible in the zone and provides services to the community, the intensity of the use and externalisation of impacts were of concern
- Inconsistency with the zone objectives in terms of amenity impacts on neighbours, especially due to the excessive and unrelenting hours of operation in the early mornings and weekends
- The nature of the business and regular turnover of students and parents at half hourly intervals in terms of noise and traffic movement, particularly in early morning hours
- The internal layout provided insufficient space for changing of clothes for children coming and leaving lessons, noting cross over demand.

### **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/583/2018 for demolition of existing structures, construction of single storey building and operation of swim school at No. 70 Loch Maree Street, Maroubra, subject to the development consent conditions attached to the assessment report with the following amendments:

### **Add new condition 2b:**

- 2b. The windows on the southern elevation are to be fixed and obscure glazing to 1.8 metres above finished floor level.

### **Amend condition 68 to state:**

#### **Operational Hours**

68. The operating hours are restricted to the following base hours:

- 9:15am and 6:00pm; Monday to Saturday

Despite the above, the following operating hours may apply for a trial period of 12 months from the date of commencement of the pool facility use:

- Monday to Friday inclusive, from: 7:00am to 8:00pm (with the first class starting at 7:30am)
- Saturday: 7:30am to 6:30pm (with the first class starting at 8:00am)
- Sunday: 9:00am to 4:00pm (with the first class starting at 9:30am)

The operator must advise Council in writing of the issue of an Occupation Certificate and the commencement of the use and trial period

If the operator wishes to continue operating with the extended hours after the 12 month trial period, they must lodge an application under section 4.55 of the EP&A Act within 2 months of the expiration of the trial period. The trial period hours may continue until determination of the application.

Appropriate supporting evidence (including a parking study that covers peak hours on school days and on weekends; and an acoustic report that shows the impacts (including from use of the carpark)) must be provided with the Section 4.55 application.

**Amend condition 69 to state:**

69. Deliveries and/or loading or unloading of goods are restricted to the following hours to minimise disturbances to nearby residents (unless otherwise specifically approved in writing from Council):

a) Monday to Saturday: 9:15am – 5.00pm

**Amend condition 71 to state:**

71. The maximum number of students in the pool during classes (other than employees) must be limited to twelve (12).

**Amend condition 73**

73. The plan of management prepared by Fit2Swim Pty Ltd dated November 2018 shall be amended to reflect:

- a) the amended hours of operation detailed in condition 68 (maintaining the management measures to restrict parking demands during the morning and afternoon school peak periods); and
- b) incorporate all requirements of the acoustic report prepared by GHD and dated September 2018 that has been submitted as part of this application including the relevant conditions within this consent.

The acoustic consultant shall review the amended plan of management and confirm in writing to Council that all acoustic operational measures have been satisfied prior to commencement of operations.

The amended Plan of Management shall be submitted to and approved by Council's Manager Development Assessments prior to the commencement of use.

The operator of the Swim School must comply with the approved amended Plan of Management at all times.

**A VOTE** was taken and the names of the Panel members voting FOR and AGAINST were as follows:

FOR	AGAINST
A Tuor	J Perica
D Laidlaw	
P Ryan	
<b>Total (3)</b>	<b>Total (1)</b>

**D106/18 Development Application Report - 6 Fenton Avenue, Maroubra  
(DA/510/2018)**

**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 outlined in the assessment report, the Panel refuses the application and adopts the recommendation in the report with additional reasons for refusal reflecting concerns raised in that report and by the Panel.

**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. 510/2018 for demolition of existing structures and construction of a new 4 storey boarding house comprising 20 boarding rooms, 1 manager's room, 4 car parking spaces and associated site works, at No. 6 Fenton Avenue, Maroubra, for the following reasons:

1. The proposed development does not comply with:
  - a. Clause 4.3 Height of Buildings pursuant to the *Randwick Local Environmental Plan 2012*
  - b. Provision of a community room required under Clause 31(1)(a) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*
  - c. Motorcycle parking required under Clause 31(1)(h) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*

No request to vary these development standards has been submitted pursuant to Clause 4.6 of the *Randwick Local Environmental Plan 2012* and Clause 6 of *State Environmental Planning Policy No. 1 (Development Standards)* (as applicable) demonstrating that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

2. Pursuant Clause 30A *State Environmental Planning Policy (Affordable Rental Housing) 2009* the design of the proposed development is not compatible with the character of the locality.
3. The development is not consistent with the objectives of the R3 Medium Density Residential zone in that it does not contribute to the desired future character of the area and does not protect the amenity of residents.
4. The proposed building height and bulk will have unreasonable adverse impacts on the amenity of the surrounding locality.
5. The proposed development provides inadequate parking to meet the likely demand generated and is likely to unreasonably impact on on-street parking availability in the locality.
6. The dimensions of the proposed parking and driveway arrangements will not facilitate the satisfactory entry and exit of vehicles.
7. The proposed development does not comply with the minimum flood planning levels specified in Part B8 of the Randwick DCP, the proposed ground floor will be inundated by flood waters in the 1% AEP event.
8. It has not been demonstrated that the proposed facilities for waste (recycling and bulk storage) is of sufficient dimensions to accommodate the demand generated by the development.
9. The proposal does not provide adequate internal and outdoor amenity for the future occupants of the development.
10. The proposed development does not comply with key controls provided as part of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the Randwick Comprehensive Development Control Plan 2013, resulting in poor residential amenity and adverse amenity impacts to adjoining properties.

**CARRIED UNANIMOUSLY.****D107/18 Development Application Report - Unit 14/20-22 Glebe Street, Randwick (DA/4/2018)****REASONS:**

The Panel (functioning as the Decision Review Panel of Randwick Local Planning 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, subject to the deletion of condition 5 which was included in error.

For the reasons outlined in the assessment report, the Panel supports the exception to development standard for Clause 4.4 floor space ratio under Clause 4.6 of Randwick Local Environmental Plan 2012 and adopts the recommendation in the report.

**RESOLUTION:**

- A. That the Decision Review Panel of the Randwick Local Planning Panel 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 Decision Review Panel of the Randwick Local Planning Panel 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/4/2018 for alterations and additions to Unit 14 including alteration to new window in southern elevation, provision of internal void, relocation of study to lower level, and provision of landscaping to communal and private areas at No. Unit 14/20-22 Glebe Street, Randwick, subject to the development consent conditions attached to this report and subject to the deletion of condition 5.

**CARRIED UNANIMOUSLY.****D108/18 Development Application Report - 15 Clovelly Road, Randwick (DA/224/2018)**

**Note: Having previously declared an interest, J Perica left the meeting room and took no part in the debate or voting on this matter.**

**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 Clause 4.6 request to vary the floor space ratio in clause 4.4 of the Randwick Local Environmental Plan 2012 and is satisfied that all of the matters raised in Clause 4.6 are satisfactorily addressed. For the reasons in the assessment report, the Panel adopts the recommendation in the report subject to amendments to the conditions to address privacy, colours and materials, waste, articulation and impact on the Heritage Conservation Area.

The Panel notes that the increased setback as per the conditions are fundamental to the determination to ensure the satisfactory contribution of the development to the Heritage Conservation Area.

**RESOLUTION:**

- A. That the Randwick Local Planning Panel 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 Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 224/2018 for alterations and additions to the existing residential flat building including new third floor containing 4 additional studio dwellings, three parking spaces at the rear access off Clove Lane and associated communal open space works at the rear, at 15 Clovelly Road, Randwick, subject to the conditions attached to the planning report and as amended by the following:

**Amend condition 2a;**

- 2a. A privacy screen having a height of 1.6m (measured above balcony floor level) shall be provided to the:

- Western side of the rear balcony for unit 11
- Eastern side of the rear balcony for unit 12

Privacy screen/s must be constructed with either:

- Obscured glazing (The use of film applied to the clear glass pane is unacceptable);
- Fixed lattice/slats with individual openings not more than 25mm 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.

**Amend condition 2b;**

- 2b. The balconies at the front and the rear of units 9 to 12 shall be increased in depth by 500mm to an overall depth of 2metres (measured from the outer face of the external wall of each unit). The details shall be submitted to Council's Manager Development Assessment for approval prior to Construction Certificate being issued for the development.

**Amend condition 2c;**

- 2c. The entire 'second floor' level (except stringer brick course and the bathrooms to each of the units) shall be setback at least 600mm from the outer face of the side walls of the existing building. The details shall be submitted to Council's Manager Development Assessment for approval prior to Construction Certificate being issued for the development.

**Add condition 2e;**

- 2e. The following privacy measures (installed to a height of 1.6m from the finished floor level) shall be implemented to the north-west facing kitchen window for unit 10:

- The window is to be fixed with obscured glazing; or
- Fixed external vertical louvers with the individual blades oriented away from the private open space or windows of the adjacent dwellings.

Note: Any changes made to the BASIX certificate shall be amended accordingly.

**Add condition 2f;**

- 2f. The waste bin area shall be located at the rear of the site in the general vicinity of the existing location within a suitably designed enclosure. The details shall be submitted to Council's Manager Development Assessment for approval prior to a Construction Certificate being issued for the development.

**Amend condition 4 to read;**

4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building to maintain the integrity and amenity of the surrounding buildings in the heritage conservation area and the streetscape. The colourbond material at third floor level shall be of a dark recessive matt finish.

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) including samples of the brickwork are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

**A VOTE** was taken and the names of the Panel members voting FOR and ABSTAINING were as follows:

FOR	ABSTAIN
A. Tuor	J Perica
P Ryan	
D Laidlaw	
<b>Total (3)</b>	<b>Total (1)</b>

### **D109/18 Development Application Report - 5 Crana Avenue, South Coogee (DA/258/2018)**

**Note: Having previously declared an interest, J Perica left the chamber and took no part in the debate or voting on this matter.**

#### **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 exception to development standard submission under Clause 4.6 of Randwick Local Environmental Plan 2012 and adopts the recommendation in the report.

The Panel has amended conditions to minimise the streetscape impact of the garage and amenity impact on the neighbouring properties.

#### **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 in respect to non-compliance 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/258/2018 for alterations and additions to existing dwelling at lower ground, ground and first floor levels, new double garage to front and associated works, at No. 5 Crana Avenue, South Coogee, subject to the development conditions attached to the planning report and as amended by the following:

**Amend condition 2 to read;**

#### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements. The details shall be submitted to Council's Manager Development Assessment for approval prior to Construction Certificate being issued for the development:
  - a. The overall width of the garage shall be reduced to be a maximum of 6m. The garage shall be setback a minimum dimension of 900mm from the northern side boundary for the entire northern garage wall.
  - b. The proposed garage roof shall be non-trafficable.
  - c. The garage parapet shall be a maximum height of RL26.40.
  - d. The garage door shall be recessed at least by 200mm behind the alignment of the garage wall.
  - e. The fence and gate on the street boundary shall not exceed 1.8m in height with the upper two thirds of the fence to be at least 30% open when viewed from the



street. The gate will need to be at least 30% open when viewed from the street.

- f. The southern boundary wall shall be reduced in height to a maximum of 1.8m (measured above the existing ground levels of the subject site).
- g. Window W.G03 on the southern elevation shall be provided with fixed obscured glazing below 1.6m (measured above the floor level).
- h. The balustrade located on the 'line of the existing planter' as shown on drawing 302 Rev B shall be obscured glazing. The planter to the east of the balustrade shall be planted with hedge style planting to a minimum height of 500mm above the planter.
- i. All anomalies between floor plans, sections and elevations are to be corrected to ensure consistency.

**A VOTE** was taken and the names of the Panel members voting FOR and ABSTAINING were as follows:

FOR	ABSTAIN
A. Tuor	J Perica
P Ryan	
D Laidlaw	
<b>Total (3)</b>	<b>Total (1)</b>

## Miscellaneous Reports

### **M5/18      Miscellaneous Report - Randwick Local Planning Panel Guidelines (F2017/00351)**

#### **REASONS:**

The panel supports the amendments to the guidelines for the reasons set out in the Council report. It notes the matters raised by the Mayor and has amended the guidelines to outline the scenarios whereby the chair may vary the standard procedures set out in clause 4.34 for deliberation and voting. The panel has also considered the comments of other members and notes that Brenton Thomas (Community representative) wanted it recorded that he did not support the changes to the guidelines.

Mr Perica, while supporting the Guidelines, was not present for the verbal submission to the Panel and in those circumstances it was administratively appropriate for him to abstain from the voting.

#### **RESOLUTION:**

That the Randwick Local Planning Panel adopt the amended Randwick Local Planning Panel Guidelines attached to this report, subject to clause 4.34 being amended to clarify the scenarios that the chair may choose to vary the standard procedure for deliberation and voting.

**A VOTE** was taken and the names of the Panel members voting FOR and ABSTAINING were as follows:

FOR	ABSTAIN
A. Tuor	J Perica
P Ryan	
D Laidlaw	
<b>Total (3)</b>	<b>Total (1)</b>

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**CHAIRPERSON**