



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING HELD ON  
THURSDAY, 14 MARCH 2019 AT 1:06PM**

**Present:**

**Chairperson:** Annelise Tuor

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

**Community Representatives:** Michelle Finegan (West Ward)

**Council Officers present:**

Coordinator Development Assessment	Mr R Quinton
Executive Planner	Mr E Fitzroy
Personal Assistant to Manager Development Assessment	Ms A Halcro

**Declarations of Pecuniary and Non-Pecuniary Interests**

Jason Perica declared a non-significant non pecuniary interest in Item D8/19 as his sister and brother in law live three doors from the site and this may be perceived to affect decision making. Mr Perica indicated that he would not take part in the decision making or voting on the matter.

**Address of RLPP by Councillors and members of the public**

Deputations were received in respect of the following matters:

D5/19 1-3 MARCEL AVENUE, COOGEE (DA/459/2017)

**Councillor** Mayor, Cr Kathy Neilson

**Objector** Ms Louise Muscat

**Objector** Mr Stephen Hill

**Applicant** Mr Anthony Betros (representing the applicant)

D8/19 11 RAGLAN STREET, MALABAR (DA/500/2018)

**Applicant** Mr John Spiteri (representing the applicant)

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

**After the above speakers had addressed the panel, the public meeting was closed at 2.01pm. The Panel then moved to the Coogee Room to deliberate and vote on each matter.**

**The resolutions, reasons and voting outcomes for each item on the agenda are detailed below:**

## Development Application Reports

### D5/19 Development Application Report - 1-3 Marcel Avenue, Coogee (DA/459/2017)

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#### RESOLUTION:

That the Randwick Local Planning Panel defers determination of the Development Application and invites the Applicant to submit amended plans and supporting information showing:

- a) The living area and bathroom to unit 3.03, the balcony/balustrade adjoining that space and the roof form over that space being deleted.  
  
Note: The bedroom and immediately adjoining balcony to unit 3.03 may be amalgamated with unit 3.01.
- b) Unit 3.04 being amended as follows:
  - The balcony on the south-eastern side (including balustrade) being deleted;
  - The layout being amended to provide a north facing balcony and living area. The unit may extend to occupy the void space between it and the current unit 3.03.
- c) The trafficable area of the level 2 south eastern side balconies being reduced to a maximum depth of 1m measured from the south eastern façade. The remaining south eastern side of level 2 shall be replaced with a planter box running the full length of the building.
- d) Basement levels 1 and 2 being setback a minimum 900mm from the south eastern boundary to both comply with the DCP and provide for deep soil planting at a sensitive interface. This will necessitate the storage areas and motorcycle parking area being relocated. The amended basement levels shall provide parking in accordance with Council's DCP requirements and AS2890.1.
- e) The driveway entrance being redesigned to be consistent with the drawing titled 'B85 Vehicle Entry & Exit Swept Turning Paths' by Varga Traffic Planning Pty Ltd dated 2018-7-9. The width of the driveway crossover shall be minimised to provide additional street parking and landscaping. The plan shall also show the amended arrangement for the pedestrian entry path.
- f) Appropriate access and management measures for the visitor parking spaces.
- g) A revised landscape plan consistent with the proposed amendment to the building.
- h) Revised Clause 4.6 variation request(s). The panel would expect compliance (or close to compliance) with the FSR standard due to the changes required above.

The above information must be submitted to the Council by 4 April 2019 otherwise the application may be determined on the information currently provided. Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

#### REASON:

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 (by majority vote) has deferred determination of the application as it is not satisfied that the development application as proposed adequately responds to the planning controls within the context of surrounding developments and topography. The panel considers that further amendments may be able to address these matters.

The community representative voted against the resolution. The community representative considers the application is not in the public interest and should be refused. The development

does not facilitate a sustainable population growth, it would diminish the quiet peace and enjoyment of the local community and exacerbate the already dangerous traffic conditions. The sheer bulk of the proposed development is an overdevelopment of the site and would support an unwanted precedent.

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

FOR	AGAINST
Annelise Tuor	Michelle Finegan
Jason Perica	
Deborah Laidlaw	
<b>Total (3)</b>	<b>Total (1)</b>

### **D6/19 Development Application Report - 330 Anzac Parade, Kensington (DA/442/2018)**

#### **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 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. DA/442/2018 for the installation of Photovoltaic (Solar) Panels on the roof of the Botany Street Parking Station at the University of New South Wales at No. 330 Anzac Parade, Kensington, subject to the development consent conditions attached to the assessment report.

#### **REASON:**

The Panel has visited the site 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 there were no submissions.

The Panel supports the Clause 4.6 variation and approval of the application subject to conditions for the reasons given in the assessment report.

**CARRIED UNANIMOUSLY.**

### **D7/19 Development Application Report - 6 Fraser Street, Randwick (DA/557/2017/B)**

#### **RESOLUTION:**

That the RLPP, as the consent authority, grant consent under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA557/2017 at No. 6 Fraser 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, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
Dwg DA-01 Rev B	30 Axis	8 August 2017
Dwg DA-02 Rev B	30 Axis	8 August 2017

Dwg DA-03 Rev B	30 Axis	8 August 2017
Dwg DA-04 Rev B	30 Axis	8 August 2017
Dwg DA-05 Rev C	30 Axis	3 July 2017
Dwg DA-06 Rev B	30 Axis	8 August 2017
Dwg DA-07 Rev C	30 Axis	3 July 2017
Dwg DA-08 Rev C	30 Axis	3 July 2017
Dwg DA-09 Rev C	30 Axis	3 July 2017
Dwg DA-11 Rev B	30 Axis	8 August 2017
Dwg DA-12 Rev B	30 Axis	8 August 2017

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
Multi Dwelling	851317M	5 September 2017

**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>
Dwg DA-01 Revision D	30 Axis	15 January 2019
Dwg DA-02 Revision D	30 Axis	15 January 2019
Dwg DA-03 Revision D	30 Axis	15 January 2019
Dwg DA-04 Revision D	30 Axis	15 January 2019
Dwg DA-05 Revision D	30 Axis	15 January 2019
Dwg DA-06 Revision D	30 Axis	15 January 2019
Dwg DA-07 Revision D	30 Axis	15 January 2019
Dwg DA-08 Revision D	30 Axis	15 January 2019
Dwg DA-09 Revision D	30 Axis	15 January 2019

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
Multi Dwelling	851317M	5 September 2017

- **New Conditions 71 and 72 to be added:**
71. The 'plant room' and 'foundation space' behind the garages at the basement level of the dwellings on lots 2 and 3 shown on Drawing No. DA-02 Revision D dated 15 January 2019, prepared by 30 axis, shall not be adapted or used for any habitable purpose without approval by Council.
72. The northern landscaped rainwater tank be no higher than the approved fence above the garages. Details showing compliance with this requirement shall be submitted with the Construction Certificate.

**REASON:**

The Panel has visited the site 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 application to modify the consent for the reasons given in the assessment report. An additional condition has been included to ensure that the rainwater tank is not visible from St Marks Lane.

**CARRIED UNANIMOUSLY.**

**D8/19 Development Application Report - 11 Raglan Street, Malabar  
(DA/500/2018)**

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

**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 grant “**Deferred Commencement**” consent under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/500/2018 for alterations and additions to existing attached dual occupancy and use of unauthorised building works at No. 11-11A Raglan Street, Malabar, subject to the following deferred commencement and standard conditions attached to the assessment report, as amended below:

**Deferred commencement condition:**

The consent is not to operate until the following documentation has been provided to the satisfaction of Council’s Manager Development Assessment:

- Evidence that a building certificate has been issued for the unauthorised building works.

Evidence required to satisfy the above condition must be submitted to Council within 12 months of the date of this consent.

Subject to compliance with the deferred commencement condition, to the satisfaction of the Manager of Development Assessment, development consent is granted under Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

**Standard conditions:**

As per the assessment officers report with the following amendments:

**1. Add the following conditions**

- The proposed rear patio at ground floor shall be lowered by a minimum 500mm (to a maximum RL of 39.71m AHD). The 1.8 metre high privacy screens shall be maintained on both sides of the patio.
- This consent does not grant approval for any excavation.
- The unauthorised area of the existing balcony at the rear of the first floor shall be used as a planter only. The planter box shall be constructed to a minimum height of 600mm above FFL and planted with a hedge that will achieve minimum height of 1m above the top of the planter.
- A BCA compliant balustrade shall be provided on the north west side of the planter.
- Perimeter screen planting shall be provided along the side and rear boundaries of the rear yard area.

**2. Delete conditions 4 and 17**

**REASON:**

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 was satisfied that the additional balcony to the front of the building are consistent with the streetscape character. However it considered that the elevated rear patio and balcony

extension required amendments to satisfy privacy requirements. Conditions have been added accordingly.

The Panel generally supports the application for the reasons given in the assessment report.

A deferred commencement condition was included to ensure all unauthorized building works will be certified prior to use.

The Panel agreed with the applicant's request to delete conditions 4 and 17 because of BCA compliance.

**CARRIED UNANIMOUSLY (Jason Perica was not present).**

The meeting closed at 5:15pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Jason Perica
Deborah Laidlaw	Michelle Finegan