



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING HELD  
ON THURSDAY, 11 APRIL 2019 AT 1:03PM**

**Present:**

**Chairperson:** Garry West

**Expert Members:** Kara Krason, Janette Murrell

**Community Representatives:** Mio Margarit Chow

**Council Officers present:**

Manager Development Assessment	Mr F Ko
Executive Planner	Ms E Fitzroy
PA to Manager Development Assessment	Ms A Halcro

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

- A) Kara Krason declared a non-significant non-pecuniary interest in Item D9/19 as she was part of the panel that originally determined the application that is now the subject of the review. Ms Krason did not take part in the deliberation or voting on the matter.

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

Deputations were received in respect of the following matters:

D9/19 54-56 MEEKS STREET, KINGSFORD (DA/807/2017)

**Having declared an interest in this matter Kara Krason left the meeting and took no part in the deliberations or voting on this Item.**

**Councillor** Mayor, Cr Kathy Neilson

**Objector** Mr Kane Williams

**Applicant** Mr Max Sgammotta (representing the applicant)

D11/19 149 - 155 MALABAR ROAD, SOUTH COOGEE (DA/502/2017/A)

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

D12/19 46 ADINA AVENUE, LA PEROUSE (DA/622/2018)

**Councillor** Mayor, Cr Kathy Neilson

D13/19 43 MERMAID AVENUE, MAROUBRA (DA/737/2018)

**Applicant** Ms Anna Vaughn (representing the applicant)

D14/19 29 DOLPHIN STREET, RANDWICK (DA/720/2012/B)

<b>Councillor</b>	Mayor, Cr Kathy Neilson
<b>Councillor</b>	Cr Murray Matson
<b>Objector</b>	Ms Jenny Tuckwell
<b>Applicant</b>	Ms Vanessa Farrer (representing the applicant)

After the above speakers had addressed the panel, the public meeting was closed at 2.00pm. 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

### D9/19 Development Application Report - 54-56 Meeks Street, Kingsford (DA/807/2017)

Having declared an interest in this matter Kara Krason left the meeting and took no part in the deliberations or voting on this Item.

#### RESOLUTION:

That the RLPP refuse consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 807/2017 for alterations and additions to the existing part 2 and part 3 storey residential flat building to allow an additional 4 dwellings at the second floor, 2 additional at-grade car parking spaces, new vehicular entrance off the laneway, new bicycle parking and communal open space with BBQ (variation to height and floor space ratio controls), at No. 54-56 Meeks Street, Kingsford NSW 2032, for the following reasons:

1. The Panel has considered the Applicant's written requests pursuant to cl.4.6 of the Randwick Local Environmental Plan 2012 (LEP) to vary the development standards contained in the following clauses of the LEP:

- Clause 4.3 – Height of Buildings
- Clause 4.4 – Floor Space Ratio

as required under cl.4.6(4) of the LEP.

The Panel is not satisfied that the Applicant's written request adequately address the matters to be demonstrated by the Applicant under Clause 4.6(3), namely that:

- compliance with the development standards would be unreasonable or unnecessary in the circumstances of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standards

as they are not in accordance with the relevant objectives of the height of buildings development standard and the floor space ratio development standard and the R3 Medium Density Residential zone. Therefore, in the Panel's view the proposed development will not be in the public interest.

2. Adequate regard has not been given to the design quality principles as part of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development including: communal open space; visual privacy; solar access; bedroom size; and storage.
3. Car parking does not comply with minimum car parking requirements specified by the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Randwick Comprehensive Development Control Plan 2013. The proposed entry and exit into at grade parking spaces compromises the safety of entry and exit for users of the Council Reserve opposite. The location of boulders on the verge opposite compromises the safety of vehicles exiting the at grade parking space.

4. The proposed development does not comply with controls contained in the Randwick Comprehensive Development Control Plan 2013 with regards to provision of car parking and bicycle parking, landscaped open space, design requirements for communal open space, external wall height, maximum permitted wall lengths and provision of sun shading devices.
5. The proposed development will result in adverse visual amenity impacts to surrounding properties.
6. The proposed development will result in additional overshadowing of eastern and western adjoining properties as a result of the non-compliant building height and floor space ratio.
7. The proposed development will set an undesirable precedent within the streetscape that is inconsistent with the desired future character of the locality.
8. The proposal is not consistent with the objectives of the R3 Medium Density Residential zone pursuant to the Randwick Local Environmental Plan 2012, in that the development will not contribute to the desired future character of the area and has not adequately demonstrated that it will protect the amenity of residents.

**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 refuses the application for the reasons given in the resolution above.

**CARRIED UNANIMOUSLY.**

**D10/19 Development Application Report - 327 Clovelly Road, Clovelly  
(DA/413/2018)**

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**RESOLUTION:**

- A. That the RLPP is satisfied that the matters detailed in clause 4.6(4) of Randwick Local Environmental Plan 2012 have been adequately addressed 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 grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/413/2018 for Alterations and additions to existing dwelling including new upper level, at No. 327 Clovelly Road, Clovelly subject to the development consent conditions attached to the assessment report.

**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 supports the application for the following reasons:

1. The Panel has considered the Applicant's written request pursuant to cl.4.6 of the Randwick Local Environmental Plan 2012 (LEP) to vary the development standard contained in the following clause of the LEP:
  - Clause 4.3 – Height of Buildings (a building height of 10.37m is sought, the standard being 9.5m)as required under cl.4.6(4) of the LEP.

The Panel is satisfied that the Applicant's written request adequately addresses the matters to be demonstrated by the Applicant under Clause 4.6(3), namely that:

- a. compliance with the development standards would be unreasonable or unnecessary in the circumstances of the case for the reasons summarised at Section 5.0 of the assessment report; and
- b. there are sufficient environmental planning grounds to justify contravening the development standard.

Therefore the panel considers that the application is in the public interest.

2. The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
3. The proposed development satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.
4. The proposal complies with the majority of the relevant assessment criteria and will not result in any adverse impacts upon either the amenity of the adjoining premises or the character of the locality.
5. The scale and design of the proposal is considered to be suitable for the location and is compatible with the desired future character of the locality.
6. The environmental impacts are acceptable.

**CARRIED UNANIMOUSLY.**

### **D11/19 Development Application Report - 149 - 155 Malabar Road, South Coogee (DA/502/2017/A)**

#### **RESOLUTION:**

That the RLPP, as the consent authority, approve the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 502/2017 to change the 1 bedroom dwelling to a 2 bedroom dwelling at level 2, change the 3 bedroom dwelling to a 4 bedroom dwelling at level 3, alteration to some windows, deletion of level 3 north terrace, alter solar panels, delete planter on rear level 3 balcony and at No. 149-155 Malabar Road, South Coogee, in the following manner:

- **Amend Conditions Nos. 1 & 2a 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:

<i><b>Plan</b></i>	<i><b>Drawn/prepared by</b></i>	<i><b>Dated</b></i>
DA00, Cover Sheet and Context Plan (Rev D)	Edifice Design	03.04.18
DA01, Site Analysis (Rev B)	Edifice Design	12.12.17
DA02, Basement Level (Rev B)	Edifice Design	12.12.17
DA03, Ground/Podium Level (Rev D)	Edifice Design	03.04.18
DA04, Level 1 (Rev D)	Edifice Design	03.04.18
DA05, Level 2 (Rev D)	Edifice Design	03.04.18
DA06, Level 3 (Rev D)	Edifice Design	03.04.18
DA07, Site and Roof Plan (Rev C)	Edifice Design	03.04.18
DA08, North and West Elevation (Rev D)	Edifice Design	03.04.18
DA09, East and South Elevation (Rev D)	Edifice Design	03.04.18
DA10, Section A-a Section B-B (Rev D)	Edifice Design	03.04.18
DA11 External Colours Materials and Finishes (Rev C)	Edifice Design	12.12.17
Landscape Plan –L01, L02 (Rev A)	Zenith	9.12.17

Drainage Plans Rev E Sheets STW001-502	LP Consulting Pty Ltd	6.12.17
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<b><i>BASIX Certificate</i></b>	<b><i>No.</i></b>	<b><i>Dated</i></b>
	842457M_02	14 December 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><i>Plan</i></b>	<b><i>Drawn/prepared by</i></b>	<b><i>Dated</i></b>
DA02, Basement Level (Rev C)	Edifice Design	24/10/2018
DA03, Ground/Podium Level (Rev D)	Edifice Design	24/10/2018
DA04, Level 1 (Rev D)	Edifice Design	24/10/2018
DA05, Level 2 (Rev F)	Edifice Design	05/03/2019
DA06, Level 3 (Rev F)	Edifice Design	05/03/2019
DA07, Site and Roof Plan (Rev D)	Edifice Design	05/03/2019
DA08, North and West Elevation (Rev F)	Edifice Design	05/03/2019
DA09, East and South Elevation (Rev F)	Edifice Design	05/03/2019
DA10, Section A-a Section B-B (Rev E)	Edifice Design	05/03/2019

<b><i>BASIX Certificate</i></b>	<b><i>No.</i></b>	<b><i>Dated</i></b>
	842457M_02	14 December 2017

- 2 a. Continuous planter box built with a minimum width of 900mm and a minimum height of 600mm shall be installed along the northern, eastern and southern outer perimeter of the main roof terrace area to the east of the living room. The roof terrace area directly to the north adjacent to the master bedroom and living area shall be non-trafficable and doors providing access to this area deleted and replaced with windows. The recessed roof terrace area to the south eastern end can remain without planter boxes. The plans including associated landscaped plan shall be amended to reflect the above details and also include details of the proposed vegetation to be installed in the planter boxes.

**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.

Whilst the Community Representative was supportive of the application in general as it improves amenity of the units, she raised concerns regarding deficiency of parking. However, she noted that the original proposal had one parking space shortfall already (which was supported by Council's engineers) and therefore did not raise any further objections to this application being approved.

The Panel noted that condition 2a. was unclear and amended the wording as detailed in the resolution above.

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

**CARRIED UNANIMOUSLY.**

## **D12/19 Development Application Report - 46 Adina Avenue, La Perouse (DA/622/2018)**

**RESOLUTION:**

That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/622/2018 for restoration works to La Perouse Mission Church, demolition of manse garage, landscape works on southern

side of church, removal of cyclone fence around church and installation of new temporary fencing at No. 46 Adina Avenue, LA Perouse, subject to the development consent conditions attached to the assessment report.

**REASON:**

The Panel has visited the site, considered the submission at the meeting 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 for the following reasons:

1. The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
2. The proposal is consistent with the specific objectives of the R3 zone in that the proposed works will have a positive impact on the heritage significance of the La Perouse Mission Church and overall visual appearance of the building and its presentation to the street.
3. The development enhances the visual quality of the public domain/streetscape.
4. The proposed development will have a beneficial contribution and social importance for both the La Perouse Aboriginal and broader community.

**CARRIED UNANIMOUSLY.**

**D13/19 Development Application Report - 43 Mermaid Avenue, Maroubra  
(DA/737/2018)**

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**RESOLUTION:**

- A. That the RLPP is satisfied that the matters detailed in clause 4.6(4) of Randwick Local Environmental Plan 2012 have been adequately addressed and that consent may be granted to the development application, which contravenes the height of buildings development standard in Clause 4.3 of the Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- B. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 737/2018 for alterations and additions to existing dwelling at lower ground, ground and first floor levels, landscaping and associated works, at No. 43 Mermaid Avenue, Maroubra NSW 2035, subject to the development consent conditions attached to the assessment report with the following amendments:

- **Amend Condition 2 to read:**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) A privacy screen having a height of 1.6m (measured above the floor level of the balcony) shall be provided to the entire north-eastern side of the rear-facing, first floor balcony that is located off the living room.

Privacy screen must be constructed with either:

- Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable) ;
- 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.

- b) The full-height privacy screen louvers shown to window 7 and to the north-western

side of the rear-facing balcony on the first floor shall comprise 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.

c) Window 12 must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

d) Windows 9 and 10 shall comprise opaque glazing.

- **Amend Condition 3 to read:**

3. The Lower Ground Floor shall not be used as a Secondary Dwelling or a separate domicile.

- **Add new condition 1a:**

1a. Prior to the issue of a construction certificate the applicant shall submit drawings and details prepared by a suitably qualified engineer to demonstrate the method of construction that will retain that part of the building that has been nominated for the retention in the approved plans.

**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 has considered the Applicant's written request pursuant to cl.4.6 of the Randwick Local Environmental Plan 2012 (LEP) to vary the development standard contained in the following clause of the LEP:

- Clause 4.3 – Height of Buildings

as required under cl.4.6(4) of the LEP.

The Panel is satisfied that the Applicant's request adequately addresses the matters to be demonstrated by the Applicant under Clause 4.6(3), namely that:

- (a) compliance with the development standards would be unreasonable or unnecessary in the circumstances of the case for the reasons summarised at Section 5.0 of the assessment report; and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

Therefore the panel considers that the application is in the public interest.

The Panel supports the Clause 4.6 variation for the reasons given above and recommends that application be approved for the reasons given in the assessment report. However, the Panel considers that:

- Condition 2a should be amended to delete requirement for a privacy screen to the north western side of the rear facing ground floor balcony as it was considered unnecessary; and
- Condition 2c should be amended to delete requirement for obscure glazing to windows 15 and 16 as they are to bedrooms; and
- Condition 3 should be amended to prohibit use of lower ground level as a separate domicile.
- A new condition (1a) be added requiring the applicant to demonstrate how the walls nominated for retention are to be retained given the application is for the alterations and additions rather than a new dwelling.

These amendments are reflected in the above resolution.

**CARRIED UNANIMOUSLY.**

**D14/19 Development Application Report - 29 Dolphin Street, Randwick  
(DA/720/2012/B)**

**RESOLUTION:**

That the RLPP, as the consent authority, refuse the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. 720/2012 for modification of approved development by conversion of 2 x 3 bed dwellings on lower ground and ground floor to 2 x 2 bed dwellings on ground floor and 2 x 1 bed dwellings on lower ground floor, at No.29 Dolphin Street, Randwick, for the following reasons:

1. The proposed modifications will result in a development that is not substantially the same development as the development for which the consent was originally granted and therefore do not satisfy the relevant provisions under Section 4.55 of the Environmental Planning and Assessment Act 1979.
2. The proposed modifications fail to comply with the parking requirements.
3. The proposed modifications fail to comply with the maximum floor space ratio standard.
4. The floor to ceiling heights of the lower ground floor units do not comply with the design criteria 4C-1 of the Apartment Design Guide, and will result in poor residential amenity as separate domiciles. The lower units are not well designed: including light and ventilation to habitable rooms; and design of functional areas.
5. The proposed modifications fail to comply with the provisions under Part B6 of the Randwick Comprehensive Development Control Plan 2013 in relation to adequate storage for waste bins and bulky items.

**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 refuses the application for the reasons given in the resolution above.

**CARRIED UNANIMOUSLY.**

The meeting closed at 5:30pm.

<b>CONFIRMATION OF MINUTES BY PANEL MEMBERS</b>	
Garry West (Chairperson)	Kara Krason
Janette Murrell	Mio Margarit Chow