



DETERMINATION OF DEFERRED MATTER ON FRIDAY, 3 MAY 2019

(Pursuant to cl 26 of Schedule 2 of the *Environmental Planning and Assessment Act 1979*)

Present:

Chairperson:

Annelise Tuor

Expert Members:

Jason Perica; Deborah Laidlaw;

Community Representatives:

Michelle Finegan (West Ward)

Development Application Reports

**D22/19 Development Application Report - 1-3 Marcel Avenue, Randwick NSW
(DEFERRED ITEM) (DA/459/2017)**

REASONS

At its meeting on 14 March 2019, the Randwick Local Planning Panel (Panel) visited the site, considered the submissions and an assessment report (Report) prepared by Council officers. The Panel, by majority vote, resolved:

“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.”

The applicant submitted additional information, including amended plans, on 4 April 2019. This information was assessed by council officers in a supplementary report (Supplementary Report), which was emailed to the Panel on 15 April. Further information in response to questions from the Panel was emailed on 23 and 24 April.

The amended plans were not required to be re-notified pursuant to section 3.5.1 of Part A of the Randwick DCP - Notification requirements for amending, modifying and reviewing applications as the amendments result in lesser effect than that of the original application. Notwithstanding, a number of community members submitted further submissions in respect of the proposed development. These were circulated to, and considered by, the Panel and in the Supplementary Report.

The Panel has considered the additional information and for the reasons in the Report and the Supplementary Report the majority of the Panel agree with the recommendation that consent may be granted subject to conditions. In particular, the following considerations were fundamental to the Panel's determination:

- . amendments have been made to the plans consistent with the terms of the Panel's resolution, which was aimed at guiding an appropriate built form and amenity outcome for the site;
- . the associated impacts have been found acceptable by Council staff, including relating to technical engineering and landscape issues associated with the amendments;
- . residential flat buildings are permissible on both No. 1 and No. 3 Marcel Avenue and the amended proposal now complies with the floor space ratio standard in cl 4.4 of Randwick LEP 2012. Consequently the bulk and intensity of development is consistent with that envisaged by the planning controls;
- . the setbacks comply or exceed the requirements of Randwick DCP, in particular, the setbacks of Levels 02 and 03 from the south east, together with measures such as planter boxes and privacy screens mitigate impacts on the adjoining property;
- . issues raised in submissions are reasonably addressed by the amended proposal or reasonably mitigated by recommended conditions of consent.

Furthermore, the variation to the height of buildings standard in cl 4.3 of Randwick LEP 2012 is justified in the circumstances having regard to the applicant's clause 4.6 written request to contravene the standard (and justification therein), the objectives of the Building Height development standard and the objectives of the zone (and granting consent would be in the public interest). The variation is relatively minor at the front of the site (<10%) and allows for a more cohesive streetscape presentation and while the variation is more significant at the rear it is well set back from the adjoining property at 5 Marcel Avenue and further than is required under the DCP setback controls which offsets the impacts of bulk and scale and privacy concerns. The impact of the higher elements (overruns/skylights) is not significant. The impact to the rear is likewise not significant, noting that only a slender portion of the building is non-compliant, whereas the bulk of that elevation is compliant (with the 12m Height standard). The overshadowing impacts are assessed as being similar to a compliant development, having regard to the setbacks provided.

The Panel has included amendments to the conditions to further address the potential impacts on the adjoining property at 5 Marcel Avenue. These include deletion of the doors on the south eastern side of Level 02 and reducing the width of the terrace to provide access only for maintenance of the planter boxes. As well as requiring that the walls to the waste store and car lift are of solid construction.

The decision of the Panel was not unanimous as the community representative was unable to support the revised Proposal for the following reasons:

- . the development does not adhere to Aim 1(f) of the Randwick Local Environmental Plan 2012, to facilitate sustainable population and housing growth.
- . the development contravenes 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.
- . the development will diminish the quiet peace and enjoyment of the local community,

exacerbate the already dangerous traffic conditions and set an unwanted precedent.

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/459/2017 for demolition of all structures on site and construction of a part 3 part 4 residential flat building comprising of 11 dwellings and 2 levels of basement parking for 18 vehicles, associated site and landscaping works, at No. 1-3 Marcel Avenue Randwick, subject to the attached development consent conditions.

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

FOR	AGAINST
Annelise Tuor	Michelle Finegan
Deborah Laidlaw	
Jason Perica	
Total (3)	Total (1)

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