



MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING HELD ON THURSDAY, 9 MAY 2019 AT 1:05PM

Present:

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

Council Officers present:

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

Declarations of Pecuniary and Non-Pecuniary Interests

Nil

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D16/19	35 JERSEY ROAD, MATRAVILLE (DA/804/2018)	Applicant	Mr John Spiteri (representing the applicant)
D17/19	7 SEASIDE PARADE, SOUTH COOGEE (DA/502/2018/A)	Objector	Mr Marcus Steele
		Applicant	Mr Paul Dos Santos (representing the applicant)
D18/19	7 SEASIDE PARADE, SOUTH COOGEE (DA/655/2018/A)	Objector	Mr Marcus Steele
		Applicant	Mr Paul Dos Santos (representing the applicant)
D19/19	48 DUDLEY STREET, COOGEE (DA/536/2018)	Applicant	Mr Albert Becerra (representing the applicant)
D21/19	59 DENNING STREET, SOUTH COOGEE (DA/601/2018)	Applicant	Mr Tim Frederick (representing the applicant) - pp

After the above speakers had addressed the panel, the public meeting was closed at 1:53pm. 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:

Urgent Business

Nil.

Development Application Reports

D16/19 Development Application Report - 35 Jersey Road, Matraville (DA/804/2018)

RESOLUTION:

That the RLPP refuse consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/804/2018 for Torrens title subdivision of existing site into 2 lots, demolition of existing garage on new Lot B and construction of hardstand car parking space on new Lot A (variation to lot size control) at No. 35 Jersey Road, Matraville for the following reasons:

1. The proposal does not comply with the minimum subdivision lot size development standard of 400sqm as specified under Clause 4.1 of Randwick Local Environmental Plan 2012 and the Clause 4.6 written request is not supported. The Panel is not satisfied that the applicant's written request has adequately demonstrated that:
 - Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - There are sufficient environmental planning grounds to justify contravening the development standard.
2. The proposal does not satisfy the objective of the R2 Low Density zone in relation to recognising the desirable elements of the existing streetscape and built form and contributing to the desired future character of the area.
3. The proposal does not satisfy the relevant controls and objectives in relation to minimum lot size and minimum lot frontage controls contained in Part C1 of the Randwick DCP 2013.
4. The proposal fails to satisfy the relevant considerations under Section 4.15(1) (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended for natural and built environmental impacts, suitability of the site and the public interest.

REASON:

The Panel has visited the site, considered the submissions (written and oral) 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.

D17/19 Development Application Report - 7 Seaside Parade, South Coogee (DA/502/2018/A)

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. 502/2018 for modification of the approved development by enlargement of the rear awning at the entry level making the awning trafficable and provision of a support column at No. 7 Seaside Parade, South Coogee, for the following reason:

- The Panel is not satisfied that the proposed modification is substantially the same as the development for which consent was originally granted, as required by Section 4.55 (2) (a) of the Environmental Planning and Assessment Act 1979, noting that the proposed modification would change the function/use of the structure as well as its shape and size.

REASON:

The Panel has visited the site, considered the submissions (written and oral) 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.

**D18/19 Development Application Report - 7 Seaside Parade, South Coogee
(DA/655/2018/A)**

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. 655/2018 for modification of the approved development by enlargement of the rear awning at the first floor level, making the awning trafficable with balustrading and provision of a structural column at No. 7 Seaside Parade, South Coogee, for the following reason:

- The Panel is not satisfied that the proposed modification is substantially the same as the development for which consent was originally granted, as required by Section 4.55 (2) (a) of the Environmental Planning and Assessment Act 1979, noting that the proposed modification would change the function/use of the structure as well as its shape and size.

REASON:

The Panel has visited the site, considered the submissions (written and oral) and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended.

The Panel refuses the application for the reasons given in the resolution above.

In addition, the Panel notes that if it could lawfully consider the proposal, the application for modification has not adequately addressed the matters referred to in Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 as are of relevance to the development subject of the application including impacts on views, and visual and aural privacy.

CARRIED UNANIMOUSLY.

D19/19 Development Application Report - 48 Dudley Street, Coogee (DA/536/2018)

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 Secretary of the Department of Planning & Environment has been 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/536/2018 for the construction of a new three storey residential flat building comprising 6 x 3 bedroom units over basement carpark level, subject to the development consent conditions attached to the assessment report with the following amendments:

- **Amend conditions 1 and 2 to read:**

Approved Plans & Supporting Documentation

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
A100 (Revision J)	Architects Becerra	27/11/2018
A102 (Revision J)		
A103 (Revision G)		
A104 (Revision G)		
A105 (Revision G)		
A201 (Revision K)		
A202 (Revision H)		
A203 (Revision H)		
A204 (Revision H)		
A205 (Revision H)		
A206 (Revision H)		
A207 (Revision H)		
LPDA 19-03/1-4 (Rev F)	Conzept Landscape Architects	17/8/2018

BASIX Certificate No.	Dated
942713M	24/7/2019

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:

a. The privacy screens at either end of the terraces 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 fire booster is to be relocated so that it does not require any changes to the existing/retained sandstone boundary wall.

• **Add conditions 2A and 2B:**

Floor to Ceiling Height

2 A The floor to ceiling heights of the development are to comply with the minimum requirements of the Apartment Design Guide. Compliance with this condition must not result in any increase in the overall building height.

Retention of sandstone wall

2 B The existing sandstone wall and sandstone columns are to be retained and appropriately protected during construction.

• **Amend conditions 15 and 63 to state:**

15. Plans submitted for the construction certificate shall be amended to demonstrate compliance with the following additional traffic safety requirements

- a) The internal driveway shall be widened to minimum 5.5m for at least 5m into the property to incorporate a waiting bay with the adjacent pedestrian access to be incorporated into the waiting bay as a "shared zone".
- b) A vehicle signalling system shall be provided on the internal driveway such that the system will default to green for vehicles entering the subject property with specifications of the proposed system to be provided to the satisfaction of the PCA

A copy of the approved documentation is to be forwarded to Council's Development Engineers prior to the issuing of a construction certificate.

63. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to Council's specifications and requirements.

NOTES

- The crossing must be setback a minimum 0.3m from the adjacent power pole
 - The crossing shall widen to 5.5m at the front property alignment to match the internal driveway and waiting bay
- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Re-construct kerb and gutter for the full site frontage except opposite the vehicular entrance, including any road reknit as required to Council's specifications and requirements.
 - d) Re-construct a 1.3m wide concrete footpath along the full site frontage, as required. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - e) Install 'No Stopping' signage within 10m of the intersection of the Dudley & Mount Street subject to the requirements and approval of Randwick Traffic committee.

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 reasons given in the assessment report and has imposed some additional/amended conditions to address matters including overall building height, retention of sandstone wall, landscaping and vehicular safety.

CARRIED UNANIMOUSLY.

D20/19 Development Application Report - 96 Tunstall Avenue, Kingsford (DA/508/2018)

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. 508/2018 for demolition of all structures on site and construction of a new part 2 and part 3 storey dwelling house with double garage, rear swimming pool, associated site and landscaping works, at No. 96 Tunstall Avenue, Kingsford, 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 supports the application for the reasons given in the assessment report.

CARRIED UNANIMOUSLY.

**D21/19 Development Application Report - 59 Denning Street, South Coogee
(DA/601/2018)**

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 building height development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment has been 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.601/2018 for alterations and additions to existing dual occupancy at lower ground, ground and first floor levels and conversion to a single dwelling, swimming pool to rear, garage to front, landscaping and associated works, at No.59 Denning Street, South Coogee, subject to the development consent conditions attached to this report with the following amendments:
- Delete condition 2.

REASON:

The Panel has visited the site, considered the submissions (written and oral) 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 reasons given in the assessment report.

The Panel resolved to delete condition 2 as having inspected the site, it determined that the privacy screen and reduction in balcony size was unnecessary in the circumstances having regard to the number and size of other large balconies in the locality that do not have privacy screens. Further, the objection from 3 Pearce Street was withdrawn.

CARRIED UNANIMOUSLY.

Miscellaneous Reports

Nil.

The meeting closed at 4pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Lindsay Fletcher (Chairperson)	Kara Krason
Sandra Robinson	Kerri Hamer