



MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING HELD ON THURSDAY, 13 JUNE 2019 AT 1:03PM

Present:

Chairperson:	Annelise Tuor
Expert Member	Janette Murrell, Heather Warton
Community Representatives:	Sarah Kelly (East Ward)
Council Officers present:	
Manager Development Assessment	Mr F Ko
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:

D23/19 279 AVOCA STREET, RANDWICK (DA/619/2018)

Councillor Mayor Cr Kathy Neilson

D24/19 13 MCDOUGALL STREET, KENSINGTON (DA/929/2018)

Councillor Mayor Cr Kathy Neilson

D23/19 279 AVOCA STREET, RANDWICK (DA/619/2018)

Objector Ms Lynn Womersley PP

Applicant Mr Michael Vine, Peter Couvaras

D27/19 1 HILL STREET, COOGEE (DA/31/2018)

Applicant Mr Nagy Khoury PP

D28/19 5 CRANA AVENUE, SOUTH COOGEE (DA/258/2018/A)

Objector Mr Napoleon Perdis

Applicant Mr Kevin Ewart (representing applicant) PP

D29/19 70 DONCASTER AVENUE, KENSINGTON (DA/35/2019)

Applicant Mr Sam Marshall PP

D30/19 238-246 ARDEN STREET, COOGEE (DA/963/2018)

Objector Ms Ailsa Latham

Applicant Ms Belinda Thomas (representing applicant)

After the above speakers had addressed the panel, the public meeting was closed at 2.10pm. The Panel then moved to the Coogee Room to deliberate and vote on each matter.

Urgent Business

Nil.

Development Application Reports

D23/19 Development Application Report - 279 Avoca Street, Randwick (DA/619/2018)

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/619/2018 for demolition of all existing structures, construction of a 2 level boarding house in 2 building forms containing 10 boarding rooms and associated parking with access from Dine Lane plus motorcycle and bicycle parking, landscaping and associated works, at No.279 Avoca Street, Randwick, subject to the development consent conditions in the Council Officer's assessment report, as amended.

REASON:

The Panel has visited the site, considered the submissions (oral and written) 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 in the Council Officer's report, the Panel is generally satisfied that the boarding house warrants approval subject to the recommended conditions with the following amendments. In particular, the Panel is satisfied that the dedication of the share car space for the exclusive use of the occupants addresses the car parking requirements likely to be generated by the development. With the reduction of the height of the building the proposal will be compatible with the character of the locality while minimising overshadow impacts to the neighbours at 281 Avoca Street.

The Panel inserted the following information to Condition 1:

BASIX Certificate No.	Dated	Received by Council
953843M	13 June 2019	13 June 2019

The Panel amended condition 2 to include *f* to read as follows:

Evidence shall be provided to the satisfaction of Council that demonstrates that one car space shall be provided for the exclusive use of the residents as a car share.

The Panel amended condition 2 to include *g* to read as follows:

The overall ridge height of Building 1 shall be reduced by 700mm with subsequent reduction in the height of the attic space. Revised plans are to be submitted to and approved by the Manager Development Assessment.

The Panel amended condition 2 to include *h* to read as follows:

An outdoor drying area with appropriate screening shall be provided on site.

The Panel added condition 9A and condition 80A to read as follows:

BASIX Requirements

(In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act

1979 and clause 97A of the Environmental Planning & Assessment Regulation 2000, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

BASIX Requirements & Certification

In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Principal Certifying Authority and Council upon issuing an Occupation Certificate.

The Panel amended condition 13 to read as follows:

One carspace only shall be dedicated as a carshare and the remaining space shall be allocated as an accessible carspace, for boarding house residents.

The Panel amended condition 79 to read as follows:

One carspace only shall be dedicated as carshare and the remaining space shall be allocated as an accessible carspace, for boarding house residents. The PCA shall be satisfied that the carshare arrangements have been implemented prior to the issuing of a final occupation certificate.

The Panel deleted condition 80.

The Panel amended condition 88 to read as follows:

All items listed in the Plan of Management (PoM) (Document ID: 1811 Revision B), for boarding house at 279 Avoca Street Randwick received by Council on the 16 May 2019 (Trim Document Reference Number D03530719) including amendments as required under Conditions 2, 85 and 86 of the consent, shall be implemented at all times.

The Panel added new condition 98 to read as follows:

One carspace only shall be dedicated as carshare and the remaining space shall be allocated as an accessible carspace, for boarding house residents.

CARRIED UNANIMOUSLY.

**D24/19 Development Application Report - 13 McDougall Street, Kensington
(DA/929/2018)**

RESOLUTION:

That the RLPP under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, refuses Development Application No. DA/929/2018 for alterations and additions to existing dwelling house including new pool, new first floor addition, new carport, rear ground floor alterations, front fence, landscaping and associated site works (Heritage Conservation Area), at No.13 McDougall Street, Kensington for the following reasons:

REASON:

The Panel has visited the site, considered the submissions (oral and written) 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 considers the proposal will adversely affect the heritage significance of the conservation area and therefore does not meet the requirements of Clause 5.10 of Randwick LEP 2012. In particular, the proposal does not adequately address the Heritage section of Randwick Development Control Plan 2013. Notably the proposed alterations and additions do not complement the existing building in its scale, form and detailing (Clause 2.2); the upper floor additions will be visible from the street and will visually dominate and compete with the original form and massing of the existing building (Clause 2.3). While the upper level addition is set back it does not minimise streetscape visibility or retain the integrity of the main roof.

The Panel notes that the DCP encourages attic style additions or pavilion type forms with a lower scale linking structure.

The Panel considered deferring the application to enable the Applicant to respond to the above concerns. However due to the extent of changes and as the Applicant was unavailable to explore options to address the above concerns, the Panel has no other option than to refuse the application. The Panel notes the applicant has the opportunity to request a review of the determination with amended plans, under section 8.2 of the Environmental Planning and Assessment Act.

CARRIED UNANIMOUSLY.

D25/19 Development Application Report - 96-98 Mason Street, Maroubra (DA/642/2018)

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 development standard for floor space ratio contained in Clause 4.4 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. DA/642/2018 for first floor alterations and additions to the rear of the existing dwelling, at Nos. 96 – 98 Mason Street, Maroubra, subject to the development consent conditions in the Council Officer's Assessment Report, as amended.

REASON:

The Panel 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.

The Panel supports the application for the reasons given in the assessment report, subject to an additional condition to require the planting of a canopy tree centrally on the Council's nature strip to minimise the visual bulk of the development from the street. Accordingly, the Panel added Condition 1A to read as follows:

Street Tree Management

*The applicant must submit a payment of \$107.25 (including GST) to cover the cost for Council to supply, plant and maintain 1 x 25 litre, *Tristanopsis laurina* (Watergum), on the Mason Street verge, an equal distance between each of the vehicle crossings at the completion of all works.*

This fee must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre prior to a Construction Certificate being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks-notice (allow longer for public holidays or extended periods of rain) to arrange for planting of the tree upon the completion of all site works.

After this, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6858.

CARRIED UNANIMOUSLY.

D26/19 Development Application Report - 127 Darley Road, Randwick (DA/532/2018)

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/532/2018 for demolition to existing and construction of a new extension to rear of the dwelling, including internal alterations and additions including new ground floor balcony and lower floor paved terrace area, part demolition of existing rear detached garage and convert to secondary dwelling with new extension, and construction of a new garage at No. 127 Darley Road Randwick, subject to the development consent conditions in the Council Officer's Assessment Report, as amended.

REASON:

The Panel has visited the site, considered the submission 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 generally supports the application for the reasons given in the assessment report, subject to the deletion of bedrooms 1 and 2 above garage. The building is a heritage item and the additional bedrooms will be clearly visible from the street and will compete with the significant form of the original building and its curtilage. With this amendment the Panel is satisfied that the proposal will not affect the significance of the heritage item, and meets the requirement of Clause 5.10 of Randwick LEP 2012 and Randwick Development Control Plan 2013. Accordingly, the Panel has added condition 2e to read as follows:

Bedroom 1 and 2 above the garage shall be deleted and replaced with the non-trafficable metal roof and the fenestration of the existing Eastern elevation shall be retained. Plans incorporating these, and any consequential amendments, shall be submitted and approved by Manager Development Assessment.

CARRIED UNANIMOUSLY.**D27/19 Development Application Report - 1 Hill Street, Coogee (DA/31/2018)**

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. 31/2018 for alterations and additions to the existing dwelling at 1 Hill Street Coogee subject to the development consent conditions in the Council Officer's Assessment Report, as amended.

REASON:

The Panel has visited the site, considered the submissions (oral and written) 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 has considered the Applicant's request to delete condition 2b which requires the proposed garage to be set back 900mm from the side and rear boundary.

The Panel considers that condition 2b should be retained because the set back is the minimum required under DCP 2013, it maintains the amenity of the west facing windows of No 11 Arcadia Street, and the existing crossover is in poor condition and will need to be rebuilt or relocated. Condition 13 is amended to address design alignment levels for the crossover at the property boundary to read as follows:

The design alignment level (the finished level of concrete, paving or the like) at the property boundary for the driveway entrance in Arcadia Street shall be obtained from Council's Development Engineers.

The design alignment levels at the property boundary as issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Note: The Council footpath is to be reconstructed/regraded west of the new driveway entrance for a distance of approximately 9.00m-10.00m.

Any enquiries regarding the issued alignment/boundary levels for the driveway entrance can be referred to Mr. P O'Sullivan on 9093 6923.

CARRIED UNANIMOUSLY.

**D28/19 Development Application Report - 5 Crana Avenue, South Coogee
(DA/258/2018/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 DA/258/2018/A to amend condition 2 (h) in relation to balustrade and planter to the terrace area of first floor level at 5 Crana Avenue, South Coogee.

REASON:

The Panel has visited the site, considered the submissions (oral and written) 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, subject to further modification of condition 2h of the original development consent to read as follows:

The area (shown as "existing planter") to the east and north of the balustrade shown on Drawing 302 REV B shall have the same minimum height as the existing structure and the glass balustrade is to be located on the internal edge.

The Panel considers that acceptable privacy (both visual and acoustic) will be achieved without planting and obscure glazing and notes the mutual overlooking in the locality.

CARRIED UNANIMOUSLY.

**D29/19 Development Application Report - 70 Doncaster Avenue, Kensington
(DA/35/2019)**

RESOLUTION:

That the RLPP defers Development Application No.53/2019 for alterations and additions to the dwelling at No. 70 Doncaster Avenue Kensington.

REASON:

The Panel has visited the site, considered the submissions (oral and written) 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 defers the application to allow the applicant the opportunity to submit amended plans and additional information to address the following:

- Consent from the registered owner/s of No 68 Doncaster Avenue, Kensington to the lodgment of the application given the encroachment of the proposed car space onto that property.
- In the event the owner's consent is granted, evidence of the agreement of the owner of 68 Doncaster Ave, Kensington to the creation of an easement for a car space.
- The level of the car space to comply with the applicable flood planning level.

The above information shall be provided within 28 days from the date of this meeting. The

application then will be determined electronically by the Panel (as constituted on 13 June) unless otherwise agreed by the Chair. If the above information is not provided within 28 days, the application will be dealt with on a basis of the information currently before the Panel.

By way of comment if the owner of No 68 Doncaster Ave Kensington does not provide owner's consent, the application should be amended to delete the car space to enable the rest of the application to be determined. If the above information is not provided within 28 days, the application will be dealt with on a basis of the information currently before the Panel.

CARRIED UNANIMOUSLY.

D30/19 Development Application Report - 238-246 Arden Street, Coogee (DA/963/2018)

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 FSR 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 consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 963/2018 for refurbishment of internal and external areas to the existing 10 storey hotel at lower ground level, ground and first floor level including Level 1 pool area and upgraded awnings along Arden and Carr Street at Nos. 238-246 Arden Street Coogee (Crowne Plaza Hotel), subject to the Council Officer's Assessment Report, as amended.

REASON:

The Panel has visited the site, considered the submissions (oral and written) 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 the existing building significantly exceeds the floor space ratio and height standards in Randwick LEP 2012. The proposed additional areas will remain within the existing building envelope.

The applicant's representative requested an amendment to condition 77 to permit a trial period for the use of the outdoor area until 11pm from Thursday to Saturday, during daylight saving. The Panel notes that the applicant's acoustic report recommended no operation of the outdoor bar and restaurant area past 10pm. Accordingly, the Panel has retained condition 77.

The Panel supports the application for the reasons given in the assessment report, in particular the Panel notes that there are a number of conditions that manage the use of the premises to achieve appropriate acoustic amenity for the adjoining residents.

The proposed upgrade works will improve the overall amenity for the occupants and the public domain.

The Panel has amended Condition 1 to include updated plans tabled at the meeting on 13 June 2019 which provided more details of the proposed works.

The Panel has amended Condition 8 to read as follows:

Updated Acoustic Report

An updated acoustic report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to a construction certificate being issued for the development, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997,

Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including the approved acoustic report and its recommendations). The report must verify that the construction certificate includes all relevant fixed and operational noise sources with specific reference to the detailed design of the acoustic screen on the northern boundary adjacent to the swimming pool, location and orientation of all outdoor speakers and the acoustic treatment of all mechanical systems and plant including the central exhaust tower.

CARRIED UNANIMOUSLY.

The meeting closed at 6.30pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Janette Murrell
Heather Warton	Sarah Kelly