



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING
HELD ON MONDAY, 2 MARCH 2020 AT 1.04PM**

Present:

Chairperson:	Annelise Tuor
Expert Members:	Oliver Klein
Community Representatives:	Michelle Finegan

Council Officers present:

Coordinator Major Assessment	Mr W Jones
Personal Assistant to Manager Development Assessment	Ms A Halcro

Declarations of Pecuniary and Non-Pecuniary Interests

No conflicts were declared.

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D7/20 DEFERRED ITEM - DA/138/2019 - 190-192 OBERON STREET, COOGEE

Objector Mr Tony Moody

Applicant Mr Anthony Betros (Planner)

After the above speakers had addressed the panel, the public meeting was closed at 1.28pm. The Panel then moved to the Coogee Room to deliberate and vote on the matter. Panel deliberations and voting concluded at 3:47 PM.

The resolution, reason and voting outcome for item DA/138/2019 are detailed below:

Urgent Business

Nil.

Development Application Reports

D7/20 Development Application Report - DEFERRED ITEM - DA/138/2019 - 190-192 Oberon Street, Coogee (DA/138/2019)

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, and Floor Space Ratio development standard in Clause 4.4 of Randwick Local Environmental Plan 2012. The concurrence of the Secretary of Planning, Industry and 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. 138/2019 for demolition of existing dwelling at 190 Oberon Street, partial retention of existing building at the front of the site at 192 Oberon Street, construction of a new part 3 and part 4 storey residential flat building at the rear of the site (15 dwellings proposed in total), basement car parking for 23 vehicles, landscaping and associated works, at No. 190-192 Oberon Street, Coogee, subject to the development consent conditions attached to this report, as amended:

Add the following deferred commencement conditions:

DEFERRED COMMENCEMENT CONDITIONS

Structural Adequacy

1. A demolition plan and Certificate of Adequacy supplied by a professional engineer identifying the extent of demolition works and certifying the structural adequacy of the existing external walls to be retained at 192 Oberon Street (as shown on drawings 2002 and 2003 Revision C) and whether the retained external walls can support the additional works.
2. Structural details supplied by a professional engineer detailing how the existing external walls are to be retained in accordance with deferred commencement Condition 1 of this development consent shall be supported during works to ensure that they remain as part of the development.

Drainage and Flooding

3. The applicant must provide a detailed analysis of the existing flowpath regime and flood levels through/surrounding and downstream of the development site and compare that with proposed flowpaths and flood levels post development. The applicant must provide sufficient documentation/evidence to indicate that the proposed development will not increase the depth of overland flow or flood level in areas outside the development site and that no property upstream or downstream of the development site, or adjacent to the development site, will be adversely affected as a result of the proposed development for storm events up to the critical 1% AEP (1 in 100 year) storm event.
4. The applicant must submit a flood report which documents the critical 1% AEP (1 in 100 year) flood level for all areas within the development site. The applicant must liaise with Council's Development Engineer Coordinator prior to lodgement of the flood report to obtain all of Council's requirements for the report and any supporting data. The floor level of all habitable and storage areas shall be designed in general accordance with Table A Floor Levels for Buildings, Part B8 of the Randwick Comprehensive Development Control Plan 2013 or be suitably waterproofed / protected to the required levels.

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

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

Modify the following conditions:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements with details to be submitted to Council for approval prior to the issue of a Construction Certificate:
 - a) All paving shall be permeable where not provided above the basement.
 - b) The south-facing balconies and balustrades to Units G04, 104, and 202 shall be deleted with the remaining area to be landscaped and non-trafficable, accessed for maintenance purposes only.

- c) The eastern section of private open space to Unit 201 shall be deleted and replaced with landscaping. The landscaped area shall be non-trafficable and accessed for maintenance purposes only.
- d) A privacy screen having a height of 1.6m (measured above the finished floor levels of the balconies) shall be provided to the eastern sides of the balconies to units G03 and 103, and to the western sides of the balconies to units G04, 104, and 202.

Privacy screen/s 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.
- e) Full-height sliding privacy screens shall be provided to the southern sides of the balconies to Units G03 and 103.
 - f) The eastern and western sides of the central common stair / breezeway shall be provided with full-height privacy screening. Privacy screen/s must be constructed with either:
 - 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.
 - g) The east-facing windows to the northern portion of the building shall have translucent, obscured, frosted or sandblasted glazing measured from 1.6m above finished floor level (the use of film applied to the clear glass pane is unacceptable).
 - h) The following window/s must have a minimum sill height of 1.6m above the finished 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:
 - All east and west-facing windows to the southern portion of the building (excluding the pop-out side windows).
 - i) Ceiling fans shall be provided in the living rooms of Units G05 and 105.
 - j) Resident car parking areas shall be equipped with security grilles or doors.
 - k) All fencing details shall be shown on the drawings. The upper portion of the front fence shall be at least 30% open.
 - l) The kerbside bin collection point shown on the ground floor plan shall only be used for bin collection on collection days.

Retention of Existing Walls

- 6. The existing external walls to the building at 192 Oberon Street that are highlighted orange on the approved drawings DA 2002, DA 2003 Revision C, dated 10 December 2019 shall be retained in accordance with the requirements of deferred commencement conditions 1 and 2.

Drainage and Flooding

- 18. The Construction Certificate Plans must comply with the findings / recommendations of the approved flowpath and flooding analysis issued in accordance with deferred commencement condition no. 3.
- 19. The Construction Certificate plans must demonstrate compliance with the flood report issued in accordance with deferred commencement condition no. 4.

Add the following new condition:

122. The landscaped areas within the communal and private open space at the lower ground and ground floors excluding the private lawns to units LG01 and LG02 shall be maintained by the body corporate in accordance with the approved landscape plans.

Delete conditions 26 and 27, which have been incorporated into the deferred commencement conditions 1 and 2.

REASON:

On 14 November 2019 the Panel 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 resolved on 14 November 2019:

That the RLPP exercising the functions of Council, at the request of the applicant, defer Development Application No. 138/2019 for demolition of existing dwelling at 190 Oberon Street, partial retention of existing building at the front of the site at 192 Oberon Street, construction of a new part 3 and part 4 storey residential flat building at the rear of the site (16 dwellings proposed in total), basement car parking for 23 vehicles, landscaping and associated works, at No. 190-192 Oberon Street, Coogee, to enable the applicant to submit revised plans and information which address:

- a. *The amount and distribution of floor space is to be reconsidered to reduce the impact on adjoining developments, especially the low density residential area to the south by providing:*
 - *greater setback to the rear (southern) boundary;*
 - *the appearance of a three storey built form as viewed from properties to the south; and*
 - *a minimum 3 metre wide deep soil zone along the rear boundary incorporating screen planting and canopy trees*
- b. *Privacy impacts on adjoining properties*
- c. *Flooding and drainage issues*
- d. *The feasibility of retaining the existing residential flat building at 192 Oberon Street whilst excavating the new basement below.*

The revised plans are to be submitted to the Council by 10 December 2019 otherwise the application will be determined on the information currently provided. Following receipt of this information, the application will be re-notified (if required) and the Panel will determine the application under Clause 26 of Schedule 2 of the EP&A Act (electronically), unless the Chair determines that a further public meeting is required.

The Panel considered the amended plans, revised written requests pursuant to Clause 4.6 of the Randwick LEP, further submissions (oral and written) and a supplementary planning report.

The Panel is satisfied that the amended plans and supporting documentation have adequately addressed the reasons for deferral. The Panel considers that the distribution of floor space has been adequately justified within the Clause 4.6 written request. In particular, the 3m wide deep soil zone along the southern boundary with screen planting and canopy trees, together with the increased rear setback of the building that exceeds the control within the Randwick DCP will adequately maintain the "green zone", which is characteristic of the area and will result in acceptable visual bulk and privacy impacts. The additional setback of the second level, will adequately maintain the appearance of a 3 storey built form when viewed from the properties to the south.

The Panel considers the retention of the existing northern, eastern and part of the western facades of the building at 192 Oberon Street to be fundamental to its approval of the application. The Panel has included deferred commencement conditions requiring certification that retention of the existing facades is feasible and can support the additional building works. The Panel has also included deferred commencement conditions in relation to drainage and flooding analysis and a report for further confirmation prior to the consent becoming operational. The Panel has also made consequential amendments to conditions 6, 18, 19, 26 and 27, and amended condition 2 to further enhance the amenity and privacy within and of the development.

The Panel supports the application for the reasons given in the assessment and supplementary assessment reports, subject to the amendments to the conditions as outlined above.

CARRIED UNANIMOUSLY.

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

FOR	AGAINST
Annelise Tuor	
Michelle Finegan	
Oliver Klein	
Total (3)	Total (0)

Miscellaneous Reports

Nil.

The meeting closed at 3:47pm on 2 March 2020.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Oliver Klein
Michelle Finegan	