



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING OF RANDWICK CITY
COUNCIL HELD ON THURSDAY, 9 APRIL 2020 AT 1PM**

Present:

Chairperson: Garry West
Expert Members: Deborah Laidlaw, Heather Warton
Community Representatives: Michelle Finegan

Council Officers present:

Manager Development Assessment Mr F Ko
Acting Coordinator Major Assessment Mr Louis Coorey

The public meeting was started at 1:02PM.

Declarations of Pecuniary and Non-Pecuniary Interests

No declaration of interest in any Item.

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D14/20	1 KING STREET, RANDWICK (DA/98/2019)
Councillor	Cr Kathy Neilson
Objector	Ms Anne Robinson
Objector	Mr Paul Sellers
Objector	Ms Rachael Clark
Applicant	Mr Tone Wheeler
D19/20	127 DARLEY ROAD, RANDWICK (DA/532/2018/A)
Councillor	Cr Lindsay Shurey
Applicant	Ms Brooke Aitken
D15/20	230 COOGEE BAY ROAD, COOGEE (DA/357/2019)
Applicant	Tanya Hancock

After the above speakers had addressed the panel, the public meeting was closed at 2:06pm. The Panel then moved to deliberate and vote on each matter. Panel deliberations and voting concluded at 7:17pm.

Urgent Business

Nil.

Development Application Reports

**D14/20 Development Application Report - 1 King Street, Randwick (DA/98/2019)
(DA/98/2019)**

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. 98/2019 for demolition of existing structures, construction of a 3 storey boarding house with 8 boarding rooms, communal room, 2 car park spaces (1 car space for boarding house and 1 car-share space), 2 motorcycle spaces, 5 bicycle spaces, landscaping and associated works at No. 1 King Street, Randwick, subject to the development consent conditions attached to the Assessment Report as amended as follows:

Amend the following conditions to read as detailed below:

11. Details of the design, height, materials and structure of proposed fencing are to be submitted to and approved by Council's Manager Development Assessment, prior to a construction certificate being issued for the development.

Car Share Space

14. One car space within the development shall be reserved for use and managed by a 'car share' operator. The use of the carshare space for occupants must be managed by the boarding house operator and shall be provided in accordance with the following requirements to the satisfaction of the certifying authority.

The car space must;

- a) be made available to the car share operator without fee or charge.
- b) be signposted for use only by car share vehicles and be well lit. Lighting is to be low level directional so as not to cause any nuisance to neighbouring development.
- c) be publicly accessible at all times. In this regard the applicant is to demonstrate prior to the occupation certificate the legal mechanisms ensuring rights of public access which will ensure this condition is met.
- d) be made available at the same time the boarding house commences operations.
- e) be accompanied by adequate Insurances including public liability; and
- f) be accompanied by promotional strategies to encourage awareness and participation of residents of the development in the scheme.

Section 7.12 Development Contributions

19. The applicant shall submit a revised Quantity Survey report that reflects the approved development, prepared by a Registered Quantity Surveyor. The report shall be submitted to Council for approval, prior to the issue of any construction certificate for the development. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, 1% of the development cost provided in the approved Quantity Survey report must be paid to Council.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au

Compliance Fee

20. A development compliance and enforcement fee of 0.1% of the development cost (based on an approved Quantity Surveyor Report) shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

Add the following conditions to Condition 2 Amendment of Plans & Documentation:

- 2.b) Unit 1 is to be internally reconfigured so as to provide a direct access to it from the accessible car space. The lobby may be redesigned so as to provide a secondary entry to Unit 1. Details of compliance shall be submitted to and approved by Council's Manager Development Assessment prior to a construction certificate being issued for the development.

Archival recording

- 2.c) An archival recording of the property shall be prepared and submitted to and approved by Council's Manager Development Assessment, prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library and forwarded to the Randwick History Society.
- 2.d) A salvage plan shall be prepared and submitted to and approved by Council's Manager Development Assessment, prior to a construction certificate being issued for the development. The salvage plan is required to ensure that materials including fireplaces, architraves, skirtings, windows, doors and remnant components of decorative (significant heritage) fabric are carefully removed and sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.
- 2.e) Brickwork articulation is to be provided for the south eastern elevation of the building, at level 2 and level 3. Amended drawings are to be submitted to and approved by Council's Manager Development Assessment prior to a construction certificate being issued for the development.

Add the following dot point to Condition 3 Boarding House Management Plan:

- At all times there is to be one resident nominated as the person responsible for administration and enforcement of all provisions of the Plan of Management relating to the responsible behaviour of residents and to set out the means by which any community concerns may be efficiently and promptly conveyed to that person.

Add new condition 14A:

- 14A. A remote controlled roller shutter type security gate shall be installed across the southern entry to the accessible car space. The gate must be designed:

- To be visually permeable;
- So that there is no encroachment of the gate, during any time of its operation, outside of the legal boundaries of the site or impeding access to the motor cycle spaces;
- To ensure headroom clearances compliant with AS4299/1428.

Details shall be submitted to Council's Manager Development Assessment for approval prior to a Construction Certificate being issued for the development.

REASON:

The Panel members understand the site circumstances, have considered the submissions (oral and written) and have 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 majority of the Panel accepts this site is particularly well located at a major transport hub including bus and light rail, that this site is near a major cycleway, is opposite Randwick TAFE, and major services are within walking distance. Therefore, the parking provision is acceptable. The Panel has considered the amenity impacts raised by the community and the majority of the Panel considers these impacts do not warrant refusal of the application.

The Panel also resolves that any references in the conditions as listed below to be amended accordingly:

- Principal Certifying Authority changed to Principal Certifier
- Interim Occupation Certificate changed to Occupation Certificate
- Certifying Authority changed to Certifier
- A final Occupation Certificate change to an Occupation Certificate

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

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

FOR	AGAINST
Garry West	Michelle Finegan
Deborah Laidlaw	
Heather Warton	
Total (3)	Total (1)

The Community Representative on the panel did not support the application on grounds that it is an overdevelopment that will adversely impact on the amenity of the local area.

**D15/20 Development Application Report - 230 Coogee Bay Road, Coogee (DA/357/2019)
(DA/357/2019)**

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. 357/2019 for alterations and additions to the existing mixed-use building to replace the lower ground level portion of commercial floor space with residential floor space including upgrade works to existing building, internal reconfiguration works, replace enclosed sunrooms with private open spaces/balconies, new entry foyer and lift, reconfigurations to Apartments 3, 5 and 7 and new external finishes to the building at No. 230 Coogee Bay Road, Coogee, subject to the development consent conditions attached to the Assessment Report amended as follows:
 - Delete Condition 2. d)

REASON:

The Panel members understand the site circumstances, have considered the submissions (oral and written) and have 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 subject to the deletion of Condition 2.d) as the Panel is satisfied that the privacy impacts are acceptable under the current circumstances.

The Panel has noted the applicant's submission in relation to Condition 14 requiring a contribution for the loss of affordable rental housing. Notwithstanding, Part 3 ARHSEPP applies to the development and units 3 – 6 are classified as low-rental-dwellings in accordance with the definition and therefore the Panel does not support the deletion of this condition.

The Panel also resolves that any references in the conditions as listed below to be amended accordingly:

- Principal Certifying Authority changed to Principal Certifier
- Interim Occupation Certificate changed to Occupation Certificate
- Certifying Authority changed to Certifier
- A final Occupation Certificate change to an Occupation Certificate

CARRIED UNANIMOUSLY.

**D16/20 Development Application Report - 2-2A Reservoir Street, Little Bay
(DA/320/2019) (DA/320/2019)**

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 minimum subdivision lot size development standard in Clause 4.1D 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. 320/2019 for Torrens Title subdivision of an existing dual occupancy at Nos. 2-2A Reservoir Street, Little Bay, subject to the development consent conditions attached to the Assessment Report.

REASON:

The Panel members understand the site circumstances, and have 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 and the Panel notes that only one lot is below the minimum lot size standard in the RLEP 2012 by 11.4% whilst the other lot exceeds the standard and both lots are of compliant site frontage width. Despite the fact the overall site area exceeds 480sqm, which could enable a compliant subdivision of two lots under the applicable standard, the shortfall in one lot arises due to the irregular shape of the original lot.

The Panel supports the application for the reasons given in the Assessment Report.

CARRIED UNANIMOUSLY.

**D17/20 Development Application Report - 45 The Causeway, Maroubra (DA/55/2020)
(DA/55/2020)**

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. 55/220 for alterations and additions to the existing semi-detached dwelling including a new first floor addition at No. 45 The Causeway, Maroubra, subject to the development consent conditions attached to the Assessment

Report.

REASON:

The Panel members understand the site circumstances, and have 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 western section of the roof is positioned on the apex. However, having regard to the setback of the semi-detached dwelling and the streetscape character, it is considered acceptable in this context.

The Panel also resolves that any references in the conditions as listed below to be amended accordingly:

- Principal Certifying Authority changed to Principal Certifier
- Interim Occupation Certificate changed to Occupation Certificate
- Certifying Authority changed to Certifier
- A final Occupation Certificate change to an Occupation Certificate

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

CARRIED UNANIMOUSLY.

**D18/20 Development Application Report - 1249 Anzac Parade, Chifley (DA/692/2019)
(DA/692/2019)**

RESOLUTION:

- A. That the RLPP is not satisfied that the matters detailed in Clause 4.6 of Randwick Local Environmental Plan 2012 have been adequately addressed. The proposed development is not in the public interest and consent may not be granted to the development application, which contravenes the Minimum Lot Size development standard in Clause 4.1 of Randwick Local Environmental Plan 2012.
- B. That the RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/692/2019 for Torrens Title subdivision of an approved attached dual occupancy with Strata subdivision, at No. 1249 Anzac Parade, Chifley, for the following reasons:
1. Consent is not granted to the development because:
 - i. The Panel is not satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of RLEP 2012, and
 - ii. The proposed development will not be in the public interest because it is not consistent with the objectives of the minimum subdivision lot size development standard in Clause 4.1 of RLEP 2012 and the objectives for development within Zone R2 Low Density Residential.
 2. The variation to the development standard would likely create an undesirable precedent able to be relied on to generally avoid the provisions of Clause 4.1 of Randwick LEP 2012 by adopting a two stage approach involving initial approval of a strata subdivision, thereby undermining the RLEP which would be an outcome contrary to the public interest.
 3. The proposed subdivision does not comply with Clause 4.1 minimum allotment size standard under Randwick Local Environmental Plan 2012 in that both of the proposed lot sizes will be deficient in terms of the minimum allotment size standard by in excess

of 15% for each lot and will alter the subdivision pattern by way of Torrens Title subdivision.

4. The proposal is not in the public interest and does not satisfy Section 4.15 of the Environmental Planning and Assessment Act 1979.
5. Reliance on Clause 4.6 of the RLEP to vary the standard is not acceptable in these circumstances.

REASON:

The Panel members understand the site circumstances, and have 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 this development is not subject to Clause 4.1D of the Randwick LEP 2012.

The Panel is not satisfied that the applicant's Clause 4.6 submission is adequate.

The variation to the development standard would likely create an undesirable precedent able to be relied on to generally avoid the provisions of clause 4.1 of Randwick LEP 2012 by adopting a two stage approach involving initial approval of a strata subdivision, thereby undermining the RLEP which would be an outcome contrary to the public interest.

The Panel is not satisfied that reliance on Clause 4.6 Randwick LEP to vary the standard is acceptable in these circumstances.

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

CARRIED UNANIMOUSLY.

**D19/20 Development Application Report - 127 Darley Road, Randwick (DA/532/2018/A)
(DA/532/2018/A)**

RESOLUTION:

- A 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. 532/2018/A seeking to delete Condition No. 2(e) pertinent to the addition over the existing garage (Heritage Item) at No. 127 Darley Road, Randwick, for the following reasons:
1. The proposed addition above the garage would not be consistent with the relevant aims of Clause 5.10 of the Randwick LEP 2012 in that the ground floor addition detracts from and will have an adverse impact on the primary architectural features of the existing heritage item and will be readily visible from the public domain where the building can be seen in the round.
 2. The proposed location of the addition does not comply with the relevant objectives and planning controls under Part B2 – Heritage of the Randwick Comprehensive Development Control Plan 2013, including Section 2.2 Design and Character, Section 2.3 Scale and Form, 2.4 Siting and Setbacks, 2.5 Detailing, 2.6 Materials, Finishes and Colour Schemes. The proposed addition does not integrate with but rather dominates the form and decorative elements of the heritage item.

REASON:

The Panel members understand the site circumstances, and have reviewed the assessment report prepared by Council Officers and oral submissions that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, and considered the oral submission.

The Panel refuses the application for the reasons given above.

CARRIED UNANIMOUSLY

Miscellaneous Reports

Nil

The meeting closed at 7:17pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Garry West (Chairperson)	Heather Warton
Deborah Laidlaw	Michelle Finegan