



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 14 JULY 2022

Present:

Chairperson: Geraldine Hoeben

Expert Members: Julie Savet Ward; Garth Peterson

Community Representatives: Mio Margarit Chow (North Ward)

Council Officers present:

Coordinator Major Assessment	Mr Scott Cox
Coordinator Fast Track	Mr T Ristevski
Executive Planner	Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

Nil.

The Panel deliberated and voted on each matter via an electronic meeting.

The resolutions, reasons and voting outcomes for each item on the agenda are detailed below:

General Reports

Nil

Development Application Reports

**D38/22 Development Application Report - 91 Beach Street, Coogee (DA/688/2021)
(DA/688/2021)**

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 floor space ratio development standard in Clause 4.4 of Randwick Local Environmental Plan 2012. The concurrence of the Secretary of Planning 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. DA/688/2021 for first floor addition at rear of existing dwelling and modification to internal layout at ground and basement levels, at No. 91 Beach Street, Coogee, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited or is familiar with 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.

CARRIED UNANIMOUSLY.**D39/22 Development Application Report - 70 Coogee Bay Road, Randwick
(DA/451/2021) (DA/451/2021)**

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 the 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's original determination of Development Application No. DA/451/2021 dated 14 April 2022 for alterations and additions to the existing building including a new upper floor level, and conversion of the use of the development from a Residential Flat Building to an attached dual occupancy including strata subdivision at 70 Coogee Bay Road, Randwick, be rescinded.
- C. That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/451/2021 for alterations and additions to the existing building including a new upper floor level, and conversion of the use of the development from a Residential Flat Building to an attached dual occupancy including strata subdivision (variation to FSR & height of building standards), at No. 70 Coogee Bay Road, Randwick, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited or is familiar with 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.

CARRIED UNANIMOUSLY.**D40/22 Development Application Report - 9 Lucas Avenue, Malabar (DA/247/2020/B)
(DA/247/2020/B)**

RESOLUTION:

That the RLPP, as the consent authority, refuses the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/247/2020 to modify the approved development including ground and first floor extension, internal reconfiguration, new windows and associated works. Original consent: Demolition of the existing structures, removal of trees and construction of a two storey attached dual occupancy, for the following reasons.

1. The proposal is inconsistent with the objectives of the R2 Low Density Residential zone in that the proposal does not protect the amenity of the residents and does not recognise the desirable elements of the existing streetscape and built form.

2. The proposal is inconsistent with the objectives of Clause 4.4 of Randwick Local Environmental Plan 2012, in that the size and scale of the development is not compatible with the desired future character of the locality. The application seeks a large exceedance of the FSR control of 31.7% leading to an FSR of 0.66:1 instead of the approved 0.5:1.
3. The proposal is inconsistent with the objectives of Clause 4.4 of Randwick Local Environmental Plan 2012, in that the filling in of the voids at ground level and the reduced balcony depth will deprive the proposed development of visual articulation.
4. The proposal is inconsistent with the objectives of Clause 4.4 of Randwick Local Environmental Plan 2012, in that the development will adversely impact on the amenity of adjoining and neighbouring land in terms of overbearing presentation by way of visual bulk.
5. Section 4.55(3) of the Environmental Planning and Assessment Act 1979 requires consideration of the reasons given for the grant of consent. It is concluded that consent for the voids was granted for the specific purpose of improving the amenity to the living areas. The modification proposes to remove the very amenity which underpinned the original consent for the voids and is therefore not supportable.

REASON:

The Panel has visited or is familiar with 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 refuses the application for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.**D41/22 Development Application Report - 81 Denning Street, South Coogee
(DA/761/2012/D) (DA/761/2012/D)**

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. DA/761/2012/D for modification of the approved development including the deletion of condition 2A to extend the lift access to the rooftop terrace and the enclosure of the rooftop terrace stair and access ramp, at No. 81 Denning Street, South Coogee for the following reasons:

1. The proposal is inconsistent with the objectives of the R2 Low Density Residential zone. Specifically, the development fails to achieve the following:
 - a. The proposal does not recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
 - b. The proposal does not protect the amenity of residents.
2. The proposal does not comply with the 9.5m height of buildings development standard listed under Clause 4.3 of the RLEP 2012. The proposed variation is not supported, given that it is inconsistent with the relevant objectives of the 'height of buildings' development standard whereby the proposal will result in a finished development form that will be inconsistent with the desired future character of the locality and does not minimise its amenity impacts upon neighbouring land.
3. The proposal does not comply with the 0.75:1 floor space ratio development standard listed under Clause 4.4 of the RLEP 2012. The proposed variation is not supported, given that it is inconsistent with the relevant objectives of the 'height of buildings' development standard whereby the proposal will result in a finished development form that will be

inconsistent with the desired future character of the locality and does not minimise its amenity impacts upon neighbouring land.

4. The proposal is inconsistent with the objectives of the foreshore scenic protection area. Specifically, the development fails to achieve the following:
 - a. The proposal has not been located and designed to minimise its visual impact on public areas of the coastal scenic protection area arising from the excessive bulk and scale of the proposal, and therefore does not achieve Clause 6.7(3)(a).
 - b. The proposal does not positively contribute to the scenic quality of the coastal scenic protection area due to the excessive bulk and scale of the proposal, and therefore does not achieve Clause 6.7(3)(b).
 - c. The proposal is inconsistent with objective (d) pursuant to Clause 6.7(1) in that the proposal is excessive in height, bulk and scale and will have unacceptable impacts on the visual environment and scenic qualities of the coastal scenic protection area.
5. The proposal does not comply with the following provisions of the RDCP 2013:
 - a. Pursuant to Part 3.1, Section C1 of RDCP 2013, the proposed non-compliance with the floor space ratio development standard is not supported.
 - b. Pursuant to Part 3.2, Section C1 of RDCP 2013, the proposed non-compliance with the building height development standard is not supported.
 - c. Pursuant to Part C1, Section 3.2, the proposal does not comply with the 7m external wall height objectives and controls in that the second floor level has not been designed as habitable roof space and includes a 2.73m external wall height non-compliance.
 - d. Pursuant to Part C1, Section 3.3, the proposal does not uphold the objectives and achieve compliance with the 1.8m side setback control at the second floor level.
 - e. Pursuant to Part 4.4, Section C1 of RDCP 2013, the proposal does not uphold the objectives and achieve compliance with Roof Design and Features, given the roof addition does not integrate or conform with the existing pitched roof form and is located within the front portion of the dwelling resulting in visual bulk impacts to the public domain.
 - f. Pursuant to Part 5.1, Section C1 of RDCP 2013, the proposal does not uphold the objectives and achieve compliance with solar access and overshadowing noting that the proposed roof addition exceeds the height limit, floor space ratio and encroaches within the 1.8 side setback, resulting in further impacts to the living room and open space areas of adjoining properties.
 - g. Pursuant to Part B10, the bulk and scale of the proposal is not considered a positive visual outcome for the site as seen from the public domain and the foreshore scenic protection area.
6. The proposal is not in the public interest as the building proposes significant deviations from both the numerical and merit-based controls.

REASON:

The Panel has visited or is familiar with 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 refuses the application for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.

The meeting closed at 3.25pm.

Geraldine Hoeben(Chairperson)	Julie Savet Ward
Garth Paterson	Mio Margarit Chow