



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING
HELD ON THURSDAY, 28 JULY 2022 AT 1PM**

Present:

Chairperson:

Annelise Tuor

Expert Members:

Heather Warton & Kevin Hoffmann

Community Representatives:

Michelle Finegan (West Ward)

Council Officers present:

Manager Development Assessment

Mr F Ko

Declarations of Pecuniary and Non-Pecuniary Interests

A) Nil

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D42/22 58 BREAM STREET, COOGEE (DA/150/2022)

Against Marcus Glynn

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

General Reports

Nil

Development Application Reports

**D42/22 Development Application Report - 58 Bream Street, Coogee (DA/150/2022)
(DA/150/2022)**

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/150/2022 for demolition of existing structures and construction of a four storey residential flat building comprising three units, basement parking for 4 vehicles, 2 bicycle spaces and associated landscape works, at No. 58 Bream Street, Coogee, for the following reasons:

- 1) The proposal is inconsistent with the provisions of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Developments (SEPP 65), and the associated Apartment Design Guide (ADG); in particular:
 - a) The design quality principles contained in Schedule 1 of SEPP 65 relating to context, scale and built form, and density. The proposed two lifts are excessive for a three

- dwelling development and contributes to the excessive bulk and scale proposed for this small, narrow site.
- b) Pursuant to Part 3B-2 of ADG, apartments 1 & 2 are south facing and do not receive adequate solar access in accordance with Parts 3D and 4A of the ADG. This is exacerbated by the proximity of adjacent buildings and the proposed solidity of side walls.
 - c) Pursuant to Part 3E1 of ADG, the deep soil zones provided on the site are insufficient and are too narrow to be effective.
 - d) Pursuant to Part 3F-1 of ADG, the proposal does not provide adequate privacy levels, the proposed balconies are excessive and will result in overlooking impacts to neighbouring properties.
 - e) Pursuant to Part 4H-1 of ADG, the location of the rear swimming pool adjacent to the communal open space may result in noise impacts on adjacent neighbours due to its proximity to the boundary.
- 2) The proposal does not comply with the provisions of Randwick Local Environmental Plan 2012 (RLEP 2012) in particular:
- a) The proposal is inconsistent with the objectives of the R3 Medium Density Residential zone pursuant to Clause 2.3 of RLEP 2012 that requires development *'to recognize the desirable elements of the existing streetscape and built form that contribute to the desired future character of the area'* and, *'to protect the amenity of adjoining residents'*.
 - b) The development does not comply with the FSR standard contained in Clause 4.4 of the RLEP 2012 as the calculations do not include the bin storage and the internal wall between the entry lobby and Unit 1 at the ground floor level in the GFA calculation and therefore, will be over the allowable FSR standard. Consent cannot be granted as a Clause 4.6 written request which seeks to justify the variation of the FSR development standard of Clause 4.4 (2) of RLEP 2012 has not been submitted.
- 4) The proposed development is not considered to be compatible with the desired future character of the locality anticipated by the applicable planning controls, nor the current streetscape and foreshore area, for the following reasons:
- a) The site is narrow for a building of this type and the 12m height limit does not anticipate a full four storey form with unrelieved and full height external wall and therefore, the bulk and scale of the proposal is considered to be excessive for the site and will not be compatible with the desired future character of the locality.
 - b) In addition to the above, the non-compliant external wall height and lack of a stepped design that follows the contours of the site emphasises the inappropriate size and scale of the building when viewed from the street and neighbouring properties and will result in unreasonable visual amenity and overshadowing impacts.
- 5) The proposal does not comply with the provision of Randwick Comprehensive Development Control Plan 2013 (RDCP 2013) in particular:
- a) Pursuant to Part 2.3.1, Section C2 of RDCP 2013, the proposed communal open space and adjoining walkway do not provide adequate privacy (acoustic and visual) to the private open space for the future occupants of Unit 1.
 - b) Pursuant to Part 3.1, Section C2 of RDCP 2013, the proposed non-compliance with the floor space ratio development standard is not supported.
 - c) Pursuant to Part 3.4.2, Section C2 of RDCP 2013, the upper most level must incorporate additional setbacks to the building to ensure solar access for the development and the adjoining properties.

- d) Pursuant to Part 3.4.4, Section C2 of RDCP 2013, the proposal fails to comply with the maximum external wall height. The resultant bulk and scale of the proposal results in adverse amenity impacts to the streetscape and the neighbouring properties.
 - e) Pursuant to Part 5.1, Section C2 of RDCP 2013, the proposal fails to demonstrate adequate solar access is provided to adjoining properties.
 - f) Pursuant to Part 5.1, Section C2 of RDCP 2013, the proposal does not comply with the minimum solar access requirements to its living areas and principal private open spaces.
 - g) Pursuant to Part 5.3, Section C2 of RDCP 2013, the proposed balconies are excessive and overlook the neighbouring properties and this results in unacceptable visual and aural privacy impacts.
 - h) Pursuant to Part B7 of RDCP 2013, the basement car park, turntable and car lift do not demonstrate compliance.
- 6) The proposed development is not in the public interest as the impacts from the development in relation to privacy, visual bulk and scale are extensive and are not consistent with the surrounding streetscape and desired future character of the area; hence impacting on the visual quality of the public domain and streetscape.
- 7) There is insufficient information to fully assess the proposal as there are a number of deficiencies and lack of detail in the information submitted with the development application including:
- a) The development application did not submit clear views of the sun diagrams to allow proper consideration of the overshadowing impacts to the neighbouring properties' private open spaces and living room windows. A comparison demonstrating solar access based on a compliant envelope was also not provided.
 - b) Detailed sections of the rear retaining wall and fencing to ensure the stability of the structure and demonstrate that the existing/proposed fencing is sufficient in height to provides reasonable levels of privacy to the rear adjoining properties.

REASON:

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

CARRIED UNANIMOUSLY.

The meeting closed at 2:06pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Heather Warton
Kevin Hoffmann	Michelle Finegan