



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 13 OCTOBER 2022

Present:

Chairperson: Lindsay Fletcher

Expert Members: Heather Warton & Brendan Randles

Community Representatives: Kerri Hamer

Council Officers present:

Manager Development Assessment	Mr F Ko
Coordinator Fast Track	Mr T Ristevski
Executive Planner	Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

Kerri Hamer declared a non-significant non pecuniary interest in Item 3 as one of the submitters is known to her, although not personally or socially.

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:

Development Application Reports

D61/22 Development Application Report - 6 Hamel Road, Matraville (DA/201/2022)

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/179/2022 for Torrens Title subdivision of approved dual occupancy to create two allotments, at No. 6 Hamel Road, Matraville NSW 2036, subject to the development consent conditions attached to the assessment report, as amended below.

Add Condition 9 to read as follows:

Development Consent Conditions (DA/968/2018)

9. The development subject to the dual occupancy approval is to be completed and is to have complied with all conditions of the Development Consent (**DA/968/2018**), and an occupation certificate issued prior to the release of the subdivision plans/certificate.

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 below.

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

CARRIED UNANIMOUSLY.

D62/22 Development Application Report - 38 Prince Street, Randwick (DA/37/2022)

RESOLUTION:

That the RLPP defer consideration of Development Application No. 37/2022 for demolition of existing structures and construction of a semi-detached dwellings development with swimming pools and associated Torrens Title subdivision at No. 38 Prince Street, Randwick, and seek amended plans which provide for:

1. The two (2) driveways proposed are not supported. The Councils recommendation to modify the existing level is not clear or able to be incorporated into the current proposal without considerable design resolution. One (1) driveway only should be provided, preferably on the southern side of the property to maximise frontage landscaping including the provision of large trees.
2. The resultant single basement carpark should allow for vehicles to enter and exit the property in a forward direction.

If these amended plans are not provided within 1 month of this resolution, the Panel will determine the application electronically.

Council Officers are requested to liaise with the Applicant so that the architect can achieve a well resolved streetscape solution to the east frontage of the property.

REASON:

The Panel has visited or is familiar with the site, considered the written 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 defers the matter as the current streetscape design solution and the provision of two (2) driveways on a narrow frontage is not acceptable.

CARRIED UNANIMOUSLY.

D63/22 Development Application Report - 15 Mermaid Avenue, Maroubra (DA/16/2022)

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 Building Height development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Secretary of Planning, Industry and Environment has been 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. 16/2022 for demolition of the existing dwelling house and the construction of a new multi-storey dwelling, swimming pool and landscaping at No. 15 Mermaid Avenue, Maroubra subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited or is familiar with the site, considered the written 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.

The Panel supports the height variation pursuant to clause 4.6 of RLEP 2012 as it is satisfied that the development is consistent with the objectives of the height standard and the objectives of the R2 zone, and the applicant's submission has adequately demonstrated there are sufficient environmental planning grounds to justify the variation.

CARRIED UNANIMOUSLY.

**D64/22 Development Application Report - 311-313 Anzac Parade, Kingsford
(DA/317/2022)**

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/317/2022 for the demolition of the existing structures and the construction of a nine storey co-living development, at Nos. 311-313 Anzac Parade, Kingsford, for the following reasons (as amended):

1. The proposal does not comply with the provisions of State Environmental Planning Policy (Housing) 2021; in particular:
 - a. Pursuant to Clause 69(1)(b), the proposed lot size of 645.9m² does not meet the 800m² minimum lot size requirements for co-living housing.
 - b. Pursuant to Clause 69(1)(d), the proposal does not include an appropriate workspace for the manager, either within the communal living area or in a separate space.
 - c. The provision of a manager on site is necessary given the scale of the proposal and the safety, security and well-being of the residents.
 - d. Pursuant to Clause 69(1)(e), Council's Engineer has confirmed the proposal results in a parking shortfall of 8 spaces and 14 spaces is required.
 - e. Pursuant to Clause 69(2)(b), the proposal does not comply with the 12m separation requirements in the ADG for privacy.
 - f. Pursuant to Clause 69(2)(f), the ground floor interface with Anzac Parade is not compatible with the desired future character of the precinct.
 - g. Pursuant to Clause 69(2)(h), the proposed bicycle parking spaces do not comply with the minimum requires of AS 2890.3.
2. The proposal does not comply with the provisions of the Randwick Local Environmental Plan 2012 (RLEP) in particular:
 - a. The proposal does comply with the maximum height standard pursuant to clause 4.3 of RLEP 2012.
 - b. Pursuant to Clauses 6.11(3) and (4), the proposal does not exhibit design excellence in regard to its ground floor interface with Anzac Parade.
 - c. Pursuant to Clauses 6.20(1) and (3), the proposal does not uphold the objectives of the active frontages.
3. The proposal does not comply with the provision of Randwick Comprehensive Development Control Plan 2013 (RDCP 2013) in particular:
 - a. Pursuant to Part 4 in the K2K RDCP, the proposal does not uphold the provisions relating to design excellence in regard to its ground floor interface with Anzac Parade.
 - b. Pursuant to Part 6 in the K2K RDCP, the proposal does not uphold the objectives or comply with the controls for site frontage and the controls for building height.

- c. Pursuant to Part 12 in the K2K RDCP, the floor to ceiling heights are greater than the minimum and contribute to the height non-compliance. Pursuant to Part 19 in the K2K RDCP, the ground floor level street frontage incorporates 52% (6.9m) of transparent glazing which does not comply with the 80% requirement. The location of the electrical substation should be relocated away from the front facade for retail activation.
 - d. Pursuant to Part 20 in the K2K RDCP, the proposal provides 16.3% of the site area as landscaping which does not comply with the 100% requirement.
 - e. Pursuant to Part 31 in the K2K RDCP, the alternative floor space ratio and building height permitted under Clause 6.17 of the RLEP and planning agreement has not been agreed by Council.
4. Insufficient information – a full and robust assessment of the proposal cannot be completed as there are a number of deficiencies and lack of detail in the information submitted with the development application including:
 - a. Pursuant to Clause 4.6 of the Resilience and Hazards SEPP, Council's Environmental Health Officer has stated a Preliminary Site Contamination Investigation must be undertaken in accordance with the NSW EPA Guidelines, and Council's Contaminated Land Policy 1999. Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant Health Based Investigation Level, a Remediation Action Plan (RAP) is required.
 - b. Pursuant to Clause 5.10 of the RLEP, the application did not include a Heritage Impact Statement/Heritage Impact Assessment addressing how the development responds sympathetically to the nearby contributory buildings, as required by the RDCP.
 - c. Pursuant to Part 6 of the K2K RDCP, the Applicant's has not demonstrated that amalgamation with the adjacent sites has been undertaken including letters of offer, information regarding purchase price, timing of payments or details of any special conditions attached to any offer or independent valuations.
 - d. Pursuant to Part 14 in the K2K RDCP, Council's Environmental Health Officer has confirmed the acoustic report does not contain sufficient information with regard to the assessment of all outdoor areas including advice on permitted times of usage and permitted numbers. As such, compliance with the specified criteria has not been demonstrated.
 - e. Pursuant to Part 15 in the K2K RDCP, no ceiling fans have been indicated to assist the opening windows and louvres.
 - f. Pursuant to Part 20 in the K2K RDCP, the landscaping calculations do not specify the area that is included for the communal open space, ground plane, green walls and the roof top.
 - g. Pursuant to Parts 22 and 23 of the K2K RDCP, a site-wide sustainability strategy that includes provisions relating to water sensitive urban design has not been submitted for assessment.
 - h. Pursuant to Part 22 of the K2K RDCP, an Automated Waste Collection System (AWCS) including FOGO bins have not been provided.
 - i. Pursuant to Part 26 of the K2K RDCP, the Plan of Management does not specify the maximum number of residents to be accommodated at any one time, information for community and education services, or management procedures over holiday periods. Room sizes have not been shown on drawings or whether the rooms are proposed for single or double occupancy. Many rooms appear to be not capable to accommodate double beds.
 - j. Pursuant to Part 26 of the K2K RDCP, Council's Environmental Health Officer has stated that the acoustic report does not contain sufficient information with regard to the assessment of all outdoor areas including advice on permitted times of usage and permitted numbers. As such, compliance with the specified criteria has not been demonstrated.
 - k. Pursuant to Part 29 in the K2K RDCP, an arts statement has not been submitted for assessment.

- I. Pursuant to Part 33 in the K2K RDCP, no details have been submitted to show the location of future signage for the retail component at the ground floor level facing Anzac Parade.
5. Upon lodgement of the application, the proposal was not identified as integrated development and therefore was not notified for 28 days in accordance with the Randwick Community Participation Plan.

REASON:

The Panel has visited or is familiar with the site, considered the written 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.

Whilst the Panel refuses the application for the reasons given in the resolution above, it is noted that DEAP supported the proposal in principal but identified some significant shortcomings and omissions that must be addressed. It is noted the matter is now subject to appeal and the Panel would encourage the Applicant and Council to resolve the key design concerns identified. The Panel highly recommends the provision of a manager on site given the scale of the proposal and the safety, security and well-being of the residents.

CARRIED UNANIMOUSLY.**D65/22 Development Application Report - 54B Bream Street, Coogee (DA/119/2020/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 Application No. DA/119/2020 for use of an existing area on the western side of the lower ground floor level of the building as a swim school, at No. 54B Bream Street, Coogee, in the following manner:

- **Delete Condition 1A which reads:**

- 1A. *This consent is issued subject to a trial period of 1 year commencing from the date of commencement of use. Council shall be advised in writing of the commencement date. This is imposed to gauge the effective management of the use and its environmental impacts, which include access within the building as well as traffic and parking. Prior to the expiration of the one year trial period, a further application may be made to Council to allow continuation of the use. In assessing that application, Council will have regard to compliance with conditions of consent, materials submitted demonstrating adequate management and any substantiated complaints.*

REASON:

The Panel has visited or is familiar with the site, considered the written 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.

The Panel notes that the Council is investigating non-compliance with conditions of the development consent and this matter has been referred to Regulatory Building Compliance team. The Panel notes the objections received relating to the common storage area, and if the tenants are unable to resolve the access issue with the owner, then it recommends that they consider referring the matter to an appropriate tribunal to seek resolution of the dispute.

CARRIED UNANIMOUSLY.

The meeting closed at 5:10pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Lindsay Fletcher (Chairperson)	Heather Warton
Brendan Randles	Kerri Hamer