



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING
HELD ON THURSDAY, 9 FEBRUARY 2023**

Present:

Chairperson: Annelise Tuor

Expert Members: Heather Warton; Kevin Hoffman

Community Representatives: Peter Ryan (South Ward)

Council Officers present:

Manager Development Assessment	Mr F Ko
Coordinator Major Assessment	Mr S Cox
Executive Planner	Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

Nil

The Panel deliberated and voted on each matter as per Schedule 2, Clause 26 of the Environmental Planning and Assessment Act 1979.

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

Development Application Reports

D2/23 Development Application Report - 37 Haig Street, Maroubra (DA/540/2022)

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/540/2022 for alterations and an upper floor addition to a semi-detached dwelling at No. 37 Haig Street, Maroubra, subject to the development consent conditions attached to the assessment report, and the following additional condition:

2. (b) Details of the box gutter system along the common boundary are to demonstrate that any overflow from the box gutter will not enter 37 and 39 Haig Street, including the common party wall, and be certified by a qualified hydraulic engineer to the satisfaction of the Certifier.

REASON:

The Panel has visited 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, subject to the imposition of the additional condition in relation to the management of roof water.

CARRIED UNANIMOUSLY.

D3/23 Development Application Report - 229 Anzac Parade, Kensington (DA/415/2022)

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/415/2022 for the demolition of the existing structures and the construction of a part nine (9) part six (6) storey mixed use development comprising 1 retail premises, 20 residential apartments, and 15 car parking spaces, at No. 229 Anzac Parade, Kensington, for the following reasons:

1. The proposal does not comply with the provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; in particular:
 - a. Pursuant to Part 3B-1 and 3B-2 of the ADG, the height non-compliance does not minimise overshadowing.
 - b. Pursuant to Part 3E-1 of the ADG, the proposal does include deep soil landscaping and 88.5m² is required.
 - c. Pursuant to Part 3F-1 of the ADG, inadequate separation has been provided for visual privacy to the bedroom window at Unit 01 which overlooks the shared communal open space at Level 5.
 - d. Pursuant to Part 3J-1 of the ADG, the proposal does not provide the compliant number of bicycle and car parking spaces.
 - e. Pursuant to Part 4G of the ADG, the proposal does not allocate 50% of the storage space within the units and the majority of storage is located in the kitchens, bathrooms and/or bedrooms.

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 and a Clause 4.6 Written Request has not been submitted.
 - 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 and non-compliant minimum frontage width.
 - 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, building height, number of storeys, street wall height, front setbacks and exposed party walls.
 - c. Pursuant to Part 11 in the K2K RDCP, the proposal must provide an additional 3 bedroom unit and relocate 3 bedrooms units on the lower four floors of the building.

- d. Pursuant to Part 12 in the K2K RDCP, the floor to ceiling heights do not comply with the specified dimensions and contribute to the overall height non-compliance.
 - e. Pursuant to Part 16 in the K2K RDCP, the extent of the north-west party wall does not align with the neighbouring site and exposes a blank wall to the UNSW courtyard. Furthermore, the proposal has not considered the visual impact of the exposed party wall to the southern neighbouring property at 231-233 Anzac Parade.
 - f. Pursuant to Part 18 in the K2K RDCP, the proposal does not provide a continuous pedestrian shelter such as an awning to the Anzac Parade frontage.
 - g. Pursuant to Part 19 in the K2K RDCP, the ground floor level street frontage incorporates 50.6% (5.09m) of transparent glazing which does not comply with the 80% requirement.
 - h. Pursuant to Part 20 in the K2K RDCP, the proposal provides 60% of the site area as landscaping which does not comply with the 100% requirement and the proposed soil depths are inadequate to support mature trees/planting.
 - i. Pursuant to Part 21 in the K2K RDCP, Council's Engineer has confirmed the proposal does not provide the compliant number of car parking spaces (19 are required and 15 have been provided), bicycle spaces (22 are required and 16 have been provided) the use of mechanical devices has not been minimised, no electric vehicle points have been provided and insufficient information has been submitted for the car stackers regarding the waiting times and the manufactures specifications.
 - j. 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 6.17 of the RLEP, no details or a letter of offer to enter into a VPA have been submitted to Council.
 - b. 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. Furthermore, the application does not adequately demonstrate an analysis of the likely future redevelopment pattern resulting from site isolation.
 - c. The shadow diagrams do not indicate the additional shadows cast by the non-compliant portion of the building.
 - d. Northern and southern side elevations of the proposed development have not been submitted.
 - e. Pursuant to Part 14 in the K2K RDCP, Council's Environmental Health Officer has confirmed the acoustic report incorrectly states that *The Kensington and Kingsford Town Centres Development Control Plan 2020* does not provide any acoustic criteria or objectives for noise emissions. In the K2K DCP, Part C Section 14 Acoustic Privacy, five Objectives and a series of acoustic controls are provided for residential and commercial uses. An amended Acoustic Assessment is required that includes the criteria and standards used to assess the future acoustic amenity of the proposal. Concerns are raised in relation to noise reverberation within the courtyard/lightwell, the proximity of one bedroom

to another across the courtyard and potential impacts of noise from and to future building residents regarding the adjoining building to the south which is a residential development with open aerial walkways. This includes adverse noise impacts to the north at the UNSW teaching facility (221-227 Anzac Parade) and visa-versa.

- 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 or a 5 Star Green Rating Report have not been submitted for assessment.
- h. Pursuant to Part 22 of the K2K RDCP, an Automated Waste Collection System (AWCS) including FOGO bins and a separate area for bulky waste have not been provided.
- 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.

REASON:

The Panel has visited the site, considered the submission (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.

D4/23 Development Application Report - 49 Lawson Street, Matraville (DA/799/2021)

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 subdivision lot size development standard in Clause 4.1A 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/799/2021 for Strata title subdivision of an approved dual occupancy into two (2) allotments, at No. 49 Lawson Street, Matraville NSW 2036, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel is familiar with the site, 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.

D5/23 Development Application Report - 48 Elaroo Avenue, Phillip Bay (DA/816/2021)**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 subdivision lot size development standard in Clause 4.1A 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/816/2021 for strata title subdivision of an approved dual occupancy into two (2) allotments, at No. 48 Elaroo Avenue, Phillip Bay, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel is familiar with the site, 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.

The meeting closed at 2:15pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Heather Warton
Kevin Hoffman	Peter Ryan