



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING
HELD ON THURSDAY, 23 FEBRUARY 2023 AT 2:37PM**

Present:

Chairperson: Lindsay Fletcher

Expert Members: Jason Perica and Peter Romey

Community Representatives: Kerri Hamer (Central 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 during the meeting.

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

Development Application Reports

**D7/23 Development Application Report - 27 Endeavour Avenue La Perouse
(DA/197/2022)**

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/197/2022 for 'Proposed works to the existing dwelling to allow for an additional storey, swimming pool to the rear and minor façade changes' at No. 27 Endeavour Avenue, La Perouse, for the following reasons:

1. The proposal does not comply with Clause 4.4 Floor Space Ratio development standard of Randwick Local Environmental Plan 2012. No written request to vary the development standard in accordance with Clause 4.6 of Randwick Local Environmental Plan 2012 was submitted with the application. Council therefore does not have the power to approve the application.
2. The proposal does not comply with the provisions of the Randwick Local Environmental Plan 2012 (RLEP) in particular:
 - a. The proposal is inconsistent with the objectives of the R2 Low-Density Residential land use zone.
 - b. The proposal is non-compliant with the maximum Floor Space Ratio applicable to the site pursuant to Clause 4.4.
 - c. The proposal is contrary to the objectives of Clause 5.10 in relation to Heritage Conservation.
 - d. The proposal is not consistent with the objectives of Clause 6.2 in relation to Earthworks.
 - e. The proposal is not consistent with the objectives of Clause 6.7 in relation to Foreshore Scenic Protection Area.

3. The proposal does not comply with the provision of Randwick Comprehensive Development Control Plan 2013 (RDCP 2013) in particular:
 - a. Pursuant to Section B10 of Part B, the proposal is inconsistent with the controls and objectives of the Foreshore Scenic Protection Area.
 - b. Pursuant to Control i of Section 2.3, Part C1, the proposal does not comply with site coverage.
 - c. Pursuant to Control i of Section 2.4, Part C1, the proposal does not comply with the landscaped area.
 - d. Pursuant to Control i of Section 3.2, Part C1, the proposal does not comply with building wall height.
 - e. Pursuant to Section 3.3.2, Part C1, the proposal does not comply with side setbacks.
 - f. Pursuant to Section 4.6, Part C1, the proposal has not demonstrated that the earthworks are appropriate for the site.
 - g. Pursuant to Section 5.1, Part C1, the proposal has not provided sufficient solar access to the proposed private open space area or to adjoining properties.
 - h. Pursuant to Section 5.3, Part C1, the proposal has not demonstrated that the visual privacy of adjoining properties is retained.
 - i. Pursuant to Section 5.6, Part C1, the proposal has not adequately addressed view-sharing with neighbouring properties.
 - j. Pursuant to Section 7.3, Part C1, the proposal has not adequately demonstrated side and rear fencing details.
 - k. Pursuant to Section 7.5, Part C1, the proposal has resulted in a swimming pool location that is inappropriate to the site topography.
 - l. Pursuant to Section 7.6, Part C1, insufficient information has been submitted to determine whether any air conditioning unit will result in adverse impacts on neighbouring sites.
 - m. Pursuant to section 7.8, Part C1, insufficient information has been submitted to determine whether any proposed clothes drying facilities complies with the relevant controls.
4. The proposal does not comply with the provision of State Environmental Planning Policy (Resilience and Hazards) 2021.
 - a. The proposal is inconsistent with Section 2.11 of Division 4 of Chapter 2.
5. Pursuant to Section 4.15(1)(b) of the Environmental Planning & Assessment Act 1979, the application has not demonstrated that the development does not impact the natural or built environment or that it does not result in adverse social or economic impacts.
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning & Assessment Act 1979, the application has not demonstrated that the subject site is suitable for the development.
7. Pursuant to Section 4.15(1)(d) of the Environmental Planning & Assessment Act 1979, the application has not demonstrated that the development is in the public interest.
8. Insufficient information has been provided to accurately assess compliance and environmental impact.

REASON:

The Panel has visited the site and locality, considered the written submissions and reviewed the assessment report 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.**D8/23 Development Application Report - 19 Oswald Street, Randwick (DA/413/2022)****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 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 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. DA/413/2022 for alterations and additions to the existing dwelling including extension to enclose lightwell, removal of internal walls, door and pavers, increase height of existing boundary wall and installation of glass roof with operable window (Heritage Item), at No. 19 Oswald Street, Randwick, subject to the development consent conditions attached to the assessment report and amended as follows:

Amend Condition 2.a. to read:

- 2.a. The proposed glass roof over the kitchen must be fixed so as not to be openable.

REASON:

The Panel has visited 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. The Panel notes that whilst technically the increase in FSR is 36%, the existing development and all neighbouring terraces which is a heritage item and is already well in excess of the FSR development standard so the effective increase is very minor and not visible from the public domain.

CARRIED UNANIMOUSLY.

D9/23 Development Application Report - 29 Nix Avenue, Malabar (DA/618/2022)

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 subdivision lot size development standard in Clause 4.1 of Randwick Local Environmental Plan 2012. The concurrence of the Secretary of Planning and Environment has been assumed.
- B. That the RLPP grant consent under Section 4.16 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/618/2022 for Torrens title subdivision of an attached dual occupancy into two lots at No. 29 Nix Avenue, Malabar, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited or 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.

**D10/23 Development Application Report - 17-17A Woonah Street, Little Bay
(DA/632/2022)**

RESOLUTION

The Panel deferred consideration of the proposal and requested further information as to whether approval of the subdivision creates non-compliance with provisions of Council's DCP including deep soil landscaped area, noting the existing pool which would be entirely within the proposed Lot 73. Additionally, the Panel seeks advice on whether alternative forms of subdivision could enable continued shared use of the rear yard and pool.

The Applicant is invited to provide a response to the above within 14 days of the notice of the resolution and a report from Council staff shall be done as soon as practicable for the same Panel's (as available) consideration and determination electronically.

REASON:

The Panel is concerned that approval of the subdivision may create non-compliances with Council's planning controls and reduce amenity for existing and future residents.

CARRIED UNANIMOUSLY.

D11/23 Development Application Report - 20 Hume Street, Chifley (DA/81/2022)

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 minimum strata subdivision lot size development standard in Clause 4.1A 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 Section 4.16 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/81/2022 for Strata title subdivision of an approved dual occupancy into two (2) allotments at No. 20 Hume Street, Chifley, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited or 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.

D12/23 Development Application Report - 29 Stanley Street, Randwick (DA/427/2022)
(DA/427/2022)

RESOLUTION

That the RLPP refuse consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 427/2022 for alterations and additions to an approved residential flat building, at No. 29 Stanley Street, Randwick, for the following reasons:

1. The building height does not comply with the development standard for height of buildings in clause 4.3 of RLEP 2012, and the Applicant failed to provide a written request made under clause 4.6 of RLEP 2012 regarding the contravention to the development standard.
2. The floor space ratio of the proposed development does not comply with the development standard in clause 4.4 of the RLEP 2012, and the written request made in relation to the contravention of the development standard does not satisfy the requirements of clause 4.6.

3. The application failed to provide a geotechnical report to allow the consideration of the matters required by clause 6.2 of RLEP 2012 relating to earthworks.
4. The proposed development is inconsistent with the site planning objectives and controls in section 3.4 of Part C2 of RDCP 2013 in relation to the rear setback.
5. The proposed development is inconsistent with the visual privacy and building separation objectives and provisions in section 3F-1 of the Apartment Design Guide (ADG).
6. The proposed development it is inconsistent with the visual privacy and building separation objectives and provisions in section 3F-2 of the Apartment Design Guide (ADG).
7. The proposed development is inconsistent with the building design objectives and controls in section 4 of Part C2 of RDCP 2013.
8. The proposed design of the development is inferior to the approved scheme including bulk and scale, fragmentary roof formation and adverse privacy impacts.
9. The proposed development is inconsistent with pedestrian access and proposed development entries objectives and provisions in section 3C-2, 3G-1, 3G-2 and 4F-2 of the Apartment Design Guide (ADG).
10. The proposal has not demonstrated that the single exit only from the basement car park will be able to be justified by a performance solution due to the presence of the car stacker. The BCA Assessment Report dated 16 August 2022 by Credwell lodged raised this concern in section 5.5 of the report.
11. The amenity of the occupants is compromised because the proposal has not demonstrated that Level 3 units satisfy the requirements of Part F3.1 of the National Construction Code 2019 BCA Volume 1 (NCC) relating to minimum ceiling heights, and any increase proposed would impact the height of the building.
12. The proposed development is inconsistent with the landscaped open space and deep soil area objectives and controls in section 2.2.1 and 2.2.2 of Part C2 of RDCP 2013.
13. The proposed development is inconsistent with the communal open space objectives and design criteria in section 3D-1 of the ADG and with the objectives and controls of section 2.3 of RDCP 2013.
14. The proposed development is inconsistent with the objectives and design criteria in part 4G-1 and 4G-2 of the ADG in relation to storage.
15. The proposed development includes many aspects which will unreasonably negatively impact upon the amenity of the residents and their neighbours.
16. The proposed development will provide a poor public domain interface, given it does not recognise the desirable elements of the streetscape. It does not provide an acceptable relationship to the heritage conservation area to the west.
17. The application should be refused because there is a shortfall of parking (including no visitor parking) and the parking provision is 100% reliant on mechanical devices.
18. The proposed development is not in the public interest as it represents an over intensification of the site.
19. Insufficient information has been provided to allow for the proper assessment of the proposed development, with relation to the following:
 - a. No clause 4.6 variation request was provided for the variation to the height of building control.

- b. The clause 4.6 written request for the contravention of the floor space ratio development standard does not satisfy the requirements of this clause.
- c. No geotechnical assessment has been provided.
- d. A car parking survey has not been undertaken in support of the car parking deficit.
- e. No swept path diagrams have been provided in support of the car stackers.
- f. No retaining walls or sections have been provided detailing how the drop in elevation is addressed.
- g. Storage calculation is incorrect.
- h. No information has been provided detailing compliance of the floor to ceiling heights on Level 3.
- i. No performance solution for the car park access/egress has been provided.

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 refuses the application for the reasons given in the resolution above. In addition, the Panel was uncertain about the legal ability of a development application to amend a previous development application that has not yet been constructed, given changes to the wording of s4.55 compared to the previous s96 of the Act.

CARRIED UNANIMOUSLY.

The meeting closed at 3.32pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Lindsay Fletcher (Chairperson)	Jason Perica
Peter Romey	Kerri Hamer