



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 22 FEBRUARY 2024

Present:

Chairperson: Lindsay Fletcher

Expert Members: Jason Perica & Kara Krason

Community Representatives: Kerri Hamer (Central Ward)

Council Officers present:

Manager Development Assessment	Mr F Ko
Coordinator Fast Track	Mr M Rivera
Coordinator Major Assessment	Mr F Macri
Executive Planner	Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

- A) Jason Perica declared a reasonably perceived conflict of interest in Item D13/24 as he is a financial and active member of WIRES. Therefore he did not participate in any discussion or the determination of that item.
- B) No other members of the Panel had any conflicts of interest to declare.

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

Development Application Reports

D10/24 Development Application Report - 23 Mermaid Avenue, Maroubra (DA/362/2022)

RESOLUTION:

- A. 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 FSR development standard in Clause 4.4 of Randwick Local Environmental Plan 2012. The concurrence of the Planning Secretary has been assumed.
- B. 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/362/2022 for demolition of existing dwelling and construction of a new dwelling house, swimming pool and associated works at No. 23 Mermaid Avenue, Maroubra, subject to the development consent conditions attached to the assessment report, with the following amendments/corrections:

An additional item to be added to the table of Condition 1 to reference the Geotechnical Report.

Correction of the condition numbers to eliminate the duplication of condition 7.

REASON:

The Panel has visited the site (externally) 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.

D11/24 Development Application Report - 10 Moore Street, Coogee (DA/200/2023)

RESOLUTION:

- A. 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 maximum building height development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Planning Secretary has been assumed.
- B. 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/200/2023 for alterations and additions to an existing dual occupancy, at No. 10 Moore Street, Coogee, subject to the development consent conditions attached to the assessment report, with the following additions and changes:

Add new Conditions 2(d) and 2(e) to read as follows:

- d) The spa/pool plant is to be relocated to the rear yard, clear of House 01, such as within or adjoining the storage shed.
- e) The two existing front entrance doors are to be reused on site.

Add a new Condition 2A to read as follows:

- 2A The Construction Certificate plans shall include details to ensure the eastern side path to the lower dwelling (House 01) is to be free of all services and obstructions, to allow appropriate free path of travel, including measures for illumination.

Amend Condition 2(b) to reads as follows:

- b) Adequate privacy measures are to be provided to clearly delineate the private open spaces between the two (2) residences – House 01 and House 02. The private open spaces must be designed to facilitate adequate and independent access for each residence. Any fencing must comply with the relevant requirements under the DCP or as per the *Exempt Development Code* under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Amend Condition 9 to read as follows:

Internal Driveway Design

9. Plans submitted for the construction certificate are to demonstrate compliance with the following amendments and requirements in relation to the vehicle access.
- The internal driveway is to be 5m wide at the front property boundary and then internally begin widening immediately to provide for vehicle movements into the proposed new garage 2
 - Swept paths based on the B-85 design vehicle in AS 2890.1 must be provided with the Construction Certificate documentation that demonstrate satisfactory vehicle access into proposed garage 2

- The vehicle crossing across the Council verge is to be widened to 5m to match the internal driveway as indicated on the approved plans.
- The internal access driveway must be designed and constructed in accordance with Australian Standard 2890.1 (2004) – Off Streetcar Parking and the levels of the driveway/s must match the alignment levels at the property boundary (as specified by Council).

Amend Condition 21 to read as follows:

Tree Protection measures

21. To ensure retention of the two trees within the rear of the property, being T03, mature Spotted gum (*Corymbia maculata*), and T02, a mature Smooth Barked apple myrtle (*Angophora costata*), the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of their trunks and canopies to be clearly and accurately shown in relation to the site and all work.
 - b. These trees are to be physically protected by the installation of star pickets on all four corners with construction power webbing securely attached to pickets, which shall be located a minimum distance of 1.5 metres from their trunks, to completely enclose each tree for the duration of works.
 - c. This fencing shall be installed prior to the commencement of construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: **“TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER”**
 - d. To prevent soil/sediment being washed over the root system, erosion control measures must be provided at ground level around the perimeter of the TPZ’s.
 - e. Within any TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble
 - f. Where roots with a diameter of less than 50mm are found which are in direct conflict with the approved works, and permission is given for their pruning, they may be cut cleanly using hand-held tools only, with the affected area to then be backfilled with clean site soil as soon as practically possible.
 - g. Ground levels within the TPZ’s must not be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which is to remain as undisturbed, deep soil.
 - h. Ground protection comprising strapped together rumble boards, sheets of plywood or similar shall be provided on top of the mulched area described in point G above and must remain in place for the duration of works, until such time as the approved landscaping is being installed.
 - i. The applicant is not authorised to perform any other works to these trees and must contact Council’s Landscape Development Officer on 9093-6633 should clearance pruning or similar be needed.
 - j. The Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

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.

CARRIED UNANIMOUSLY.

**D12/24 Development Application Report - 2-8 and 10-14 Prince Edward Street, Malabar
(DA/971/2023)**

RESOLUTION:

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/971/2023 for Alterations and Additions to Block A at St Andrew's Catholic Primary School including replacement of stairs, internal fitout works, new courtyard roof, new learning support/meeting room at GF courtyard, upgraded landscaping and car park line markings at Nos. 2-8 and 10-14 Prince Edward Street, Malabar, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited the site, was addressed on site by representatives of the school and applicant, 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.

**D13/24 Development Application Report - 16R Argyle Crescent and 21-29 Munda Street,
Randwick (DA/990/2023)**

RESOLUTION:

1. 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. 990/2023 for demolition of existing structures at No. 16R Argyle Crescent, and construction of a new wildlife rescue facility for WIRES at Randwick Environmental Park, at Nos. 21-29 Munda Street, Randwick, subject to the development consent conditions attached to the assessment report, with the following amendments:

Add a new Condition 1A to read as follows:

- 1A Prior to the issue of a Construction Certificate, detailed plans of the Entry Area are to be provided identifying the location of proposed facilities including:
 - first aid station,
 - staff facilities,
 - separate fridges for staff/volunteers and wildlife,
 - separate sinks for staff and animal food preparation,
 - storage facilities.

Condition reason: To ensure adequate provision and safety of staff/volunteer facilities and adequate facilities for wildlife

Add a new Condition 1B to read as follows:

- 1B Adequate outdoor lighting is to be provided between the approved building and the existing toilet facilities in the community centre.

Condition reason: To ensure a safe access to toilet facilities for staff and volunteers.

2. The Panel strongly suggests that Council consider the provision of a toilet within the facility for use by staff and volunteers.

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.

CARRIED UNANIMOUSLY.

Note: Jason Perica declared a reasonably perceived conflict of interest for this item and did not participate in any discussions, deliberations or the determination of this matter.

**D14/24 Development Application Report - 54-54A Australia Avenue, Matraville
(DA/157/2023)**

RESOLUTION:

- A. 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 a non-numerical development standard in Clause 4.1D of Randwick Local Environmental Plan 2012. The concurrence of the Planning Secretary has been assumed.
- B. 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/157/2023 for strata subdivision of an existing dual occupancy, at No. 54-54A Australia Avenue, Matraville, subject to the development consent conditions attached to the assessment report, with the following amendment to Condition 3:

Amend Condition 3 to read as follows:

3. The applicant shall create suitable right of carriageway and easements as required. However, the right of carriageway is to be extended to the rear boundary of proposed Lot 100 in order to ensure vehicular access to the garage of Lot 100.

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.

D15/24 Development Application Report - 38 Boyce Road, Maroubra (DA/337/2023)

RESOLUTION:

- A. 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 subdivision lot size development standard in Clause 4.1 of Randwick Local Environmental Plan 2012. The

concurrence of the Planning Secretary has been assumed.

- B. 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/337/2023 for Torrens title subdivision of subject site into two (2) allotments, at No. 38 Boyce Road, Maroubra, 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.

D16/24 Development Application Report - 36 Ocean Street, Clovelly (DA/54/2022)

RESOLUTION:

- A. 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 Planning Secretary has been assumed.
- B. 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/54/2022 for alterations and additions to Unit 3 including balcony enclosure at 36 Ocean Street, Clovelly, subject to the development consent conditions attached to the assessment report.

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.

CARRIED UNANIMOUSLY.

D17/24 Development Application Report - 52 Victoria Street, Malabar (DA/864/2023)

RESOLUTION:

The RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/321/2022 for Torrens title subdivision of existing lot into two (2) lots. at No. 52 Victoria Street, Malabar, for the following reasons:

Reasons for Refusal

1. Pursuant to Section 4.15 (1)(a) of the EP&A Act 1979, the proposed development does not comply with the following relevant environmental planning instruments and development controls as follows:
 - o Clause 4.6 of the Randwick Local Environmental Plan 2012.

- The consent authority is not satisfied that the applicant has demonstrated that compliance with the development standard (under Clause 4.1) is unreasonable or unnecessary in the circumstances.
 - The consent authority considers that there are no sufficient environmental planning grounds to justify the contravention of the development standard (under Clause 4.1).
 - The consent authority considers that the proposed development is not in the public interest as it fails to achieve consistency with the relevant objectives of Clause 4.1 and the R2 – Low Density Residential zone under the Randwick Local Environmental Plan 2012. As such, development consent cannot be granted to development that contravenes the respective development standard.
- Randwick Local Environmental Plan 2012 – Aims of the Plan – unable to satisfy the key aims (2)(c) and (2)(g).
 - The proposal fails to promote a subdivision form or arrangement that is appropriate to its context and that supports an efficient use of land.
 - The proposal does not encourage the provision of housing mix and tenure choice, including affordable housing.
 - Randwick Local Environmental Plan 2012 – the relevant objectives of the R2 Low Density Residential zone. The proposal is not consistent with these objectives in that the proposed subdivision does not provide for the housing needs of the community; contribute to the desired future character of the streetscape/area; or encourage housing affordability. The proposed subdivision is not consistent with the prevailing development and subdivision pattern of the locality and facilitates an undesirable outcome that fails to comply with development standard. The proposed subdivision will result in undersized allotments that fail to reflect an appropriate and orderly development of land. Randwick Local Environmental Plan 2012 – development standard as per Clause 4.1. The proposal involves land subdivision to create two (2) lots that fail to comply with the minimum lot size development standard.
 - Randwick Local Environmental Plan 2012 – the relevant objectives under Clause 4.1. The proposal is inconsistent with these objectives in that the proposed subdivision will have adverse impacts on prevailing development and subdivision pattern of the locality and does not ensure lot sizes are sufficient and able to accommodate suitable development.
 - Randwick Comprehensive Development Control Plan 2013, Part C1 – Low Density Housing: Section 2.1 Minimum Lot Size. The proposal fails to satisfy the relevant objectives and controls under this part. The proposal does not satisfy the objectives as the proposed subdivision fails to respect the predominant existing subdivision and development pattern of the locality; it does not ensure land subdivision creates allotments that have adequate site area.
2. Pursuant to Section 4.15(1)(b) of the EP&A Act 1979, the proposal is likely to have adverse impacts on the following aspects on the environment: subdivision irregularity due to fragmentation of land to create undersized lots; reduction of housing choice/diversity and affordability within the locality; and setting an undesirable precedent for subdivision development to create undersized lots.
 3. Pursuant to Section 4.15(1)(c) of the EP&A Act 1979, the subject site is not suitable for the proposal for the following reasons: non-compatibility with prevailing development and subdivision pattern of locality and does not promote housing diversity/choice and affordability. The proposal does not achieve the objectives of Council policy with regard to housing diversity and affordability. The proposal fails to improve on the provision of affordable housing in the locality to meet the housing demands of very low, low and medium income households. The proposal fails to increase housing diversity and choice to support the growing population in areas with good access to public transport, services and town centres.
 4. Pursuant to Section 4.15(1)(e) of the EP&A Act 1979, the proposal is not considered to be in the public interest as it will set an undesirable precedent including endorsement of an

unacceptable non-compliance to the minimum lot size provisions under Clause 4.1 and facilitates a subdivision form that does not respect the predominant subdivision and development pattern of the locality by creating two (2) undersized Torrens title allotments.

REASON:

The Panel refuses the application for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.

The meeting closed at 2:27pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Lindsay Fletcher (Chairperson)	Jason Perica
Kara Krason	Kerri Hamer