



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 14 MARCH 2024 AT 1PM

Present:

Chairperson: Graham Brown

Expert Members: Helen Lochhead & David Ryan

Community Representatives: Heather Cappie-Wood

Council Officers present:

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

Declarations of Pecuniary and Non-Pecuniary Interests

A) Nil.

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

D18/24 Development Application Report - 49-53 Clovelly Road, Randwick (DA/350/2022)

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 Planning Secretary 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. 350/2022 for alterations & additions to each building at 49, 51 & 53 Clovelly Road including: retention of shops & shopfronts; new toilets & kitchenettes to the non-residential tenancies at 51 and 53 Clovelly Road; part demolition of rear wings; demolition of the garage; internal reconfiguration at the rear; new ground & first floor additions to the rear of 49 and 51 Clovelly Road; new ground floor addition to 53 Clovelly Road; landscaping & associated work (Heritage Item) at No. 49-53 Clovelly Road, Randwick, subject to the draft development consent conditions, dated 14 March 2024.

REASON:

The Panel has visited the site, considered the written submissions and reviewed the assessment report prepared by Council officers.

The Panel notes that the development application was recommended for refusal by Council officers. However based on the Panels site inspection, an understanding of the history of the site including the existing use rights that apply to the site, and the previous, but not finalised endeavours to rezone the site, the sympathetic design in relation to the heritage status of the buildings on the site and the lack of any unacceptable amenity impacts on neighbouring properties the Panel identified merit in the proposal.

The Panel supports and approves the application for the following reasons:

1. The Panel accepts the breach to the floor space ratio development standard has been justified by the applicants clause 4.6 written objection.
2. The Panel accepts that the proposed development will have no unacceptable impacts on the amenity of adjoining properties.
3. The Panel accepts that the proposed development will have no unacceptable impacts on the heritage item, and the additions respond respectfully to the heritage items.
4. The Panel is also mindful that the site operates under existing use rights and that strict compliance with the development standards is not necessary in this instance given an assessment under section 4.15 of the Environmental Planning and Assessment Act 1979.
5. The proposal will provide for diverse housing opportunities consistent with the objectives of the R2 Low Density Residential zone, and enhances the amenity of the existing residences within the development.

CARRIED UNANIMOUSLY.

D19/24 Development Application Report - 34 Clovelly Road, Randwick (DA/252/2023)

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 Planning Secretary 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. 252/2023 for interior alterations to the ground floor level, between the existing residence and commercial premises and to the existing ground floor level residence. Rear alterations and additions to the existing first floor level commercial premises at No. 34 Clovelly Road, Randwick, 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.

**D20/24 Development Application Report - 18/9-15 William Street, Randwick
(DA374/2022/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. 374/2022 for modifications to the approved open awning roof terrace installation of a bathroom, increase height by 50mm at southern and 300mm at northern elevation and new roof skylight at No. 18/9-15 William Street Randwick, in the following manner:

- **Amend Condition 1 to read:**

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A101 Site Plan	Superdraft	18 August 2022
A102 Floor Plan Rev 2	Superdraft	10 October 2021
A106 Roof Plan & Elevations	Superdraft	18 August 2022

EXCEPT where amended by:

- **Council in red on the approved plans; and/or**
- **Other conditions of this consent; and/or**
- **the following Section 4.55 plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 plans and detailed in the Section 4.55 application:**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A101 Site Plan Rev 3	Superdraft	8 September 2023
A102 Floor Plan Rev 3	Superdraft	8 September 2023
A106 Roof Plan & Elevations Rev 3	Superdraft	8 September 2023

- **Amend Condition 2 to read:**

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. Privacy screens having a height of 1.6m (measured above finished floor level) shall be provided to the southern side of the awning structure.

Privacy screen/s must be constructed with either:

- Fixed lattice/slats with individual openings not more than 30mm wide;
- Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

Detailed plans of the privacy screens must be submitted to Council's Manager Development Assessment for approval.

- **Add Condition 29 to read:**

29. The leisure space shall be used only as an outdoor recreation space and not as habitable area, as such it is not to be fully enclosed or weatherproofed

REASON:

The Panel has visited 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.

The Panel supports the application for the reasons given in the assessment report, subject to the amendment of Condition 1 to include the approved modification plans and additional condition 29 regarding the use of the roof terrace leisure area.

CARRIED UNANIMOUSLY.

**D21/24 Development Application Report - 1 Wolseley Road, South Coogee
(DA/602/2022)**

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 Planning Secretary has been assumed.

B. That 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. 602/2022 for Substantial alterations and additions to the existing dwelling house including new rear ground and lower ground floor additions, front double garage with gym and store room below, new copper roof cladding, associated site and landscaping works, at No. 1 Wolseley Road South Coogee, subject to the development consent conditions attached to the assessment report, subject to the following amendment:

- **Delete Condition 2(b)(1.) which reads:**

The copper roof and awning must be constructed with a treated, textured or matte finish that results in reduced reflectivity.

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, subject to the deletion of condition 2(b)(1.).

CARRIED UNANIMOUSLY

D22/24 Development Application Report - 64 Knowles Avenue, Matraville (DA/36/2024)

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/36/2024 for Strata subdivision of exiting dual occupancy, at No. 64 Knowles Avenue, Matraville, for the following reasons:

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:
 - Clause 4.6 of the Randwick Local Environmental Plan 2012.
 - The consent authority is not satisfied that the compliance with the development standard (under Clause 4.1A) is unreasonable or unnecessary in the circumstances.
 - The consent authority has identified that there are no sufficient environmental planning grounds to justify the contravention of the development standard (under Clause 4.1A).
 - 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 results in a strata subdivision of land that reduces the ability of the area to meet the needs of the low density residential environment and will reduce housing affordability in the area. The proposal is therefore not consistent with the objectives of the zone.
 - Randwick Local Environmental Plan 2012 – Clause 4.1 – the proposed subdivision will result in a non-compliance with the minimum lot size development standard of 275m² to subdivide a dual occupancy (Strata or Torrens) adopted by Council in the Randwick Comprehensive Planning Proposal 2022.
 - 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: reduction of housing choice/diversity and affordability within the locality; and setting an undesirable precedence for subdivision of dual occupancy 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 as it does not promote housing diversity/choice and affordability.
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 precedence including endorsement of an unacceptable non-compliance to the minimum lot size provisions under Clause 4.1A.

REASON:

The Panel did not visit the site as it was unnecessary given the application however 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.**D23/24 Development Application Report - 1 Abbott Street, Coogee (DA/183/2023)****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 height of buildings and floor space ratio development standards in Clauses 4.3 and 4.4 of Randwick Local Environmental Plan

2012. The concurrence of the Planning Secretary 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/183/2023 for alterations and additions to an existing Residential Flat Building including the addition of a fourth level for one (1) new unit and lift, at No. 1 Abbott Street, Coogee, subject to the development consent conditions attached to the assessment report, subject to the following amendments:

- **Amend Condition 6 to read as follows:**

The use of timber cladding and portal frame to the proposed upper level is approved subject to compliance with National Construction Code. The external colours are to be light-tones to reduce heat load and heat island impacts. However, the use of any substitute materials to the timber cladding will require the approval of the Manager Development Assessment.

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 and subject to amendments to Condition 6 to ensure compliance with National Construction Code.

CARRIED UNANIMOUSLY.

D24/24 Development Application Report - 22 Young Street, Randwick (DA/75/2023)

RESOLUTION:

That the RLPP refuse consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 75/2023 for alterations and additions to existing dwelling including rear extension, at No. 22 Young Street, Randwick, for the following reasons:

1. The proposed development unacceptably impacts on the character of the Heritage Conservation Area, and upon the heritage values of the listed heritage item. The proposal does not provide a sympathetic design, considering its location within a Heritage Conservation Area and listing as a heritage item.
2. The proposed development has unacceptable impacts on the amenity of adjoining neighbouring properties in terms of privacy and overlooking, overshadowing, bulk and scale.
3. The proposed development has unacceptable impacts upon the scale and character of the streetscape of Middle Street.
4. The proposed development results in non-compliance with the minimum setback requirements pursuant to Part C1 of Randwick Development Control Plan 2013.

REASON:

The Panel has visited the site, considered the written submission and reviewed the assessment report prepared by Council officers.

The Panel notes that the development application was recommended for approval by Council officers. However based on the Panels inspection of the site, and an understanding of the proposed alterations and additions, the Panel was not satisfied that approval should be granted because of the unacceptable impact on the heritage item and Heritage Conservation Area and unacceptable amenity impacts and bulk and scale impacts on the adjoining property.

The Panel refuses the application for the reasons given in the resolution above. The Panel considers that any alterations and additions to this site should be single storey to be compatible with the heritage item and Heritage Conservation Area, and to address the reasons for refusal.

CARRIED UNANIMOUSLY.

The meeting closed at 2:31pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Graham Brown (Chairperson)	Helen Lochhead
David Ryan	Heather Cappie-Wood