



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 11 APRIL 2024

Present:

Chairperson: Graham Brown

Expert Members: Brendan Randles & Helena Miller

Community Representatives: Edna Grigoriou

Council Officers present:

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

Declarations of Pecuniary and Non-Pecuniary Interests

A) X declared a non significant non pecuniary interest in Item X as X.

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

D27/24 Development Application Report - 132 Mount Street, Coogee (DA/135/2023) - DEFERRED ITEM

RESOLUTION

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. 135/2023 for partial demolition of front façade with new roof, basement garage, replacement of rear pergola and first floor level addition to existing semi-detached dwelling, at No. 132 Mount Street, Coogee, 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. The Panel inadvertently did not determine the application during the scheduled meeting however proceeded to

determine the application electronically after the closing of the meeting but prior to the Minutes being produced.

CARRIED UNANIMOUSLY.

D28/24 Development Application Report - 69A St Pauls Street, Randwick (DA/665/2022)

RESOLUTION

That the Randwick Local Planning Panel (RLPP) refuses consent under Section 4.16 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. 665/2022 for alterations and additions to the existing dwelling house including rear ground floor addition and construction of a detached single storey secondary dwelling at the rear of the site with associated site and landscape works at No. 69A St Pauls Street, Randwick 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:
 - a) Clause 4.6 of the Randwick Local Environmental Plan 2012.
 - o The consent authority is not satisfied that the Applicant has demonstrated that compliance with the non-discretionary development standard under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021 is unreasonable or unnecessary in the circumstances.
 - o The consent authority considers that there are no sufficient environmental planning grounds to justify the contravention of the non-discretionary development standard under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021.
 - o The consent authority considers that the proposed development is not in the public interest as it fails to achieve consistency with the relevant aims of the Randwick Local Environmental Plan 2012 and the objectives of the R3 – Medium Density Residential zone. As such, development consent cannot be granted to development that contravenes the respective development standard.
 - b) Randwick Local Environmental Plan 2012 – Aims of the Plan – unable to satisfy the key aims (2)(c) and (2)(d).
 - o The proposal fails to promote a development form that is appropriate to its context and that supports an efficient use of land.
 - o The proposal fails to achieve a high standard of design in the private and public domain that enhances the quality of life of the community.
 - c) Randwick Local Environmental Plan 2012 – the relevant objectives of the R3 Medium Density Residential zone. The proposal is not consistent with these objectives in that the development fails to recognise the desirable elements of the existing streetscape and built form and does not provide positive contribution to the desired future character of the area. The proposal will unreasonably compromise the amenity of residents.
 - d) Randwick Local Environmental Plan 2-12 – Clause 6.2 (Earthworks). The proposed earthworks are excessive and fail to achieve the provisions and objective under Clause 6.2.
 - e) Randwick Comprehensive Development Control Plan 2013, Part C1 – Low Density Housing: Section 4.6 – Earthworks. The proposal fails to satisfy the relevant objectives and controls under this part. The proposal does not satisfy the objectives as the development involves substantial excavation that is excessive and fails to respond to and respect the topography and site constraints of the subject land.
 - f) Randwick Comprehensive Development Control Plan 2013, Part C1 – Low Density Housing: Sections 5.3 and 5.4 – Visual and Acoustic Privacy. The proposal fails to satisfy the relevant objectives and controls under this part. The proposal does not

- satisfy the objectives as the development will result in adverse visual and acoustic privacy impacts.
- g) Randwick Comprehensive Development Control Plan 2013, Part C1 – Low Density Housing: Sections 5.3 and 5.4 – Visual and Acoustic Privacy. The proposal fails to satisfy the relevant objectives and controls under this part. The proposal does not satisfy the objectives as the development will result in adverse visual and acoustic privacy impacts.
- h) Randwick Comprehensive Development Control Plan 2013, Part C1 – Low Density Housing: Section 7.4 – Outbuildings. The proposal fails to satisfy the relevant objectives and controls under this part. The proposal does not satisfy the objectives as the development comprises an outbuilding that is excessive in terms of bulk and scale.
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: visual and acoustic privacy impacts; visual bulk, scale and massing presenting to private open spaces, facilitating development that is uncharacteristic and not compatible with existing and desired built forms and the prevailing development pattern of the immediate locality, setting an undesirable precedent for overdevelopment of sites and allowing undersized lots to feature secondary dwellings.
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: undersized lot that is not able to facilitate an appropriate development form and a secondary dwelling (building) that achieves compliance with the relevant controls and provisions under State and Council policies, and the development will have unacceptable privacy impacts on neighbouring properties.
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 non-discretionary development standard under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021 and facilitates an excessive built form and secondary dwelling that does not respect the predominant development pattern of the locality and does not achieve compliance with Council controls and requirements including those associated with outbuildings and privacy.

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; however, the Panel is of the view that the proposal may be supportable subject to the design of the secondary dwelling being amended to improve its amenity and the amenity of the existing dwelling, minimise impacts on adjoining properties, and comply with Council's provisions and controls for outbuildings. In particular the proposal should be amended to:

- Introduce a 3m rear setback and provide a landscaped buffer with trees between the secondary dwelling and rear-adjointing neighbour.
- Remove east- and west-facing windows.
- Reduce the height of the proposal to comply with the maximum height controls for outbuildings comprising an overall maximum building height of 3.6m. and a maximum wall height of 2.4m.
- Delete the timber fence between the primary dwelling and secondary dwelling and provide for a shared garden between the two dwellings that will provide amenity to both dwellings. Consideration could also be given to the deletion of the central stairs leading to the shared garden as two sets of stairs are considered unnecessary and reduce the soft landscape area.

Should the application be amended as outlined above a new Clause 4.6 Statement should also be provided which addresses the specific objectives for outbuildings contained in Part C1 of the DCP and which explicitly addresses how the proposal achieves those objectives.

CARRIED UNANIMOUSLY.**D29/24 Development Application Report - 36-38 Wentworth Street, Randwick
(DA/1055/2023)**

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 building height development standard in Clause 4.3 of Randwick Local Environmental Plan 2012.
- 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. DA/1055/2023 for Minor addition to extend and enclose rear upper-level terrace, at No. 36-38 Wentworth Street, Randwick 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.**D30/24 Development Application Report - 224-228 Coogee Bay Road, Coogee
(DA/95/2024)**

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.
- 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. DA/95/2024 for addition of an upper storey (Level 3) to Unit 1 to accommodate two (2) bedrooms and one (1) bathroom at 224-228 Coogee Bay Road, Coogee, 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.

D31/24 Development Application Report - 56 Sackville Street, Maroubra (DA/551/2023)**RESOLUTION**

That the Randwick Local Planning Panel (RLPP) refuses consent under Section 4.16 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/551/2022 for substantial alterations and additions to existing dwelling including new swimming pool and site works at 56 Sackville Street, Maroubra, for the following reasons (as amended):

1. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the development exceeds the stipulated Maximum Height of Buildings Development Standard contained in Clause 4.3 of the Randwick Local Environmental Plan 2012.
2. The proposed development does demonstrate that the application of the maximum Height of Buildings development standard is unnecessary or unreasonable in the circumstances of the case and does not provide a suitably prepared written request to vary the development standard contained in Clause 4.3 (Height of Buildings) of the Randwick Local Environmental Plan 2012 pursuant to Clause 4.6(1)(b) and (3).
3. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the plans and supporting documents do not provide adequate and accurate information.

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 noted that the Applicant had advised on site that the assessment report was not based on the amended plans and that in fact the proposal complied with the height limit. Council staff clarified in the meeting that due to the timing of the amended plan submission although the assessment report was based on the previous plan set the external consultant had considered the amended plans and advised that the amended plans would not change the recommendation and that the height non-compliance remained. The Panel notes that no Clause 4.6 Statement has been provided and was satisfied that the height development standard was breached as set out in the Council officer's report both in respect of the original and amended plans. In addition, it is noted that the application has been erroneously submitted as alterations and additions where it is clearly a new dwelling. Accordingly, the Panel does not have the power to approve the application and therefore refuses the application for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.

The meeting closed at 3:31pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Graham Brown (Chairperson)	Brendan Randles
Helena Miller	Edna Grigoriou