



## MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON MONDAY, 29 APRIL 2024

### Present:

<b>Chairperson:</b>	Graham Brown
<b>Expert Members:</b>	David Ryan; Helena Miller
<b>Community Representatives:</b>	Stephanie Schofield (West)

### Council Officers present:

Manager Development Assessment	Mr F Ko
Coordinator Major Assessments	Mr F Macri
Executive Planner	Ms A Manahan

### Declarations of Pecuniary and Non-Pecuniary Interests

- A) Helena Miller declared a non-significant and non-pecuniary interest in relation to D33/24 (Item 2) - Development Application Report - 149T Alison Road, Randwick (DA/570/2022). Noting there has been no involvement with the Applicant since 2015.

**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

#### D32/24 Development Application Report - 19 Solander Street, Matraville (DA/395/2023)

#### RESOLUTION:

That the RLPP defers the application for the submission of a proposed strata subdivision plan prepared by a registered Surveyor as required by Randwick Council's Development Application Guide. The plan is to be accompanied by an amended Clause 4.6 Written Request where the proposed strata subdivision breaches any development standards under Clause 4.1D of the Randwick LEP 2012. This should be submitted within 21 days and the current panel will determine the application electronically together with an addendum report by Council Officer's addressing the additional information amendments.

#### 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 generally supports the application, however has noted inconsistencies in the documentation submitted for assessment in the Clause 4.6 and the proposed plan set. Consistency is required before a determination can be made by the Panel.

**CARRIED UNANIMOUSLY.****D33/24 Development Application Report - 149T Alison Road, Randwick (DA/570/2022)**

**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. DA/570/2022 for installation of a telecommunications facility (payphone) with associated third-party digital signage at No. 149T Alison 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, subject to the following added condition:

2A. The existing phone booth and associated signage must be removed from Botany Street prior to the operation of the proposed phone booth on Alison Road.

**CARRIED UNANIMOUSLY.****D34/24 Development Application Report - 25 Fowler Crescent, South Coogee (DA/544/2022/A)****RESOLUTION:**

That the RLPP, as the consent authority, approves the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. 544/2022 in relation to the roof height and design including associated changes to the floor levels of the building, in the following manner:

**Amend Condition 1 to read:**

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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
A110 Site Plan Rev C	Arquero	21 August 2023	22 August 2023
A200 Basement Rev B	Arquero	11 April 2023	22 August 2023
A201 Ground Floor Rev B	Arquero	11 April 2023	22 August 2023
A202 First Floor Rev B	Arquero	11 April 2023	22 August 2023
A203 Attic Rev C	Arquero	21 August 2023	22 August 2023
A204 Roof Rev B	Arquero	11 April 2023	22 August 2023
A 300 Front and Rear Elevations Rev B	Arquero	11 April 2023	22 August 2023
A310 Side elevation (north) Rev B	Arquero	11 April 2023	22 August 2023

A320 Side elevation (south) Rev B	Arquero	11 April 2023	22 August 2023
A330 Fence Details Rev B	Arquero	11 April 2023	22 August 2023
A400 Section Rev B	Arquero	11 April 2023	22 August 2023
A401 Section Rev B	Arquero	11 April 2023	22 August 2023

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
1298741M_02	15 September 2022	28 October 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'A' plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55'A' plans and detailed in the Section 4.55'A' application:

Plan	Drawn by	Dated	Received by Council
Site Plan A110	Arquero	23 November 2023	27 December 2023
Basement Plan A200	Arquero	23 November 2023	27 December 2023
Ground Floor Plan A201	Arquero	23 November 2023	27 December 2023
First Floor Plan A202	Arquero	23 November 2023	27 December 2023
Roof Plan A204	Arquero	23 November 2023	27 December 2023
Front and Rear Elevations A300	Arquero	23 November 2023	27 December 2023
Elevations (North) A310	Arquero	23 November 2023	27 December 2023
Elevations (South) A320	Arquero	23 November 2023	27 December 2023
Section A400	Arquero	23 November 2023	27 December 2023
Section A401	Arquero	23 November 2023	27 December 2023

**Delete condition 2.e.****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.

In accordance with Section 4.55(3) of the EP&A Act, the Panel considered the original reasons for making of the development consent and was of the view that the proposed modification is consistent with the reasons as specified.

The Panel supports the application for the reasons given in the assessment report.

**CARRIED UNANIMOUSLY.****D35/24 Development Application Report - 115 Dolphin Street, Coogee (DA/1089/2023)****RESOLUTION:**

That the RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/1089/2023 for rectification works to

existing boarding house to enable the provision of 11 boarding rooms and construction of new rear fire stairs, at No. 115 Dolphin Street, for the following reasons:

1. The development is prohibited as proposed as the existing use rights have been abandoned.
2. The proposed development is of an excessive scale and is an overdevelopment of the site, resulting in non-compliance with the floor space ratio development standard pursuant to clause 4.4 of RLEP 2012 and section 68(2)(a) of the Housing SEPP, as well as the development standards for communal open space, car parking, landscape area, room size, and lot size pursuant to sections 68(2) and 69(1) the Housing SEPP.
3. The Applicant has failed to submit a written request to vary the floor space ratio, communal open space, car parking, landscape area, room size, and lot size pursuant to clause 4.6 of RLEP 2012. The Applicant has failed demonstrate that the proposed non-compliances are unreasonable or unnecessary in the circumstances of the case and has failed to demonstrate that there are sufficient environmental planning grounds to justify variation to the development standards.
4. The proposal is inconsistent with the objectives of the R3 Medium Density Residential Zone in that it is not compatible with the desired future character of the locality and exceeds the level of built form anticipated for the subject site. The proposed development fails to recognise or reflect the desirable elements of the existing streetscape and built form.
5. The proposed development will result in unreasonable residential amenity impacts upon neighbouring properties with regard to visual and acoustic privacy.
6. The proposed development will result in unreasonable residential amenity and safety impacts for future occupants of the building.
7. Pursuant to section 68(2)(d) of the Housing SEPP, the proposal fails to provide sufficient communal open space area.
8. Pursuant to section 68(2)(e) of the Housing SEPP and Part B7 of RDCP 2013, the proposal fails to provide sufficient on-site car parking.
9. Pursuant to section 68(2)(f) of the Housing SEPP, the proposal fails to provide sufficient landscaped area.
10. Pursuant to section 69(1)(a) of the Housing SEPP, the proposal fails to provide sufficient room sizes for co-living housing.
11. Pursuant to section 69(1)(b) of the Housing SEPP, the proposal fails to comply with the minimum lot size for co-living housing.
12. Pursuant to section 69(2)(a) of the Housing SEPP, the proposal fails to comply with the minimum rear setback requirements.
13. Pursuant to section 69(2)(f) of the Housing SEPP, Council is not satisfied that the proposed building design is compatible with the streetscape character and desirable elements of surrounding development.
14. Pursuant to clause 6.7 of RLEP 2012 and Part B10 of RDCP 2013, Council is not satisfied that the development contributes to the scenic quality of the foreshore.
15. 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. Insufficient information has been submitted to enable Council to undertake an assessment against section 47 of the Housing SEPP, relating to retention of affordable housing and associated impacts.

- b. Insufficient information has been submitted to confirm that adequate tree protection measures will be undertaken to protect existing trees.
  - c. Insufficient information has been submitted to confirm if suitable solar access will be provided to the subject and neighbouring properties.
  - d. An Acoustic Report, prepared by a suitable qualified professional, has not been submitted.
  - e. A BCA Capability Report, prepared by a suitable qualified professional, has not been submitted.
  - f. A Fire Protection Statement, prepared by a suitable qualified professional, has not been submitted.
  - g. A Plan of Management has been submitted, however, fails to address each of the matters outlined at Part B9 of RDCP 2013.
16. Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the suitability of the site for the proposed development as not been adequately demonstrated.
17. Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest having regard to the significant and numerous non-compliances with relevant planning controls, and the objections raised in the public submissions.

**REASON:**

The Panel has visited the site, considered the 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 amended resolution above.

**CARRIED UNANIMOUSLY.****D36/24      Development Application Report - 263-269 Clovelly Road, Clovelly  
(DA/538/2021/A)**

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**RESOLUTION:**

That the RLPP, as the consent authority, approves the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. 538/2021 for deletion of the trial period contained in Condition 9, in the following manner:

**Amend Condition No. 4 to read:**

4. The requirements and operations of the childcare centre must be carried out in accordance with the relevant acoustic reports prepared (by The Acoustic Group, dated 12 July 2021) for the proposed development, except as modified by the conditions of consent. All acoustic mitigation measures required by the selected acoustic consultant for the proposed development are to be implemented at all times and be included in the Plan of Management.

**Amend Condition No. 5 to read:**

5. The updated Plan of Management dated 12 June 2023 (Version 7) is to be implemented at all times and reviewed by a suitably qualified person every 12 months or as relevant legislations change. The Plan of Management shall be amended to reflect the number of children and staff as per Condition 9.

**Amend Condition No. 9 to read:**

9. The childcare centre shall be restricted to a total of 112 children and 18 staff at any one time.

**Amend Condition No. 11 to read:  
Green Travel Plan**

11. The Plan of Management of the childcare centre shall now include a Workplace Travel Plan which endeavour to minimise the parking and traffic generation of the proposed development. The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, management of workplace parking spaces, & incentives for public transport use.

The Plan of Management/Travel Plan shall reinforce the existing road restrictions in the locality to staff and patrons of the centre including but not limited to, the existing one-way traffic flow of Susan Lane and the 'No stopping' Zone on Clovelly Road near the intersection of Knox St.

The Travel Plan shall be submitted to and approved by Council's Department of integrated Transport prior to the increase in numbers and shall be in effect for the life of the development.

**REASON:**

The Panel has visited the site, considered the 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.

In accordance with Section 4.55(3) of the EP&A Act, the Panel considered the original reasons for making of the development consent and was of the view that the proposed modification is consistent with the reasons as specified.

The Panel supports the application for the reasons given in the assessment report.

**CARRIED UNANIMOUSLY.**

The meeting closed at 1:33pm.

<b>CONFIRMATION OF MINUTES BY PANEL MEMBERS</b>	
Graham Brown (Chairperson)	David Ryan
Helena Miller	Stephanie Schofield (West Ward)