



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING
HELD ON THURSDAY, 13 JUNE 2024 AT 1PM**

Present:

Chairperson: David Ryan

Expert Members: Kevin Hoffmann & Helena Miller

Community Representatives: Zofia Kuypers

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) 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:

General Reports

Nil

Development Application Reports

D45/24 Development Application Report - 1203 Anzac Parade, Matraville (DA/545/2022)

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 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. 545/2022 for alteration and additions to Malabar Memorial Hall and Malabar Community Library, at No. 1203 Anzac Parade, Matraville, 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 an additional condition to ensure adequacy of security measures for the building.

The Panel notes that the Applicant has amended the application to include associated signage and an assessment of the proposed signage has been undertaken. A condition of consent has been imposed.

Amend Condition 1A to read as follows:

- 1A The details of the signage on the Anzac Parade façade shall be generally in accordance with the details shown on drawing number DA08. The details are to be provided to and approved by Council's Manager Development Assessment prior to the issue of a construction certificate.

Insert new condition 1B to read as follows:

- 1B Appropriate security measures are to be implemented for the areas in front of the building, including the lift and terrace area. The proposed measures shall be submitted to and approved by Manager Development Assessment prior to the issue of a Construction Certificate.

CARRIED UNANIMOUSLY.

D46/24 Development Application Report - Road Reserve adjacent to 212 & 230 Arden Street, Coogee (DA/659/2023)

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/659/2023 for use of an existing Ausgrid substation kiosk as an advertising-enabled EV charging unit, including third-party digital advertisements, a separate charger podium, and designation of a single on-street parking space for an electric vehicle use only with line markings and new parking signage, at the road reserve adjacent to 212 & 230 Arden Street, Coogee, subject to the development consent conditions attached to the assessment report.

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 (with the exception of members identified below) supports the application for the reasons given in the assessment report.

A VOTE was taken and the names of the Panel members voting FOR and AGAINST were as follows:

FOR	AGAINST
David Ryan	Helena Miller
Zofia Kuypers	Kevin Hofman
Total (2)	Total (2)

The Chair David Ryan used his casting vote in the determination of the matter.

Helena Miller and Kevin Hoffman were not supportive of the proposal for the following reasons:

1. The proposal is not suited to the site, which is adjoining the foreshore scenic protection area, coastal foreshore area and within the coastal use area;
2. The proposal is inconsistent with the following objectives in chapter 3 of SEPP (Industry and Employment) 2021,
 - *is compatible with the desired amenity and visual character of an area, and*
 - *is of high-quality design and finish,*
3. The proposal is unsatisfactory when considered against the assessment criteria in Section 3.11 and Schedule 5 of SEPP (Industry and Employment) 2021, in particular:
 - The proposal is not compatible with the existing or desired future character of the area and locality in which it is proposed to be located, noting the visual impact of the proposed signage on the coastal zone.
 - The proposal would detract from the amenity and visual quality of the adjoining open space areas, the coastal foreshore and waterways, and nearby residential areas.
 - The scale of the proposed advertising panels is not appropriate for the streetscape, setting and landscape of Arden Street.
4. The proposal is inconsistent with clause 2.11 of the Resilience and Hazard SEPP in particular the visual amenity and scenic qualities of the coast.
5. Granting consent for such a proposal in a location adjoining a significant park and coastal foreshore area would set an undesirable precedent and would not be in the public interest.

D47/24 Development Application Report - Road Reserve adjacent to 1 Elizabeth Street, Randwick (DA/680/2023)

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/680/2023 for use of an existing Ausgrid substation kiosk as an advertising-enabled EV charging unit, including third-party digital advertisements, a separate charger podium, and designation of a single on-street parking space for an electric vehicle use only with line markings and new parking signage, at the Road Reserve adjacent to 1 Elizabeth Street, Randwick, subject to the development consent conditions attached to the assessment report.

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.

D48/24 Development Application Report - 45-51W Burnie Street, Clovelly (DA/131/2024)

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/131/2024 for boundary adjustment, construction of a 3-storey dwelling house and 2 x 3-storey semi-detached dwellings, Torrens title subdivision of semi-detached dwellings, installation of swimming pools, and associated ancillary, earthworks and landscaping works at No. 45-51W Burnie Street, Clovelly, for the following reasons:

1. The proposed development is of an excessive height and is incompatible with surrounding development and the streetscape, resulting in non-compliance with the height of buildings development standard pursuant to clause 4.3 of RLEP 2012 and the floor space ratio (FSR) development standard pursuant to clause 4.4 of RLEP 2012.
2. The submitted written requests to vary the height of buildings and FSR development standards pursuant to clause 4.6 of RLEP 2012 are not considered to be well founded in that they do not sufficiently demonstrate that the proposed non-compliance is unreasonable or unnecessary in the circumstances of the case, nor that there are sufficient environmental planning grounds to justify a variation to the development standards.
3. The proposal is inconsistent with the objectives of the R2 Low Density Residential Zone in that it is not compatible with the desired future character of the locality and significantly 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.
4. Pursuant to clause 5.21 of RLEP 2012 and Part B8 of RDCP 2013, the proposal results in adverse flood impacts.
5. Pursuant to clause 6.2 of RLEP 2012 and Part C1, Section 4.7 of RDCP 2013, the proposal involves excessive earthworks.
6. Pursuant to Part B5 of RDCP 2013, the proposal results in tree protection impacts.
7. Pursuant to Part B6 of RDCP 2013, the proposal results in waste management impacts.
8. Pursuant to Part B7 of RDCP 2013, the proposal fails to provide sufficient on-site car parking and results in unacceptably steep vehicle grades.
9. Pursuant to Part C1, Section 2.2 of RDCP 2013, the proposal fails to comply with the minimum 12m lot frontage width requirement.
10. Pursuant to Part C1, Section 2.5 of RDCP 2013, the proposal fails to comply with the minimum deep soil permeable surfaces requirement.
11. Pursuant to Part C1, Section 3.2 of RDCP 2013, the proposal fails to comply with the maximum two (2) storey height requirement.
12. Pursuant to Part C1, Section 3.3 of RDCP 2013, the proposal fails to comply with the minimum setback requirements.
13. Pursuant to Part C1, Section 4.1 of RDCP 2013, the proposal does not follow the natural topography of the site and is unsympathetic to the prevailing streetscape character.
14. Pursuant to Part C1, Section 4.2 of RDCP 2013, the design of the proposed semi-detached dwellings are inconsistent with the character of the streetscape and does not retain an appropriate scale.
15. Pursuant to Part C1, Section 5.3 of RDCP 2013, the proposal results in adverse visual privacy impacts to neighbouring properties.
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.
18. The application has not provided adequate information with regards to stormwater management. The Panel is unsure of the ability of the site to be drained during a major storm to the existing stormwater main parallel to the northern rear boundary of the site.

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.

The Panel notes that amended plans were provided, however these were not accepted by Council and therefore the Panel did not take these into consideration in the determination. However, the Panel did receive and consider an additional written submission from the Applicant.

CARRIED UNANIMOUSLY.

D49/24 Development Application Report - 42 Wallace Street, Kingsford (DA/408/2023)

RESOLUTION:

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. 408/2023 for alterations and additions including first floor addition, installation of swimming pool and associated landscaping at No. 42 Wallace Street, Kingsford, subject to the development consent conditions, dated 13 June 2024, with a specific condition imposed in relation to ensuring the structural integrity of the chimney.

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 Panel's site inspection and an understanding of the heritage significance, the Panel formed the view that the elements of the building that were identified as comprising its heritage values, particular its streetscape presentation, are adequately maintained by this development. As such, the Panel identifies merit in the proposal and the application is approved.

CARRIED UNANIMOUSLY.

D50/24 Development Application Report - Road reserve adjacent to 13 Maroubra Road, Maroubra (DA/539/2022)

RESOLUTION:

- A. 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/539/2022 for installation of a telecommunications facility (payphone) with associated third-party digital signage, on the road reserve adjacent to No. 13 Maroubra Road, Maroubra 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.

D51/24 Development Application Report - 280T Clovelly Road, Coogee (DA/530/2022)**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/530/2022 for Installation of a telecommunications facility (payphone) with associated third-party digital signage, at No. 280T Clovelly 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.**D52/24 Development Application Report - 19 Mermaid Avenue, Maroubra (DA/14/2024)****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 Building 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/14/2024 for alterations and additions to the existing dwelling house including rear extension, re-configuration of pool and surrounding terrace, and associated landscaping works at No. 19 Mermaid Avenue, Maroubra, subject to the development consent conditions attached to the assessment report and the following additional condition:

Insert new Condition 1A to read:

- 1A The Entry Floor Plan shall be amended to provide for a window, with a minimum area of 2sqm, to a habitable room on the front western elevation in order to provide casual surveillance to the street in accordance with clause 5.5 of the Randwick Development Control Plan Part C1 2023. The above mentioned revision may require minor internal reconfiguration in order to meet this requirement. The BASIX Certificate shall be amended accordingly to reflect any changes proposed.

The amended plan and elevation are to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate.

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 above additional condition to improve casual surveillance of the street.

CARRIED UNANIMOUSLY.

The meeting closed at 2:31pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
David Ryan (Chairperson)	Kevin Hoffman
Helena Miller	Zofia Kuypers