



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

Present:

Chairperson: Sue Francis

Expert Members: Kim Burrell & Elizabeth Kinkade

Community Representatives: Laurie O'Connor

Council Officers present:

Coordinator Major Assessments Mr F Macri
Executive Planner Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

- A) Sue Francis declared a reasonably perceived non-pecuniary interest in Item D68/24 as her company is undertaking work for Council in respect of urban design relating to the appeal matter. Ms Francis was not involved in the deliberation and determination of the matter.

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

**D67/24 Development Application Report - 5 Mermaid Avenue, Maroubra (DA/209/2024)
(DA/209/2024)**

The Panel has visited or 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.

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.

The Panel is satisfied that:

- a) The objectives of the height of building development standard (Clause 4.3) are satisfied;
and
b) There are sufficient environmental planning grounds to justify the variation.

- B. 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 Panel is satisfied that:

- a) The objectives of the FSR development standard (Clause 4.4) are satisfied; and
- b) There are sufficient environmental planning grounds to justify the variation.

- C. 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/209/2024 for alterations and addition to existing dual occupancy and construction of a new swimming pool, at No. 5 Mermaid Avenue, Maroubra, subject to the development consent conditions attached to the assessment report, subject to the following amendment:

- **Amend Condition 13 to read as follows:**

Swimming Pool Safety

Swimming pools are to be designed, installed and operated in accordance with the following general requirements:

- Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.
- Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed with a building to minimise noise emissions or result in a noise nuisance.
- Details of the swimming pump/filter location are to be detailed on the Construction Certificate plans. The location is to ensure compliance with the relevant noise provisions and to minimise acoustic impacts upon neighbouring properties.
- Water recirculation and filtrations systems are required to comply with AS 1926.3 (2010) Swimming Pool Safety – Water Recirculation and Filtration Systems.
- Paving and ground surfaces adjacent to swimming pools are to be graded and so as to ensure that any pool overflow water is drained away from buildings and adjoining premises, so as not to result in a nuisance or damage to premises.

Condition Reason: To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area.

REASON:

The Panel supports the application for the following reasons:

- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the R2 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.
- The amended condition regarding the swimming pool will ensure that the pool pump and filter are appropriately located and minimizes any acoustic impact on neighbours

CARRIED UNANIMOUSLY.

D68/24 Development Application Report - 6-10 Bowral Street, Kensington (DA/208/2024) (DA/208/2024)

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.

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/208/2024 for integrated development for the demolition of existing structures to enable the construction of a 10 storey mixed used building and a part 6 and 8 storey residential flat building, separated by a central through site link. The proposal includes 1 commercial tenancy, 34 apartments across two separate towers and two basement levels accommodating 50 car parking spaces, communal open spaces, removal of trees, amalgamation of existing lots, associated site and landscape works at No. 6-10 Bowral Street, Kensington, for the following reasons:

1. Pursuant to clause 6.14 of RLEP 2012, the proposed development, being for a residential flat building, is not permissible in the E2 Commercial Centre Zone.
2. 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.
3. The submitted written request to vary the height of buildings development standard pursuant to clause 4.6 of RLEP 2012 is not considered to be well founded in that it does 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 standard.
4. The proposal is inconsistent with the objectives of the E2 Commercial Centre Zone in that it does not complement the desired future built form outcomes of the locality. The absence of retail activation of the commercial core jeopardises the future Bowral Street Plaza and fails to provide a range of uses that serve the needs of people and employment opportunities.
5. Pursuant to clause 6.11 of RLEP 2012 and Part 4 of the K2K DCP, the proposed development does not exhibit design excellence.
6. Pursuant to clause 6.20 of RLEP 2012 and Part 19 of the K2K DCP, the proposal does not provide an active street frontage.
7. The proposal fails to satisfy the following provisions of the ADG:
 - i. Part 3F-1 of the ADG, in relation to the minimum rear setback distances and results in adverse visual privacy impacts.
 - ii. Part 4A of the ADG and Part 13 of the K2K DCP, in relation to provide suitable solar access to residential apartments.
 - iii. Part 4B of the ADG and Part 15 of the K2K DCP, the proposed apartments rely on cross ventilation through windows to the laneway, which is not a suitable outcome.
 - iv. Part 4C of the ADG and Part 12 of the K2K DCP, in relation to minimum ceiling heights at ground and first floor levels.
 - v. Part 4D of the ADG, in relation to the maximum room depths for open plan layouts.
 - vi. Part 4F-1 of the ADG, in relation to sufficient solar access and ventilation to common corridors and lift lobbies.
14. The proposal fails to satisfy the following provisions of the K2K DCP:
 - i. Part 6 of the K2K DCP, in relation to the maximum storey height and setback controls, and as such, results in adverse overshadowing impacts to neighbouring properties and results in an unacceptable lot amalgamation pattern which may compromise the development potential of adjoining properties.

- ii. Parts 8 and 21 of the K2K DCP, the proposed laneway is not suitable and gives rise to safety concerns.
 - iii. Part 10.3 of the K2K DCP, in relation to the block controls for Blocks 28B and 28C.
 - iv. Part 14 of the K2K DCP, the proposal results in adverse noise impacts.
 - v. Part 16 of the K2K DCP, the proposal lacks suitable articulation and includes a blank wall façade to the side elevations.
 - vi. Part 18 of the K2K DCP, in relation to an awning to the Bowral Street frontage.
 - vii. Part 20 of the K2K DCP, in relation to landscaped area.
21. A full and robust assessment of the proposal cannot be completed as insufficient information has been submitted relating to waste management, public art, sustainability, and water management.
22. 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.
23. 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 refuses the application for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.

Note: Sue Francis declared an non pecuniary, reasonably perceived interest in Item D68/24 as her company is undertaking work for Council in respect of urban design relating to the appeal matter. Ms Francis was not involved in the deliberation and determination of the matter.

D69/24 Development Application Report - 6 Fenton Avenue, Maroubra (DA/510/2018/A)
(DA/510/2018/A)

The Panel has visited or is familiar with 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.

RESOLUTION

That the RLPP, as the consent authority, approve the application made under Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. 510/2018 for an approved boarding house development including deletion of the basement level car park and provision of on-site parking, deletion of studio over parking area at the rear, reducing the number of approved rooms from 18 to 17, changes to floor layout and changes to external materials and finishes at No. 6 Fenton Avenue, Maroubra, in the following manner:

Amend the following Conditions

- **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>
DA-04.00 Rev 10	Pinnacle Plus	28 October 2019

DA-04.10 Rev 11	Pinnacle Plus	29 October 2019
DA-04.20 Rev 11	Pinnacle Plus	29 October 2019
DA-04.30 Rev 10	Pinnacle Plus	28 October 2019
DA-04.40 Rev 10	Pinnacle Plus	28 October 2019
DA-04.50 Rev 10	Pinnacle Plus	28 October 2019
DA-05.00 Rev 11	Pinnacle Plus	29 October 2019
DA-05.05 Rev 10	Pinnacle Plus	28 October 2019
DA-06.00 Rev 10	Pinnacle Plus	28 October 2019
DA-06.10 Rev 10	Pinnacle Plus	28 October 2019
DA-06.20 Rev 8	Pinnacle Plus	29 October 2019
DA-06.30 Rev 10	Pinnacle Plus	28 October 2019
DA-06.40 Rev 11	Pinnacle Plus	29 October 2019
DA-08.50 Rev 11	Pinnacle Plus	29 October 2019
DA-08.51 Rev 11	Pinnacle Plus	29 October 2019
LS01 Issue A	Melissa Wilson Landscape Architects	2 October 2019
LS02 Issue A	Melissa Wilson Landscape Architects	2 October 2019

<i>BASIX Certificate No.</i>	<i>Dated</i>
943134M_04	18 November 2019

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:

Plan	Drawn by	Dated	Received by Council
Site Plan S4.56-03.00 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
Ground Floor S4.56-04.10 Rev 4	Pinnacle Design Studio	16 July 2024	16 July 2024
First Floor S4.56-04.20 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
Second Floor S4.56-04.30 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
Third Floor S4.56-04.40 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
Roof S4.56-04.50 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
Section A S4.56-05.00 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
Section B and C S4.56-05.10 Rev 1	Pinnacle Design Studio	8 February 2024	16 July 2024
Front and Rear Elevations S4.56-06.00 Rev 3	Pinnacle Design Studio	21 June 2024	16 July 2024
North Elevation S4.56-06.10 Rev 3	Pinnacle Design Studio	16 July 2024	16 July 2024
South Elevation S4.56-06.20 Rev 2	Pinnacle Design Studio	21 June 2024	16 July 2024
External Materials and Finishes S4.56-08.10 Rev 1	Pinnacle Design Studio	8 February 2024	16 July 2024

- **Amend Condition 2 by adding:**

2. d) The bin storage structure on the northern boundary is to be lowered to a maximum height of 1.8m.

- **Amend Condition 3 to read:**

3. The Boarding House Management Plan dated October 2019, prepared by ABC Planning Pty Ltd, shall be amended to include the following aspects to the satisfaction of Council's Manager Development Assessment:

- The number of approved parking spaces being 3.
- The restriction on the number of approved lodgers being 17.
- No boarding room will be occupied by more than 1 single lodger.
- Fire and Flood Evacuation procedures.
- All new occupants of this development must be informed of evacuation procedures.
- Any recommendations of the acoustic report No. BA190718 Version D, dated October 2019 and prepared by Blackett Acoustics (as amended in accordance with condition no. 4).
- The minimum length of stay for lodgers shall be three (3) months with the same room being let out to the same lodger for no less than three (3) months, and no maximum length of stay.
- No party policy.
- Apply a management policy that restricts use of the communal open space on the ground and third floor levels as follows:

- prohibits access to and use of communal open space from between 10:00pm and 7:00am each day.
- restricts the maximum number of people permitted to occupy the rooftop communal area to 10 people.
- no live or amplified music.

- **Amend Condition 33 to read:**

33. The garbage room shall be sized to contain a total of 10 x 240 litre bins (comprising 5 garbage bins, 4 recycle bins & 21 green waste) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.

- **Amend Condition 90 to read:**

Flooding

90. The PCA shall be satisfied that all flood control/mitigation requirements have been provided in accordance with the approved plans and conditions of consent including but not limited to;

- All habitable floor is provided at or above RL 6.72 AHD being the level of the 1% AEP (1 in 100yr flood) + 0.5m freeboard
- The open hardstand carspaces are provided at or above RL 5.89 AHD being the level of the 5% AEP (1 in 20yr) flood.
- Flood Storage has been provided under the ground floor.

A copy of the relevant documentation is to be forwarded to Council's Development Engineers

- **Amend Condition 100 to read:**

Landscaping

100. Suitable strategies must also be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity and for the life of the development including the replacement of plants as required if they die. The landscaping strategies are to be

submitted to and approved by Council's Landscape Officer prior to the issue of an Occupation Certificate.

- **Amend Condition 112 to read:**

112. Maximum permanent resident occupancy shall be 17 persons.

Delete the following conditions:

- **Condition 5 - Car Share Spaces**
- **Condition 6 - Car Hoist**
- **Condition 8 - Geotechnical Investigation Report**
- **Condition 16 - Flooding**
- **Condition 17 - Acid Sulphate Soil Investigation**
- **Condition 25 - Car Hoist**
- **Condition 26 - Flood Management**
- **Condition 30 - Groundwater**
- **Condition 31 - Groundwater**
- **Condition 34 - Waste Storage Area**
- **Condition 63 - Groundwater & Stormwater during construction**
- **Condition 91 - Flood Gate**
- **Condition 96 – Basement**

REASON:

The Panel accepts that the application is substantially the same both qualitatively and quantitatively as that originally approved, and supports the application for the following reasons:

1. The modified development will not result in significant adverse environmental impacts upon the amenity and character of the locality.
2. The modified development will comply with the parking requirements for the similar 'co living' form of housing under the current State Environmental Planning Policy (Housing) 2021.
3. The site has good access to public bus transport thereby reducing the reliance of private car travel and encouraging the use of sustainable modes of transport by future residents.
4. The modified development will moderate the intensification of the approved boarding house by reducing the number of boarding rooms on the site by one boarding room.

CARRIED UNANIMOUSLY.

The meeting closed at 12:40pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Sue Francis (Chairperson)	Kim Burrell
Elizabeth Kinkade	Laurie O'Connor (Community Rep)