



MINUTES OF RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING HELD ON THURSDAY, 22 AUGUST 2024 AT 1PM

Present:

Chairperson:	Sue Francis
Expert Members:	Kim Burrell & Elizabeth Kinkade
Community Representatives:	Laurie O'Connor

Council Officers present:

Director City Planning	Ms M Bishop
Manager Development Assessment	Mr F Ko
Coordinator Major Assessments	Mr F Macri
Executive Planner	Ms A Manahan

Acknowledgement of Country

The Acknowledgement of Country was read by the Chair.

Declarations of Pecuniary and Non-Pecuniary Interests

A) Nil.

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D64/24	3-7 LEXINGTON PLACE, MAROUBRA (DA/346/2024)
Applicant	Gary Finn - Architect
D65/24	68 BEACH STREET, COOGEE (DA/923/2023)
Objector	Silvia Bell
Applicant	Hamid Samavi
D66/24	40 THE AVENUE, RANDWICK (DA/225/2024)
Objector	Tony Moody - 1st objector
Objector	Michael Fullilove - 2nd objector

After the above speakers had addressed the panel, the public meeting was closed at 1:37pm. The Panel then moved to the Coogee Room to deliberate and vote on each matter.

The resolutions, reasons and voting outcomes for each item on the agenda are detailed below:

General Reports

Nil

Development Application Reports

D64/24 Development Application Report - 3-7 Lexington Place, Maroubra (DA/346/2024) (DA/346/2024)

The Panel has visited or is familiar with the site, considered the submissions (oral and written) 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 grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 346/2024 for change of use to ground level tenancy to enable the provision of a pharmacy with ancillary fit-out works, signage and hours of operation from Monday to Friday 9:00am to 7:00pm, Saturday 9:00am to 5:00pm and Sunday 9:00am to 3:00pm at Nos. 3-7 Lexington Place, Maroubra, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel supports the application for the following reasons:

1. The proposal is consistent with 1.3 Objects of Act under the Environmental Planning and Assessment Act 1979, as it will promote the orderly and economic use and development of land.
2. The proposal is consistent with the relevant objectives contained within the Randwick Local Environmental Plan 2012 and the relevant requirements of the Randwick Development Control Plan 2013.
3. The proposal is consistent with the specific objectives of the E1 Local Centre zone contained within the Randwick Local Environmental Plan 2012 in that it will provide a retail use that serves the needs of people who live in, work in or visit the area.
4. The proposal is compatible with the desired future character of the local centre because it will provide a small scale retail use to service the needs of residents in the surrounding area.
5. The proposed development will make a positive contribution to the local centre by maintaining an active street front at footpath level.

CARRIED UNANIMOUSLY.

D65/24 Development Application Report - 68 Beach Street, Coogee (DA/923/2023) (DA/923/2023)

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/923/2023 for demolition of existing structures and construction of a four storey residential flat building comprising 6 apartments, a basement carpark and ancillary landscaping work, at No. 68 Beach Street, Coogee, for the following reasons:

1. The proposed development is of an excessive height, bulk, and scale 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.
2. 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.

3. The proposed development does not comply with the FSR development standard pursuant to clause 4.4 of RLEP 2012. The Applicant has failed to provide a written request made under clause 4.6 of RLEP 2012 to justify the contravention to the development standard.
4. The proposed development does not comply with the non-discretionary development standard for deep soil area pursuant to section 18(2)(d) of the Housing SEPP. The Applicant has failed to provide a written request made under clause 4.6 of RLEP 2012 to justify the contravention to the development standard.
5. The proposed development does not comply with the non-discretionary development standard for solar access pursuant to section 18(2)(e) of the Housing SEPP. The Applicant has failed to provide a written request made under clause 4.6 of RLEP 2012 to justify the contravention to the development standard.
6. 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 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.
7. The applicant has failed to provide sufficient information to demonstrate that the requirements of section 21 of the Housing SEPP, relating to the requirements for the management of the affordable housing component. The nominated affordable units have not been demonstrated to be able to provide dwellings that are “affordable” having regard to the relevant provisions.
8. The proposed development will result in unreasonable residential amenity impacts upon neighbouring properties with regard to overshadowing, visual privacy, visual bulk, and view loss.
9. The proposal does not satisfy the provisions of the Apartment Design Guide in the following areas:
 - a. Pursuant to Part 3D-1 of the ADG and Part C2, Section 2.3 of RDCP 2013, the proposal fails to provide sufficient communal open space.
 - b. Pursuant to Part 3F-1 of the ADG and Part C2, Section 5.3 of RDCP 2013, the proposal fails to provide suitable building separation distances and/or privacy screening measures to ensure visual privacy.
 - c. Pursuant to Part 4A of the ADG and Part C2, Section 5.1 of RDCP 2013, the proposal fails to provide sufficient solar access to proposed dwellings and to neighbouring properties.
 - d. Pursuant to Part 4B of the ADG and Part C2, Section 5.2 of RDCP 2013, the proposal fails to provide suitable natural ventilation.
 - e. Pursuant to Part 4D of the ADG, the fourth bedroom to Unit 6 does not meet the minimum 3m dimensions for bedrooms.
 - f. Pursuant to Part 4E of the ADG, the balconies to Unit 2, Unit 4, and Unit 5 fails to comply with the minimum 2.4m depth requirement.
10. The proposal fails to comply with the provisions of the RDCP Part C2 in relation to the following:
 - a. Pursuant to Part C2, Section 3.4 of RDCP 2013, the proposal fails to comply with the minimum front and side setback requirements.
 - b. Pursuant to Part C2, Section 4.4 of RDCP 2013, the proposal fails to comply with the maximum 8m external wall height requirement.
 - c. Pursuant to Part C2, Section 4.5 of RDCP 2013, the pedestrian entry is not suitable and is not clearly distinguishable from the vehicular access.
 - d. Pursuant to Part C2, Section 5.5 of RDCP 2013, the proposal results in unreasonable view loss to neighbouring properties.
11. The proposal fails to protect the amenity of future residents in relation to natural ventilation, overshadowing, visual privacy, pedestrian safety, private open space, and communal open space.

12. A full and robust assessment of the proposal cannot be completed as the applicant has failed to provide sufficient information in regards to the following:
 - a. Building Height;
 - b. Absence of clause 4.6 request for a variation to deep soil provisions under the Housing SEPP;
 - c. Geotechnical details in relation to the sandstone boundary walls and impacts upon neighbouring properties;
 - d. Plan discrepancies and lack of information on architectural plans;
 - e. Solar access and shadow diagrams;
 - f. Inconsistencies in the BASIX Certificate;
 - g. Building Code of Australia compliance;
 - h. View sharing/analysis;
 - i. Landscaping.
13. 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.

REASON:

The Panel agrees with the report of Council and the reasons for refusal as stated above. The Panel understands that the Applicant and Council have undertaken a without prejudice meeting and that the matter is set down for a S34 conciliation conference in September 2024. The Panel would encourage the Applicant and Council to continue a constructive dialogue with a view to addressing the issues of concern.

CARRIED UNANIMOUSLY.**D66/24 Development Application Report - 40 The Avenue, Randwick (DA/225/2024)
(DA/225/2024)**

The Panel has visited or is familiar with the site, considered the submissions (oral and written) 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/225/2024 for alterations and additions of the existing boarding house to enable conversion to a new 10-room hotel accommodation development, including partial demolition of front façade and rear portion of existing building, internal reconfiguration works, the addition of a new two storey rear extension, two-level basement (dining, gym and back of house area) and a detached two storey garage with hotel accommodation above and ancillary landscaping works, at No. 40 The Avenue, Randwick, for the following reasons:

1. Pursuant to clause 5.10 of the RLEP 2012 and B2 of the RDCP 2023, Council is not satisfied that the development has demonstrated compatibility with the heritage significance of the state registered "Avonmore Terrace" heritage item and the St Jude's Heritage Conservation Area.
2. 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, the development will have adverse impacts on neighbouring dwellings, and does not encourage housing affordability.
3. Pursuant to clause 4.6 of the RLEP 2012, Council is not satisfied that the applicant's written statement has adequately demonstrated a justified variation to the floor space ratio development standard. The statement has not accurately calculated the FSR, has failed to demonstrate that the proposed non-compliance is 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 standard.

4. Pursuant to clause 6.2 of the RLEP 2012, Council is not satisfied that the earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
5. The proposed development will result in insufficient amenity for future staff members and guests, including a poorly considered layout and amenity for guest rooms and staff areas.
6. The proposed development will result in unreasonable impacts on the amenity of residential neighbours, including adverse impacts in terms of visual bulk, and both visual and acoustic privacy.
7. A full and robust assessment of the proposal cannot be completed as there are a number of deficiencies and a lack of detail in the information submitted with the development application including:
 - a. The application contains a number of inconsistencies and accuracy issues across the supporting documentation package.
 - b. Information has not been submitted outlining how long guests will be permitted to stay at the hotel for, to determine if the proposed development meets the definition of 'hotel'.
 - c. The rental rate that each of the existing boarding house rooms have been rented out for over the last 5 years has not been provided in order to determine if the loss of the existing boarding house will result in a reduction of affordable housing.
 - d. A kitchen plan for the guest servery and any required mechanical ventilation has not been provided.
 - e. A Plan of Management has been submitted, however, it fails to sufficiently address each of the matters outlined at Part B9 of RDCP 2013, in terms managing staff, guests and visitors on the site to reduce impacts on residents in the locality, the liquor licence and management of potential anti-social behaviour, noise, privacy, traffic and parking arrangements, and deliveries and waste management.
 - f. An Acoustic Report has been submitted, however, the report fails to address noise from the new lift serving the hotel and noise from internal disturbances associated with hotel guest activities, including internal gatherings, events, and late-night guest lounge interactions.
 - g. A Preliminary Site Contamination Investigation (PSI), prepared by a suitable qualified professional, has not been submitted for assessment and the proposal fails to satisfy the requirements of clause 4.6 of the *SEPP (Resilience and Hazards) 2021*.
 - h. A detailed BCA Report and a Performance Based Solution report, prepared by a suitable qualified professional, outlining all upgrades works that will be required to be provided, showing the extent of impact on the heritage fabric has not been submitted for assessment.
 - i. A Traffic and Parking Assessment Report has been submitted, however, the report fails to adequately address parking and traffic considerations.
 - j. A structural report has not been submitted to demonstrate the suitability and appropriateness of the proposed basements below the State heritage item and the impact of those basements on the structural integrity of the State heritage item and adjoining State heritage items.
 - k. Pursuant to clauses 6.4 and 6.10 of the RLEP 2012, Council is not satisfied that the development has adequately addressed the drainage and stormwater management issues of the site.

8. Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed development.
9. 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 deleterious impact upon the State listed heritage item.

CARRIED UNANIMOUSLY.

The meeting closed at 2:31pm.

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