



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 9 JUNE 2022

Present:

Chairperson: Annelise Tuor

Expert Members: Heather Warton; Brendan Randles

Community Representatives: Kerri Hamer (Central Ward)

Council Officers present:

Manager Development Assessment Mr F Ko
Executive Planner Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

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:

Development Application Reports

D32/22 Development Application Report - 10 Virginia Street, Kensington (DA/737/2021)

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. 737/2021 for construction of a secondary dwelling and storage space at the rear of the property with landscaping and associated works in the Heritage Conservation Area, at No. 10 Virginia Street, Kensington, subject to the development consent conditions attached to the assessment report, as amended.

REASON:

The Panel has visited or is familiar with the site, considered the submissions (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.

The Panel supports the application for the reasons given in the assessment report, subject to the amendment of condition 52 to read as follows:

52. The storage area on the eastern side of the secondary dwelling is not to be used as a habitable room at any time and is to be used only in conjunction with the principal dwelling.

CARRIED UNANIMOUSLY.

D33/22 Development Application Report - 26 Mawson Parade, Chifley (DA/551/2021)

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 Secretary of Planning and Environment may be assumed.
- B. 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. DA/551/2021 for alterations and additions to existing shop top housing development, including changes to ground floor access, changes to the roof to accommodate an additional bedroom and a west-facing balcony at the second floor, new windows and screening and associated works, at No. 26 Mawson Parade, Chifley, subject to the development consent conditions attached to the assessment report., as amended.

REASON:

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.

The Panel supports the application for the reasons given in the assessment report, and subject to the following amendments to condition 2, and an additional condition 41.

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a) The depth of the balcony at the Second Floor level is to be reduced to be 1.6m from the western external wall of the Master Bedroom. The existing skillion roof is to be retained within the deleted portion of balcony.
 - b) Details of the junction between the existing and proposed roof, including relative levels and drainage, are to be provided.

Prior to the issue of a Construction Certificate, documentation demonstrating the above is to be submitted to and approved by Council's Manager of Development Assessment.

41. This consent does not authorise any change of the use to the Ground Floor level.

CARRIED UNANIMOUSLY.**D34/22 Development Application Report - 39-47 St Pauls Street, Randwick (DA/793/2021)**

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. The concurrence of the Secretary of Planning and Environment may be assumed.
- 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 concurrence of the Secretary of Planning and Environment may be assumed

- C. 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. 793/2021 for alterations and additions to the Randwick Ritz Cinema including a new rooftop cinema for 100 seats, at Nos. 39-47 St Pauls Street Randwick, subject to the development consent conditions attached to the assessment report, as amended.

REASON:

The Panel has visited or is familiar with the site, considered the submissions (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.

The majority of the Panel (by the Chair's casting vote) supports the application for the reasons given in the assessment report, and subject to amendments to conditions 51, 61, and 62 and additional condition 8A, noting that the approval is subject to a trial period. These conditions are imposed to limit the operation of the bar until 10pm to address potential noise impacts, allow the bar to operate for one hour prior to a film, and to require an updated Plan of Management. The amended and additional conditions are as follows:

- The outdoor cinema on the rooftop is permitted to operate between 6:00pm to 12 midnight and the ancillary bar may only operate between 6:00pm and 10:00pm. Both the outdoor cinema on the roof top and the ancillary bar may operate on Thursday, Friday and Saturday nights for a trial period of 12 months from the date of issue of an Occupation Certificate for the outdoor cinema.

If the operator wishes to continue operating the outdoor rooftop cinema and ancillary bar after the 12 month trial period, they must lodge an application under section 4.55 of the EP&A Act within 2 months of the expiration of the trial period. The trial period hours may continue until determination of the application.

Appropriate supporting evidence (including an acoustic report that shows the impacts must be provided with the Section 4.55 application).

- The rooftop area is only approved for the use of screening open air movies and ancillary bar. The area cannot be used to host parties or other large gatherings.
- Patrons must not be allowed to congregate in the rooftop area for more than **1 hour** before films and must vacate the area immediately after films have ended.

Plan of Management

- The use must always be operated / managed in accordance with the approved Plan of Management required by condition 8A, In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Additional condition:

- The Plan of Management, prepared by Milestone (AUST) Pty Limited signed and dated on 10.12.2021 by Jordan Bastian Randwick Ritz Cinema Manager, is to be updated in accordance with the conditions of this development consent and to provide for safe evacuation and risk management. The Plan of Management is to be submitted to and approved by Council's Manager of Development Assessment prior to the issue of a Construction Certificate.

Brendan Randles and Kerri Hamer did not approve the application for the following reasons:

- The proposed circulation and waiting areas are extremely cramped at roof and lower levels

- At lower level, the lift and stair severely increase congestion outside the two cinemas, in an already cramped foyer space
- At upper level there is inadequate space for the number of patrons leaving the event to amenably wait outside the lift; this is liable to lead to congestion and noise, which will impact on the neighbourhood
- The stair is domestically scaled, uncomfortable and is therefore not liable to be used; the stair further intrudes into the narrow passage between the lift and cinema space, further increasing discomfort and potential noise
- The bar is highly cramped with the service area wedged between a wall and seats making it difficult to access. This could lead to further congestion and noise
- The bar is also outside, which is highly impractical, considering wind, shelter, need for task lighting, OSD etc and the serving of hot and cold drinks to many patrons in a short length of time; this will lead to further noise and disturbance
- The wheelchair spaces are shown behind a seating area that would appear to severely constrain safe and equitable access for people with disabilities
- The seating area would suggest that the bar is used after the cinema, leading to increased noise and disturbance
- The egress stairs to the lane public domain are unsightly and will further impact on the visual environment of the lane and properties to the north. This is a very poor outcome
- The visual assessment to the adjacent seniors housing is incomplete and does not include all view from rooms; nor does it show a well resolved and articulate built form that all these people will be looking at
- The stepping planters clad in corrugated metal appear very rudimentary and liable to impact on the visual environment wherever seen
- The proposal does not indicate how going to toilets may further impact on discomfort of circulation
- The proposal will introduce light impacts on the local environment, including strobe effects and burst of colour. These will be visible to adjacent seniors housing and reflected
- The proposal increases height non-compliance, which may be innocuous from some view points, but could become a precedent for neighbouring developments
- There is no demonstration that lighting is adequate to provide safe passage to seats – which is vital for cinemas generally.
- In short, the proposal appears ill resolved, lacking in amenity and not of a sufficient design quality for such a highly exposed facility – especially for a public facility and adjacent to an important heritage item

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

FOR	AGAINST
Annelise Tuor (Chair)	Kerri Hamer
Heather Warton	Brendan Randles
Total (2)	Total (2)

D35/22 Development Application Report - 10 Torrington Road, Maroubra (DA/614/2021)

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/614/2021 for the demolition of existing structures and construction of a 3 storey dwelling house with basement and upper level balconies, cabana and outbuilding at the rear, decking, landscaping and associated works, at No. 10 Torrington Road, Maroubra, for the following reasons:

1. **Non-compliance with Clause 4.4 (Floor Space Ratio) of the RLEP 2012**

The proposal does not comply with the 0.6:1 floor space ratio development standard listed under Clause 4.4 of the RLEP 2012. The applicant has failed to identify the non-compliance and as such, a Clause 4.6 request to vary this standard has not been submitted. The proposed variation cannot be supported and therefore, by necessity, the development application must be refused.

2. **Non-compliance with Clause 4.3 (Building Height) of the RLEP 2012**

The proposal does not comply with the 9.5m height of buildings development standard listed under Clause 4.3 of the RLEP 2012. The applicant has submitted a Clause 4.6 request to vary this standard, however the request is not considered to be well founded for the following reasons:

- a. It has not demonstrated that compliance with the development standard is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the standard; and
- b. The proposal is inconsistent with the relevant objectives of the 'height of buildings' development standard whereby the proposal will result in a finished development form that will be inconsistent with the desired future character of the locality and does not minimise its amenity impacts upon neighbouring land.

3. **Non-compliance with Land Use Table of the RLEP 2012**

The proposal is inconsistent with the objectives of the R2 Low Density Residential zone. Specifically, the development fails to achieve the following:

- a. The proposal does not recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- b. The proposal does not protect the amenity of residents.

4. **Clause 6.7 (Foreshore Scenic Protection Area) of the RLEP 2012**

The proposal is inconsistent with the objectives of the foreshore scenic protection area. Specifically, the development fails to achieve the following:

- a. The proposal has not been located and designed to minimise its visual impact on public areas of the coastal scenic protection area arising from the excessive bulk and scale of the proposal, and therefore does not achieve Clause 6.7(3)(a).
- b. The proposal does not positively contribute to the scenic quality of the coastal scenic protection area due to the excessive bulk and scale of the proposal, and therefore does not achieve Clause 6.7(3)(b).
- c. The proposal is inconsistent with objective (d) pursuant to Clause 6.7(1) in that the proposal is excessive in height, bulk and scale and will have unacceptable impacts on the visual environment and scenic qualities of the coastal scenic protection area.

5. **Non-compliances with the RDCP 2013**

The proposal does not comply with the following provisions of the RDCP 2013:

- a. Pursuant to Part B7, Section 3.2, the two additional parking spaces are not supported due to the extent of the FSR non-compliance and the building results in an unacceptable bulk and scale.
- b. Pursuant to Part 3.1, Section C2 of RDCP 2013, the proposed non-compliance with the floor space ratio development standard is not supported.
- c. Pursuant to Part 3.2, Section C2 of RDCP 2013, the proposed non-compliance with the building height development standard is not supported.

- d. Pursuant to Part C1, Section 3.2, the proposal does not comply with the 7m external wall height objectives and controls in that the second floor level has not been designed as habitable roof space and includes a 2.9m external wall height non-compliance.
- e. Pursuant to Part C1, Section 3.3, the proposal does not uphold the objectives and achieve compliance with the 1.8m side setback control at the first and second floor levels.
- f. Pursuant to Part C1, Section 4.6, the proposal does not uphold the objectives and controls in relation to the excavation at the basement level. The basement level is considered excessive, contributes the FSR non-compliance, has not been designed in accordance with the sites topography and may lend itself to future habitable uses due to the excessive floor to ceiling heights.
- g. Pursuant to Part 5.3, Section C2 of RDCP 2013, the proposed balcony at the second floor level has not been demonstrated to negate overlooking and this result in unacceptable visual privacy impacts. In addition, privacy screening measures have not been included to a number windows at the side elevations.
- h. Pursuant to Part B10, the bulk and scale of the proposal is not considered a positive visual outcome for the site as seen from the public domain and the foreshore scenic protection area.

6. Public Interest

The proposal is not in the public interest as the building proposes significant deviations from both the numerical and merit-based controls.

REASON:

The Panel has visited or is familiar with the site, considered the submissions (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.

The Panel refuses the application for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.

The meeting closed at 4:16pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Heather Warton
Brendan Randles	Kerri Hamer