



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 11 AUGUST 2022

Present:

Chairperson:

Annelise Tuor

Expert Members:

Oliver Klein & Helen Lochhead

Community Representatives:

Peter Ryan (South Ward)

Council Officers present:

Coordinator Major Assessment
Executive Planner

Mr S Cox
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

**D48/22 Development Application Report - 416-422 Anzac Parade, Kingsford
(DA/620/2021)**

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 non-residential floor space ratio development standard in Clause 6.19 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/620/2021 for Alterations and additions to the ground floor of the Regent Hotel including demolition and reconfiguration works, addition of a new outdoor gaming lounge and TAB with roof, works to the Middle St façade, landscaping, and associated works (variation to FSR of the RLEP 2012), at No. 416-422 Anzac Parade, Kingsford, subject to the following deferred commencement conditions and conditions attached to the assessment report, as amended:

DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following evidence has been submitted to and approved by the Council's Manager of Development Assessment.

1. Certification that the adjoining food premises at 412-414 Anzac Parade, Kingsford complies with the *Food Act 2003*, *Food Regulation 2015*, *Food Standards Code* and *Food Safety Standards*.
2. Documentary evidence that the kitchen facilities (within the adjoining building at 412-414 Anzac Parade) shall be provided to service the development at the subject site (416-422 Anzac Parade) for the life of the development.

Evidence required to satisfy the above condition must be submitted to Council within 12 months of the date of this consent.

Add Condition 76A to read:

The maximum number of patrons permitted in the TAB area and Gaming Room are as follows:

- TAB area – a maximum of 20 persons at any one time;
- Gaming Room – a maximum of 65 persons at any one time.

REASON:

The Panel has visited or is familiar with the site and has 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 amendments to conditions to include deferred commencement conditions to ensure that the service of food from the adjoining property will be provided for the life of the consent. Condition 76A has been included to limit the patron numbers in the TAB area and Gaming room consistent with the recommendations of the acoustic report submitted with the application.

CARRIED UNANIMOUSLY.

D49/22 Development Application Report - 96 Tunstall Avenue, Kingsford (DA/508/2018/A)

RESOLUTION

That the RLPP, as the consent authority, approve the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/508/2018/A seeking increased lower ground and ground floor levels by 100mm and 450mm, amended openings, relocated pool pump, reconfigured internal layouts and access entry, first floor level reconfigured floor area and altered roof profile, at No. 96 Tunstall Avenue, KINGSFORD NSW 2032, 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:

Plan	Drawn by	Dated	Received by Council
Site Plan A104 Revision 2	Aetch Design	14 March 2019	15 March 2019
Lower Ground Floor Plan A105 Revision 2	Aetch Design	14 March 2019	15 March 2019
Entry Floor Plan A106 Revision 2	Aetch Design	14 March 2019	15 March 2019
First Floor Plan A107	Aetch Design	14 March 2019	15 March 2019

Revision 2			
FSR Diagrams A108 Revision 2	Aetch Design	14 March 2019	15 March 2019
Site Diagrams Elevation A109 Revision 2	Aetch Design	14 March 2019	15 March 2019
East Elevation A201 Revision 2	Aetch Design	14 March 2019	15 March 2019
West Elevation A202 Revision 2	Aetch Design	14 March 2019	15 March 2019
North Elevation A203 Revision 2	Aetch Design	14 March 2019	15 March 2019
South Elevation A204 Revision 2	Aetch Design	14 March 2019	15 March 2019
Street Elevations A205 Revision 2	Aetch Design	14 March 2019	15 March 2019
West (rear) A205 Revision 2	Aetch Design	14 March 2019	15 March 2019
A301 Section A-A Revision 2	Aetch Design	14 March 2019	15 March 2019
A302 Section B & C Revision 2	Aetch Design	14 March 2019	15 March 2019
A303 Section D – D Revision 2	Aetch Design	14 March 2019	15 March 2019
A501 Materials Schedule Revision 2	Aetch Design	14 March 2019	15 March 2019

BASIX Certificate No.	Dated
947075S	15 August 2018

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
A100 Rev 1	Aetch design	12/10/20
A104 Rev 1	Aetch design	12/10/20
A105 Rev 1	Aetch design	12/10/20
A106 Rev 1	Aetch design	12/10/20
A107 Rev 1	Aetch design	12/10/20
A108 Rev 1	Aetch design	12/10/20
A109 Rev 1	Aetch design	12/10/20
A201 Rev 1	Aetch design	12/10/20
A202 Rev 1	Aetch design	12/10/20
A203 Rev 1	Aetch design	12/10/20
A204 Rev 1	Aetch design	12/10/20
A301 Rev 1	Aetch design	12/10/20
A302 Rev 1	Aetch design	12/10/20
A304 Rev 1	Aetch design	12/10/20
A501 Rev 1	Aetch design	12/10/20

BASIX Certificate No.	Dated
1326340S	29 July 2022

- **Amend the following conditions:**

- 2.b. The wire mesh screen along the southern edge of the rear ground level deck adjoining the living room shall be deleted and replaced with a 1.6m high privacy screen.

The privacy screen must be constructed with either:

- Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable).
 - Fixed lattice/slats with individual openings not more than 30mm wide.
 - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
- 2.c. The following window/s must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted, or sandblasted glazing below this specified height:
 - living room window (1.06) on southern elevation at lower ground floor
 - 2.f. Fences located on the side boundaries of the site shall not exceed a maximum height of 1.8 m measured above existing ground levels, except for the southern boundary adjoining the turf area at the rear which is limited to a maximum RL30.34 to enable a 1.8m high side boundary fence above finished ground level. On sloping sites or in changes at ground levels, the maximum height of the fence may exceed the aforementioned specified height by up to 150 mm maximum adjacent to any required 'step downs' or changes in ground level. See also condition 2h.

- **Add the following conditions:**

- 2.h. The southern side mesh and concrete stairs located along the southern side passageway shall be relocated 2.8m to the east such that the location and levels are generally consistent with the location and level of the existing stairs. See also condition 2f restricting the height of the side boundary fence to 1.8m above finished ground levels.

- **Delete the following conditions:**

- Condition 2.a
- Condition 2.e
- Condition 2.g

REASON:

The Panel has visited or is familiar with the site and has reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.55 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 correcting the error in relation to height in condition 2(f).

CARRIED UNANIMOUSLY.

D50/22 Development Application Report - 50-54 Carrington Road, Randwick (DA/4/2022)

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 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/4/2022 for alterations and additions to existing mixed-use building including use of part of ground floor as a physio clinic with associated alterations, partial demolition, and ground and first floor extension to the rear and associated works, at No. 50-54 Carrington Road, Randwick NSW 2031 subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited or is familiar with the site and has 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.

**D51/22 Development Application Report - 98-100 Doncaster Avenue, Randwick
(DA/180/2020)**

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/180/2020 to partially demolish the existing semi-detached dwellings at the rear to accommodate the construction of a three-storey boarding house comprising 20 boarding rooms, 1 on-site Manager's room, communal room, provision of 1 car-share parking space in the frontage, 12 bicycle spaces, communal outdoor space, landscaping and associated works (variation to motorcycle parking), at No. 98 and 100 Doncaster Avenue Kensington, for the following reasons:

1. The proposal does not comply with the *State Environmental Planning Policy (Affordable Rental Housing) 2009* in that the proposal does not satisfy the character test given the dominance of the addition in relation to the existing building, and the failure to comply with provisions such as the rear setback, car parking and motorcycle parking that results in the development not being in accordance with the desired future character.
2. The proposal does not comply the development standard under clause 30(1)(h) motor cycle parking in the SEPP ARH, and the variation is not in the public interest as the development is not in accordance with the relevant objectives of the standard and the R3 zone.
3. The proposal does not satisfy the requirements under clause 4.6 - Exceptions to Development Standards to vary clause 30(1)(h) motorcycle parking in the SEPP ARH.
4. The proposal is inconsistent with the minimum requirements of Clause 29(2)(e) for car parking in the SEPP ARH.
5. The proposal does not comply with the relevant objectives and development controls of the RDCP with regards to:
 - Rear setbacks
 - Landscape open space

- Parking

6. The proposal is not in the public interest as the boarding house 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.

D52/22 Development Application Report - 77 Cowper Street, Randwick (DA/507/2021)

RESOLUTION

That the RLPP refuse consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 507/2021 for an Amending DA to DA/771/2007 seeking to add a second floor as an attic level, internal reconfiguration and changes to windows of the existing dwelling, and increased size of studio above the rear detached garage and associated works at No. 77 Cowper Street, Randwick, for the following reasons:

1. The proposal exceeds the maximum building height development standard in Clause 4.3 - Building Height of Randwick Local Environmental Plan 2012 and does not satisfy the requirements under Clause 4.6 of the Randwick Local Environmental Plan 2012.
2. The proposed development fails to comply with the objectives of the R3 Medium Residential zone established within Randwick Local Environmental Plan 2012 as the proposed second floor addition is not suitably integrated into the existing roof form and its visual prominence is contrary to the desirable elements of the existing streetscape and built form.
3. The proposed development fails to satisfy the Aim in Clause 1.2(2)(d) of Randwick Local Environmental Plan 2012 as the size and scale of the proposed second floor addition will have an adverse visual impact within the streetscape.
4. The proposed development fails to comply with the objectives and controls in Section 3 Building Envelope and Section 4 Building Design of Randwick Development Control Plan 2013.
5. The proposed development will result in adverse environmental impacts on the existing neighbourhood character and the visual amenity of the street.
6. The approval of the development would create an undesirable precedent, and the development proposes significant deviations from both the numerical and merit-based controls and is therefore not in the public interest.

REASON:

The Panel has visited or is familiar with the site, considered the submission (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. The Panel notes that the inclusion of a secondary dwelling as part of this application and did not fundamentally object to this aspect of the development, but a future application would be required.

CARRIED UNANIMOUSLY.

The meeting closed at 3:31pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Oliver Klein
Helen Lochhead	Peter Ryan

