



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 12 DECEMBER 2024

Present:

Chairperson: Steven Layman

Expert Members: Alison McCabe & Paul Vergotis

Community Representatives: Laurie O'Connor

Council Officers present:

Manager Development Assessment	Mr F Ko
Coordinator Fast Track	Mr M Rivera
Coordinator Major Assessments	Mr F Macri
Executive Planner	Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

- A) Steven Layman declared a non significant non pecuniary interest in Item D96/24 Development Application Report - 3-4 Llanfoyst Street, Randwick (DA/526/2022/A) and so no further action was required.

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

**D94/24 Development Application Report - 141-143 Belmore Road, Randwick
(DA/809/2024)**

RESOLUTION:

- A 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. 809/2024 for Alterations to an existing restaurant including internal fitout, external alterations to doors, new signage and use as a food and drink premises at No. 141-143 Belmore Road, Randwick, subject to the development consent conditions attached to the assessment report, subject to the following amendments:

Unauthorised demolition not approved

- 1A. The demolition works and any as-built structures, which have already been carried out on the ground and first floor do not form part of this consent. This development consent relates only to the prospective fit-out works and use of the site.

Condition Reason: To ensure retrospective approval is not granted.

Building Information Certificate and BCA Report

- 2A. Prior to the release of a construction certificate, a Building Information Certificate from Council and BCA Report prepared by a suitably qualified consultant must be obtained for all unauthorised demolition works and any as-built structures, which have been carried out on the site.

Condition Reason: To ensure works which have been carried out are appropriate and relevant approval is obtained.

DDA Compliance

- 2B. An amended ground floor plan must be submitted to the satisfaction of Council's Manager Development Assessment and Council's Heritage Planner, which demonstrates the provision of an accessible toilet on the ground floor of the premises. Such amended drawings must be complaint with the relevant building standards and DDA access standards.

Condition Reason: To ensure compliance with DDA and equitable access requirements.

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 following reasons:

The Panel supports the application for the reasons given in the assessment report, subject to 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 commercial centre zone in that it provides a retail use within an accessible location, which will generate employment and activate the commercial area and streetscape. This outcome would strengthen the commercial centre as the centre for business, retail, and community;
- The proposal retains the subject site's significant heritage fabric and responds appropriately to the unique setting of the premises comprising a locally listed heritage item (The Star and Garter Inn – I302) within a heritage conservation area (Randwick Junction – C15).
- The design and planning outcome for the site will establish a positive precedent in the area with regard to a reasonable redevelopment of a site and re-purposing an existing building whilst responding to the heritage characteristics and significance of the premises;
- The development maintains the visual quality of the public domain/streetscape; and
- The proposed development will make a positive contribution to the commercial centre.

CARRIED UNANIMOUSLY.

D95/24 Development Application Report - 3A Gordon Avenue, Coogee (DA/561/2024)

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 Building Height 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. 561/2024 for demolition of an existing two storey structure to enable the construction of new secondary dwelling and garage structure with ancillary driveway and landscaping works, at No. 3A Gordon Avenue, 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 supports the application for the following reasons:

- The proposal is consistent with the principles and relevant requirements for Secondary Dwellings contained within the State Environmental Planning Policy (Housing) 2021.
- The Clause 4.6 written request seeking an exception to the Building Height development standard under Clause 4.3 of Randwick Local Environmental Plan 2012 can be supported in that it will not result in any unreasonable adverse impacts upon either the amenity of the adjoining properties including the foreshore area or the character of the locality.
- The Clause 4.6 written request satisfies the requirements of Clause 4.6(3) and development consent may be granted for development that contravenes the Building Height development standard.
- 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.
- The proposal is consistent with the specific objectives of the R2 Low Density Residential zone under Randwick Local Environmental Plan 2012. It contributes to the housing stock for the community in a suitable location, supports the desired future character, and preserves the amenity of residents on adjacent and neighboring properties.
- The scale and design of the proposal is suitable for the location and compatible with the built form context and desired future character of the locality. • The proposal includes additional planting of suitable native species and makes a positive contribution to the landscape character of the site.
- The proposal maintains the visual and scenic qualities of the foreshore area and Gordons Bay.

CARRIED UNANIMOUSLY.

**D96/24 D96/24 Development Application Report - 3-4 Llanfoyst Street, Randwick
(DA/526/2022/A)**

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. DA/526/2022 for the reconfiguration of internal layout, amendments to leisure centre, selected openings, landscaping and planters, minor extension at staircase, addition of solar panel, at No. 3-4 Llanfoyst Street, RANDWICK NSW 2031, in the following manner:

- **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 except where amended by other conditions of this consent:

<i>Architectural Plans</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA 1004 SITE AND ROOF PLAN Rev S DA 1100 BASEMENT 2 Rev S DA 1101 BASEMENT 1 Rev S DA 1102 GROUND LEVEL Rev S DA 1103 FIRST LEVEL Rev S DA 1104 SECOND LEVEL Rev S DA 1105 THIRD LEVEL Rev S DA 2001 ELEVATION SHEET 1 Rev S DA 2002 ELEVATION SHEET 2 Rev S DA 2003 ELEVATION SHEET 3 Rev S DA 2004 ELEVATION SHEET 4 Rev S DA 3001 CROSS SECTION Rev S DA 3002 LONGITUDINAL SECTION Rev S	Orosi	14 February 2024	14 February 2024
<i>Landscaping plans</i>	<i>Drawn By</i>	<i>Dated</i>	<i>Received by Council</i>
L001 – L303 (incl) rev E (14.02.2024)	T.C.L	14.02.2024	14 February 2024

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
1401352M_05 prepared by Efficient Living Pty Ltd	15 February 2024	15 February 2024

EXCEPT where amended by:

- **Council in red on the approved plans; and/or**

- **Other conditions of this consent; and/or**
- **the following Section 4.56'A' plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.56'A' plans and detailed in the Section 4.55'A' application:**

Plan	Drawn by	Dated	Received by Council
DA 1004 SITE AND ROOF PLAN Rev V DA 1100 BASEMENT 2 Rev V DA 1101 BASEMENT 1 Rev V DA 1102 GROUND LEVEL Rev V DA 1103 FIRST LEVEL Rev V DA 1104 SECOND LEVEL Rev V DA 1105 THIRD LEVEL Rev V DA 2001 ELEVATION SHEET 1 Rev V DA 2002 ELEVATION SHEET 2 Rev V DA 2003 ELEVATION SHEET 3 Rev V DA 2004 ELEVATION SHEET 4 Rev V DA 3001 CROSS SECTION Rev V DA 3002 LONGITUDINAL SECTION Rev V	Orosi	14 February 2024	14 February 2024
Landscaping plans	Drawn By	Dated	Received by Council
Dwg's S4.56_00 – 04, rev 01	Wyer & Co	05/07/2024	17 July 2024

BASIX Certificate No.	Dated	Received by Council
1401352M_06 prepared by Efficient Living Pty Ltd	09 July 2024	17 July 2024

- **Amend the following conditions:**

Condition No. 2(d)

- The approved plans and documents must be amended in accordance with the following requirements:
 - The planting to the northeastern corner of the site, forward of the basement car park, is to be located as the footpath/road reserve level rather than an elevated planter box.

Condition No. 8(a)

- The 6 dwellings (Nos. 11, 12, 13, 21, 22, and 23) shall, at least 15 years from the date of the issue of the occupation certificate, be provided as affordable rental housing in accordance with the SEPP (Housing) 2021 as it stood immediately prior to 14 December 2024.

- (a) The specific dwellings identified for affordable rental housing (Dwelling Nos. 11, 12, 13, 21, 22, and 23) as shown on plan numbered DA, 1103 and 1104 (**Issue V**) shall also form part of the stamped approved Construction Certificate plans, a copy of which should be submitted to Council.

Condition No. 28(a)

28. The Landscape Plans referred to in condition 1 must be further amended to now comply with the following requirement:

- (a) Be revised where necessary to now be consistent with the **Amended Architectural Plans prepared by Orosi, Issue V (dated 31/10/2024)**, relating to components on both public and private property, including the pedestrian access paths and entry, vehicle crossing, re-grading/finished levels, arrangement of the stepped planters along the front boundary.

- **Delete the following conditions:**

Condition No. 2 (a) (b) & (c)

Condition No. 26 (e)

- **Add the following conditions:**

Condition No. 2 (f) & (g)

2. The approved plans and documents must be amended in accordance with the following requirements:

- (f) All windows to the north, south, and west elevations shall comprise frosted glazing to a height of 1.7m above finished floor level.
- (g) The extended ground floor balconies shall be reduced in accordance with the approved DA plans (Issue S dated 14/02/2024). Areas approved in the original DA as deep soil and planters shall be converted back to as such.

Condition No. 31A

BCA and Fire Compliance

- 31A. The applicant is to comply with the requirements of the The Building Capacity Statement (Ref. D2023-015), prepared by Technical Inner Sight, dated 25 October 2024, and Fire Engineering Statement (Ref. S22015), prepared by Voss Grace & Partners, dated 17 June 2024. Any recommendations in either report referenced shall form part of an amended Construction Certificate. Any performance solution report will also need to be provided and incorporated into the development consent and construction certificate application with a validation report provided to the Principal Certifier prior to issue of the construction certificate.

Condition No. 92A

BCA and Fire Compliance

- 92A. Any recommendations in either report referenced in Condition shall be adopted with details of the completion/certification provided to the engaged Principal Certifier prior to issue to an occupation certificate. Any proposed variations to the recommendations and requirements in the subject reports shall be submitted to and approved by the Director, City Planning prior to approval of the occupation certificate.

REASON:

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.

The Panel supports the application for the following reasons:

- The proposed modifications are considered to result in a development that is substantially the same as the previously approved development.
- The modified development will not result in significant adverse environmental impacts upon the amenity and character of the locality.
- The modified development generally satisfies the matters of consideration referred to in section 4.15(1) of the EP&A Act, including RLEP 2012 and RDCP 2013.
- The modified development generally satisfies Chapter 2 'Affordable Housing' and Chapter 4 'Design of Residential Apartment Developments' provisions of the Housing SEPP 2021.
- The proposed modifications satisfy that the reasons given by the consent authority for the grant of the consent that is sought to be modified, subject to the imposition of the retention of approved deep soil area and planters to the ground floor, frosted glazing requirements of side and rear windows, internal reconfiguration of the Units G2, 12 and 22, and the adoption of the BCA compliance and Fire Engineering reports and recommendations in relation to the fire-isolated fire staircase.

The Panel deleted recommended condition 2(h) as they felt it was unnecessary.

CARRIED UNANIMOUSLY.

D97/24

173-177 Coogee Bay Road, Coogee (DA/535/2024)

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 Ceiling Height development standard in Section 148 of the Housing SEPP and the Height of Buildings development standard in Clause 4.3 and the Floor Space Ratio development standard in Clause 4.4 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/535/2024 for alterations and additions to existing shop top housing development (residential flat building and commercial tenancies) including removal of Shop 2 to facilitate new lobby and lift, waste storage area and bicycle parking, changes to upper ground floor, internal re-configuration and rear expansion of Levels 1-3 to provide 2 x 1-bedroom units and 6 x 2-bedroom units, new first stairs and rear balconies, installation of business identification signage, at No. 173-177 Coogee Bay Road, 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 supports the application for the following reasons:

- The proposal is consistent with the objectives contained within RLEP 2012 and the relevant requirements of RDCP 2013.
- The proposal is generally consistent with the objectives contained within Chapter 4 of the Housing SEPP and the associated ADG.

- The proposal is consistent with the specific objectives of the R3 zone in that the proposed activity and built form will continue to provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
- The submitted written requests to vary the Ceiling Height, Building Height, and FSR development standards are supported as the overall bulk, scale, and built form of the development is compatible with surrounding development. The proposal will not result in any unreasonable amenity impacts upon surrounding properties or the streetscape, subject to the recommendations within the report.
- Subject to conditions, it is considered that the proposal will not result in any significant adverse amenity impacts to the adjoining residential properties in terms of overshadowing, visual bulk, privacy, or view loss. The alterations and additions are well integrated into the articulated design aesthetic of the built form and the proposal has considered design elements that respond well with the existing built form.
- Subject to conditions, the proposed alterations and additions will improve amenity for the existing apartments with enhanced solar access and natural lighting, energy efficiency, insulation, and waste and storage facilities. The proposed development will also improve accessibility and the aesthetic appearance of the existing building, as viewed from the streetscape and neighbouring development.
- The proposal is recommended for approval subject to non-standard conditions in relation to privacy which requires that the privacy screens to the rear balconies on levels 1, 2 & 3 be replaced with 1.6m high privacy screens and run the entire length of the side balconies.
- This will ensure reasonable privacy measures are maintained to the neighbouring properties rear yards and will ensure adequate daylight access to the bedrooms.
- A non-standard condition is also included to increase the floor to ceiling height of the dining room to Apartments 1 and 2 to 2.41m, by lowering the finished floor level by 151mm (to RL 25.25). This will improve the residential amenity of the dining room.

The Panel considered the late submission from the Applicant regarding the loss of affordable housing contribution calculations. However, the Panel notes that the contribution as specified in the original condition is consistent with the published data in the ABS which is publicly available.

CARRIED UNANIMOUSLY.

D98/24

13 Kemmis Street, Randwick (DA/786/2024)

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/786/2024 for Construction of two storey detached rear outbuilding to accommodate storage and home office (Heritage Item), at No.13 Kemmis Street, Randwick, for the following reasons:

1. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal exceeds the maximum floor space ratio development standard in Clause 4.4 – Floor Space Ratio of Randwick Local Environmental Plan 2012. The Applicant's written request seeking an exception to the development standard fails to adequately address those matters that are required to be demonstrated pursuant to Clause 4.6 of RLEP 2012 in that it was not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify the contravention of the development standard. Specifically, the proposal has not demonstrated the size and scale of the development is compatible with the retention of significant vegetation existing within the streetscape which contributes to

the desired future character of the locality and provides amenity to the adjoining sites and neighbouring land - which are objectives of the FSR development standard. As such, the non-compliance with the FSR development standard is not supported.

2. Pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development has failed to demonstrate consistency with the objectives of the R3 Medium Density Residential zone, under Randwick Local Environmental Plan 2012, as it has not been demonstrated that the proposal would not impact upon desirable elements of the existing streetscape, namely significant vegetation within the public domain, and any impact to this element of the streetscape would impact upon the amenity of the residents of the immediate locality.
3. Pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the application is considered unacceptable in that the proposed development fails to satisfy the Aims of the Plan in Clause 1.2(2)(h) and (i) of Randwick Local Environmental Plan 2012 relating to the preservation of significant vegetation which are directly related to the ecological sustainability and environmental qualities of Randwick.
4. Pursuant to the provisions of s.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to comply with the objectives and controls of Randwick Development Control Plan 2013:
 - Part B5 – Preservation of Trees and Vegetation
 - Part C2 – Medium Density Residential
 - Section 2.2 – Landscaped open space and deep soil areas
 - Section 7.4 – Outbuildings
5. Pursuant to the provisions of s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposed development may result in adverse impact on the natural environment due inadequate information being provided to confirm that the proposed built form could be accommodated without significant impacts to substantial vegetation within the public domain.
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning & Assessment Act 1979, the application has not demonstrated that the subject site is suitable for the development for the following reasons: failure to demonstrate the merits of any proposed variations to Council controls/provisions/requirements, failure to demonstrate that any potential impacts are acceptable and reasonable, failure to adequately demonstrate that the proposed built form responds to the environmental constraints of the site.
7. Pursuant to the provisions of s.4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that approval of the development could result in detrimental impacts to significant vegetation that provides amenity to residents of the immediate locality and character of the streetscape, and is therefore not in the public interest.

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 received and considered the late submission from the owner of the property. The Panel notes that there appears to be design measures capable of being taken to reduce the impact of the development on the street tree, however these have not been pursued by the applicant despite advice from Council.

CARRIED UNANIMOUSLY.

The meeting closed at 1:30pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Steven Layman (Chairperson)	Alison McCabe
Paul Vergotis	Laurie O'Connor