



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK HELD ON  
THURSDAY, 13 SEPTEMBER 2018 AT 1.02PM**

**Present:**

**Chairperson:** Garry West

**Expert Members:** Julie Savet Ward and Heather Warton

**Community Representatives:** Mio Margarit Chow (North Ward)

**Council Officers present:**

Acting Manager Development Assessment	Mr F Ko
Executive Planner	Ms E Fitzroy
Senior Administrative Coordinator	Ms J Hartshorn

**Declarations of Pecuniary and Non-Pecuniary Interests**

Heather Warton declared a non-pecuniary interest in Item D68/18 and, in accordance with her written declaration, took no part in the debate or the vote on the matter.

**Address of RLPP by Councillors and members of the public**

Prior to consideration of the Agenda by the Panel, deputations were received in respect of the following matters:

D68/18 16 FIGTREE AVENUE, RANDWICK (DA/356/2017)

**Note: Having previously declared an interest, Heather Warton left the chamber and took no part in the debate or voting on this matter.**

**Councillor** Cr Kathy Neilson

**Applicant** Mr Brian Meyerson (Architect representing the applicant)

D69/18 2 ST MARKS ROAD, RANDWICK (DA/739/2017)

**Councillor** Cr Kathy Neilson

**Objector** Mr Claudio Sergio

**Applicant** Mr Kerry Nash (Town Planner representing the applicant)

D70/18 89 ROBEY STREET, MAROUBRA (DA/252/2018)

**Objector** Ms Roslyn Bohringer

**Applicant** Mr Dirk Anderson

D71/18 171 TODMAN AVENUE, KENSINGTON (DA/618/2017)

**Objector** Mr Andrew Brown

**Applicant** Mr Michael Munro

D72/18 54 DUTRUC STREET, RANDWICK (DA/256/2018)

**Councillor** Cr Kathy Neilson

**Applicant** Mr Goran Stojanovic

D75/18 8 CLYDE STREET, RANDWICK (DA/553/2017)

**Councillor** Cr Murray Matson

**Objector** Ms Kim Szabo

**Objector** Mr Alan Davies

**Applicant** Ms Jennie Askin (Town Planner representing the applicant)

The Meeting was adjourned at 2.15pm and was resumed at 6.38pm.

## **Development Application Reports**

### **D68/18 Development Application Report - 16 Figtree Avenue, Randwick (DA/356/2017)**

**Note: Having previously declared an interest, Heather Warton left the chamber and took no part in the debate or voting on this matter.**

#### **REASONS:**

The Panel has visited the site, considered the 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.

For the reasons outlined in the assessment report, the Panel supports the FSR exception to the development standard under Clause 4.4 of the Randwick LEP 2012 and adopts the recommendation and reasons in the report.

The Panel notes that the proposed development has been reviewed by the Design Review Panel on several occasions and it is generally considered that the key matters raised have been substantially addressed by the amended plans.

The Panel notes the following amendments to the application:

- Reduction of the GFA
- Upgrading of landscaping throughout the site
- Provision of a Loggia area in the undercroft area in association with the upgraded landscaped communal open space.

The proposal is consistent with the objectives contained in the RLEP 2012 and the relevant requirements of the RDCP 2013.

The panel considered the requests of the applicant with regard to:

- amending the size of the roof terrace
- reducing the setback of the front balcony, and
- to vary the monetary contribution to offset the loss of affordable housing.

However the panel agreed with Council's assessment in the planning report.

**RESOLUTION:**

- A. That the RLPP is satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated and that consent may be granted to the development application, which contravenes the Height of Buildings and Floor Space Ratio development standards in Clause 4.3 and 4.4 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- B. That the RLPP, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 356/2017 for alterations and additions to the existing residential flat building including new third storey addition comprising a new one bedroom dwelling with study, roof top terrace, new balconies, strata subdivision, associated site and landscaping works, at No. 16 Figtree Avenue, subject to the development consent conditions contained in the assessment report

**CARRIED UNANIMOUSLY.**

Heather Warton returned to the meeting at this point (6.42pm).

**D69/18 Development Application Report - 2 St Marks Road, Randwick  
(DA/739/2017)**

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**REASONS:**

The Panel has visited the site, considered the 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.

After considering the submissions, the Panel considers that a condition should be included to clarify that no live music or amplified music is permitted within the beer garden. Conditions 22 and 23 have been amended accordingly.

For the reasons outlined in the assessment report, the Panel supports the recommendation that patron numbers allowed within the outdoor beer garden at any one time be reduced to 70; the operable louvres to be closed by 9pm; that the hours of operation of the outdoor beer garden be limited to midnight on Friday and Saturday, 11pm on Thursday and 10pm Sunday to Wednesday; that the POM be updated prior to the issue of the CC; and the hours of operation and patron numbers be reviewed by Council within 12 months of the date of commencement of the extended use of the outdoor beer garden.

The proposal as conditioned satisfies the relevant heads of consideration under Section 4.15 of the EP&A Act 1979, as amended. In particular the addition of a louvred roof will reduce noise impacts of the existing beer garden on adjoining residents compared to the existing situation.

**RESOLUTION:**

That the Randwick Local Planning Panel grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/739/2017 for the construction of an operable louvre roof over the existing beer garden, increase the patron capacity and extension of the hours of operation for the beer garden area at the Duke of Gloucester Hotel, at No. 2 St Marks Road, Randwick, subject to the development consent conditions contained in the assessment report as amended below:

**Amend condition 22 to read:**

22. The following noise attenuation measures are to be implemented at all times:
- a) Last drinks in the beer garden at no later than 11:30pm (Friday and Saturday), 10:30pm on Thursday and 9:30pm on Sunday to Wednesday, with the area to be cleared by hours nominated in Condition 19.
  - b) Patrons to be encouraged to socialise inside the hotel after 11:30 pm, or on the Frenchmans Road façade towards St Marks Road (where practical).
  - c) The openable louvered roof will be closed by 9:00pm every night.
  - d) There must be no live entertainment or amplified music or announcements within the ground floor outdoor beer garden at any time.

**Delete condition 23 and include as new condition 9A:**

- 9A. An updated plan of management shall be prepared and implemented at all times, which is to include but not limited to:

- Implementing relevant recommendations in the acoustic report prepared by Rodney Stevens Acoustics (report no. R170413R3A Revision 2) dated 5 July 2018 including all measures to ensure compliance with the relevant conditions of approval
- measures to minimise the potential impact of the operation of the premises upon nearby residents,
- measures to effectively minimise and manage anti-social behaviour
- measures to minimise noise emissions and associated nuisances
- method to effectively manage and respond to resident complaints

A copy of the updated plan of management shall be submitted to and approved by Council prior to the issue of a construction certificate.

**CARRIED UNANIMOUSLY.**

**D70/18 Development Application Report - 89 Robey Street, Maroubra  
(DA/252/2018)**

**REASONS:**

The Panel has visited the site, considered the 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 has visited the site and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the EP&A Act 1979 as amended.

For the reasons detailed below, the Panel supports the exception to the development standard under Clause 4.6 of the Randwick LEP 2012 and supports Council's recommendation for the following reasons:

- The proposal will contribute to the desirable elements of the existing streetscape given that the subdivision will provide additional land to Council for required road widening in accordance with Part B11 of the RDCP and eventual kerb and guttering of Ferguson Street.
- The proposed subdivision will enable future erection of a new dwelling which will continue and better complete the desired streetscape along Ferguson street, maintain and enhance the local amenity (particularly to Ferguson Street). This cannot occur without the subdivision.

The Panel notes that the most desirable outcome would be for the adjoining site (91 Robey Street) to be subdivided and developed in an integrated manner that would allow for a semi-detached form.

*Dissenting view:*

An expert member (Heather Warton) considered that the existing lot of 422 sq m (excluding land dedication) is only marginally over the minimum lot size as is; insufficient information has been provided to ensure that the proposed new lot is able to accommodate a suitable dwelling and car parking space; and dedication of land to Council is not sufficient grounds to vary the development standard.

**RESOLUTION:**

- A. That the RLPP is satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated and that consent may be granted to the development application, which contravenes the minimum subdivision lot size development standard in Clause 4.1 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- B. That the RLPP grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/252/2018 for the Torrens Title subdivision of existing lot into 2 lots with one lot containing existing dwelling, land dedication on Ferguson Street frontage and construction of hardstand car park space to front of existing dwelling at No. 89 Robey Street, Maroubra subject to the development consent conditions contained in the assessment report.

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

<b>FOR</b>	<b>AGAINST</b>
Garry West	Heather Warton
Julie Savet Ward	
Mio Margarit Chow	
<b>Total (3)</b>	<b>Total (1)</b>

**D71/18 Development Application Report - 171 Todman Avenue, Kensington (DA/618/2017)**

**REASONS:**

The Panel has visited the site, considered the 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.

For the reasons detailed below, the Panel adopts the recommendation in the report.

**RESOLUTION:**

That the RLPP refuse development consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 618/2017 for alterations and additions to an existing residential flat building including 2 new studio apartments at the 4th level, and increased size of the living rooms including additional bedrooms for units 1, 4 and 7, and new glass balustrades for units 2, 3, 5, 6, 8 and 9, at No. 171 Todman Avenue, Kensington, for the following reasons:

- The variation request pursuant to Clause 4.6 of the Randwick Local Environmental Plan 2012 relating to non-compliance with Clause 4.3 height of buildings is not supported as the proposed development is not in accordance

with the relevant objectives of the height of buildings development standard and the R3 Medium Density Residential zone.

- Adequate regard has not been given to the design quality principles as part of the *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
- Adequate regard has not been given to the objectives and design criteria as part of the Apartment Design Guide with regards to visual privacy, apartment size, habitable room depths, private open space and provision of storage.
- The proposed development does not comply with key design controls contained in the Randwick Comprehensive Development Control Plan 2013 with regards to provision of bicycle parking, landscaped open space, building depth, integration with the existing building, external wall height and internal acoustic privacy.
- The proposed development will result in adverse visual amenity impacts to surrounding properties, including the neighbouring heritage conservation area.
- The proposed development will result in unreasonable additional overshadowing of western and southern adjoining properties.
- The proposed development will set an undesirable precedent within the streetscape that is inconsistent with the desired future character of the locality.

**CARRIED UNANIMOUSLY.**

**D72/18 Development Application Report - 54 Dutruc Street, Randwick  
(DA/256/2018)**

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**REASONS:**

The Panel has visited 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.

For the reasons outlined in the assessment report, the Panel adopts the recommendation in the report.

The conditions agreed by the Panel namely, the deletion of the rooftop terrace including associated balustrades/privacy walls and the staircase from the first floor level and the deletion of the balcony including the associated 1.5m high walls adjacent to Bedroom 2 at the first floor level address the negative visual impacts of the proposal.

Subject compliance with these conditions, the proposal is consistent with the objectives and controls of the RLEP 2012 and the RDCP 2013.

**RESOLUTION:**

That the RLPP grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 256/2018 for demolition of the western portion of the existing dwelling, construction of a two storey addition including semi-basement carparking to create an attached dual occupancy, and alterations to the existing heritage dwelling, at 54 Dutruc Street, Randwick, subject to the development consent conditions contained in the assessment report.

**CARRIED UNANIMOUSLY.**

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**D73/18 Development Application Report - 8 Norton Street, Kingsford  
(DA/703/2016) (Deferred)**

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**REASONS:**

The Panel has visited the site, considered the submissions and reviewed the assessment reports prepared by Council officers.

The application was considered by Council on 28 November 2017 and it was deferred for mediation. At the mediation on 10 August 2018 it was agreed that the plans would be modified as follows:

- *A reduction in the width of the northern staircase by approx. 400mm*
- *Install a 1.7m privacy screen along the eastern side of the unroofed deck above the existing ground floor storage room.*
- *Delete the first floor study.*

The applicant has submitted amended plans and supporting documentation to address the outcome of the mediation. An amended BASIX Certificate has been submitted.

The Panel considers that the proposed second level does not complement or enhance the existing built form. Whilst redesign would be desirable, the Panel acknowledges the process to date and lack of DCP provisions relating to additions outside of a conservation area. The Panel considers that a reasonable outcome would be achieved by amending the external colours, material and finishes of the first floor addition to complement the existing built form. Condition 4 has been amended accordingly.

To minimise the opportunity for use of the building as a dual occupancy, the new front entry (through the new living room) shall be deleted and the existing arrangements retained. Condition 2e has been added accordingly.

Subject to the changes detailed above, the Panel adopts the recommendation in the assessment report as the amended application is consistent with the objectives and controls of the RLEP 2012 and the RDCP 2013.

**RESOLUTION:**

That Council, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/703/2016 for alterations and additions to the existing dwelling including new first floor, construction of carport to western side of dwelling with associated works, at No. 8 Norton Street, Kingsford, subject to the conditions contained in the assessment report with the following amendments:

**Add new condition 2e:**

- 2e. The new front entry (through the new living room) shall be deleted and the existing arrangements retained.

**Condition 4 is amended to read:**

4. The colours, materials and finishes of the external surfaces to the building are to be amended to be compatible with the existing built form to maintain the integrity and amenity of the building and the streetscape. The following changes shall be made as a minimum :
- Colorbond panels are not acceptable on the elevations.
  - The front and rear aluminum slat balconies shall be replaced with more appropriate materials

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning & Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

**CARRIED UNANIMOUSLY.****D74/18 Development Application Report - 10 Daintrey Crescent, Randwick  
(DA/636/2017)**

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**REASONS:**

The Panel has visited 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 proposal is consistent with the objectives contained in the RLEP 2012 and the relevant requirements of the RDCP 2013.

The Panel has considered the Applicants Request to vary the height of the building and are satisfied the requirements of Clause 4.6 have been met and that the Height of Buildings standard in Clause 4.4 of RLEP 2012 can be varied.

A number of amendments have been made to the proposal namely; upgrading of landscaping throughout the site, internal layout amendments allowing for more direct access to apartments, window modifications to improve solar access and ventilation, provision of bicycle parking and conversion of unit 2 into a one bed plus study.

**RESOLUTION:**

- A. That the RLPP is satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated and that consent may be granted to the development application, which contravenes the height of buildings development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- B. That the RLPP grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 636/2017 for Alterations and additions to an existing dual occupancy to increase the number of dwellings in the building from two to four, resulting in 2 x two bedroom units (first floor level unit 1 and lower ground floor level unit 3), one bedroom unit (ground floor level unit 2) and one studio unit (lower ground floor level unit 4) at No. 10 Daintrey Crescent, subject to the development consent conditions contained in the assessment report.

**CARRIED UNANIMOUSLY.****D75/18 Development Application Report - 8 Clyde Street, Randwick  
(DA/553/2017)**

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**REASONS:**

The Panel has visited the site, considered the 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 has considered all concerns raised and balanced the concerns with the site constraints. A condition reducing the size of unit 5 has been included to reduce the visual impact on adjoining properties along Pitt Street and make the building compliant with the building height standard at that point.

The Panel carefully considered the overshadowing impacts and is of the view that the plans provided are accurate.



The Clause 4.6 request is considered acceptable, including the above amendments, as the variation is attributed to the significant slope of the site.

The proposal is consistent with the objectives contained in the RLEP 2012 and the relevant requirements of the RDCP 2013.

Revised documentation and the amendments detailed in condition 2 satisfactorily addresses the concerns raised by the DEP and the proposal is consistent with the objectives contained within SEPP 65 and the Apartment Design Guide.

For the reasons outlined above and in the assessment report, the Panel supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 and adopts the recommendation in the report.

**RESOLUTION:**

- A. That the RLPP supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3 Height of buildings of the Randwick Local Environmental Plan 2012 on the grounds that the proposed development complies with the objectives of the above clause, the objectives of the R3 Medium Density Residential zone and will not adversely affect the amenity of the locality.
- B. That the RLPP, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 553/2017 for demolition of all structures on site and construction of a part 3 and part 4 storey residential flat building comprising 7 dwellings and basement parking for 10 cars with associated site and landscaping works, at No. 8 Clyde Street, Randwick, subject to the development consent conditions contained in the assessment report as amended below:

**Amend condition 2 as follows:**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) Unit 5 on level three shall be reduced to a 1 bedroom unit by pulling the southern wall a minimum of 3 metres to the north to comply with building height standard at this point. The size of the adjoining balcony shall not be increased and the roof over the balcony shall not project further than 0.5m.
  - b) The proposed privacy screens to the east and west facing bedroom and living room windows on Levels 1, 2, 3 and 4, and to the sides of the balconies off Units 1, 2, 5, and 6 shall be replaced with the new privacy screens having a height of 1.6m (measured above finished floor levels) and must be constructed with either:
    - 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.
  - c) The south-facing balcony awning to Unit 6 on Level 4 shall be reduced to a maximum depth of 0.5m.
  - d) The privacy screen to the eastern side of the common circulation area on Level 3 shall be deleted.
  - e) Delete one car stacker to reduce the total number of parking spaces from 10 to 9.

**Details of compliance with this condition are to be submitted to and approved by the Director of City Planning prior to the issue of a construction certificate.**

**CARRIED UNANIMOUSLY.**

The meeting closed at 6.56pm.

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**CHAIRPERSON**