



**MINUTES OF RANDWICK LOCAL PLANNING PANEL MEETING
HELD ON THURSDAY, 13 FEBRUARY 2020 AT 1:07PM**

Present:

Chairperson: Annelise Tuor

Expert Members: Jason Perica and Julie Savet Ward

Community Representatives: Kerri Hamer

Council Officers present:

Manager Development Assessment Mr F Ko
Personal Assistant to Manager Development Assessment Ms A Halcro

Declarations of Pecuniary and Non-Pecuniary Interests

No conflicts were declared.

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D1/20 161-165 BUNNERONG ROAD, KINGSFORD (DA/286/2019)

Objector Mr Lawrence Salvestrin

Applicant Mr Terry Byrnes

D2/20 177 DARLEY ROAD, RANDWICK (DA/497/2019)

Applicant Ms Joanna Lukaszewicz (Architect representing the applicant)

D3/20 25 BALFOUR ROAD, KENSINGTON (DA/597/2019)

Applicant Mr Graham Ormsby (Applicant)

D4/20 39-47 ST PAULS STREET, RANDWICK (DA/318/2019/A)

Applicant Mr Patrick Lebon (Applicant)

D5/20 33 HASTINGS AVENUE, CHIFLEY (DA/188/2019)

Applicant Mr Mark Swain (Applicant)

D6/20 54B BREAM STREET, COOGEE (DA/370/2019)

Councillor Cr Kathy Neilson

Councillor Cr Lindsay Shurey

Objector 1 Mr Yury Reznik

Objector 2 Mr Gary Blandy

Applicant Mr George Karavanas (Planner representing the applicant)
Mr Matthew McCarthy (Traffic Engineer representing the applicant)

The public meeting was then closed at 2.55PM and the Panel moved to the Coogee Room to deliberate and vote on all other item. Panel deliberations and voting concluded at 5:30PM.

Urgent Business

Nil.

Development Application Reports

**D1/20 Development Application Report - 161-165 Bunnerong Road, Kingsford
(DA/286/2019)**

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 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 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 Director of the Department of Planning & 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, to Development Application No. 286/2019 for alterations and additions to the existing boarding house including construction of a passenger lift, rooftop landscaping to existing communal space, landscaping and pedestrian access works at ground floor, alterations at basement level, new medical centre at ground floor, and associated works at Nos. 161 - 165 Bunnerong Road, Kingsford, subject to the development consent conditions attached to this report, subject to the following changes:
 - Amend Condition 2 to read:
 2. The Plan of Management shall be amended to include the following aspects to the satisfaction of Council's Manager Development Assessment prior to the issue of a Construction Certificate:
 - The number of approved parking spaces.
 - The restriction on the number of approved lodgers (excluding Manager's room).
 - No boarding room will be occupied by more than 2 lodgers for the double boarding rooms and 1 lodger for the single boarding rooms.
 - Evacuation procedures.
 - All new occupants of this development must be informed of evacuation procedures.
 - The minimum length of stay for lodgers shall be three (3) months with the same room being let out to the same lodger for no less than three (3) months, and no maximum length of stay.
 - No party policy.
 - Restrict the use of communal open space on the roof level as follows:
 - o prohibit access to and use of communal open space from between 10:00pm and 7:00am each day.

- o restrict the maximum number of people permitted to occupy the communal open space to 20 people.
 - o no live or amplified music.
- Add a new condition 1 a. to state:
 1. The approved plans and documents must be amended in accordance with following requirements.
 - a. At least one internal accessible bathroom must be included within the ground floor medical centre.
 - b. The open space area to the east of the access ramp stair and access way to the new lift be reduced in height by 600mm, including the surrounding retaining wall to the eastern south side.
 - c. The floor plans (excluding the ground floor plan) shall be amended to be consistent with the uses approved under DA/216/69A on 31 May 2012, including the retention of the approved first floor common room.
 - d. The plan on level 2 or 3 be amended to include a Manager's room adjoining the kitchen to provide accommodation for an on-site Manager.
 - e. The plans on level 1 and 3 be amended so that the room to the west of the kitchen be converted to a commonly accessible laundry with a combined total of at least 6 washers and dryers, to ensure there is no overall loss of laundry facilities given the conversion of the ground level laundry area to a garbage room, and also to facilitate easy access for clothes drying to the large open areas on level 1 and 3.
- Add a new condition 1 b. to read:
 1. b. A separate development consent must be obtained for the use of the medical centre on the ground level (so issue like operating hours can be addressed and assessed).
- Add a new condition 30 f. to read:
 30. f. Details of irrigation and maintenance of the plants on the roof level is to be provided.

REASON:

The Panel has visited 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.

The Panel supports the application for the reasons given in the assessment report subject to amendments and additional conditions to ensure consistency with the approved plans, including provision of a communal area, laundry facilities and Manager's Room as well as the function of the new medical centre and visibility of the Snape Street Corner.

CARRIED UNANIMOUSLY.**D2/20 Development Application Report - 177 Darley Road, Randwick (DA/497/2019)****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, Industry 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. 497/2019 for alterations to an existing attached dwelling at ground floor, first floor addition, garage to rear, landscaping and associated work, at No. 177 Darley Road, Randwick, subject to the development consent conditions attached to this report and the following changes:

- Condition 2 be amended to include the following:
 - 2 b. The overall height of the roof over the rear alfresco area shall be redesigned so that no portion is above RL 50.44. An additional skylight(s) may be included to improve light penetration, if desired.
 - 2 c. The eastern area adjoining the first floor playroom shall be set back to be in line with the remaining east facing wall. A window of similar size to window W11 may be provided and be consistent with the requirements of condition 2 b.
- Conditions 3 and 4 to be deleted.

REASON:

The Panel has visited 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.

The Panel supports the application for the reasons given in the assessment report, subject to some changes to conditions to increase neighbour amenity.

CARRIED UNANIMOUSLY.

D3/20 Development Application Report - 25 Balfour Road, Kensington (DA/597/2019)

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. DA/597/2019 for ground and first floor alterations and additions to existing dwelling, decking at rear, landscaping and associated works at No. 25 Balfour Road, Kensington NSW 2033, subject to the development consent conditions attached to this report, subject to the following changes:

- Conditions 3, 4 and 5 be deleted.
- Amend Condition 2 to read:
 2. The approved plans and documents must be amended in accordance with following requirements:
 - a) The pond and privacy screen shall be set back at least 900mm from the northern boundary.
- Amend all plans reference date in Condition 1 to 13 September 2019.
- Add condition 6a to read:

External Colours, Materials & Finishes

6 a. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building.

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 City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the development.

REASON:

The Panel has visited 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.

The Panel supports the application for the reasons given in the assessment report, subject to changes to conditions to appropriately balance privacy and access.

CARRIED UNANIMOUSLY.

**D4/20 Development Application Report - 39-47 St Pauls Street, Randwick
(DA/318/2019/A)**

RESOLUTION:

That the RLPP, as the consent authority, approve the application made under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/318/2019 for the 'Installation of a temporary outdoor cinema screen on the existing rear external wall of the Randwick Ritz Cinema adjacent to Aeolia Lane, including movable deck chairs, minor alterations to the existing toilets and conversion of an existing external door to a food and drink servery window at No. 39 - 47 St Pauls Street, RANDWICK NSW 2031, in the following manner:

- **Amended 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 and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
L104 (Rev. B)	iTn	23/07/2019
L105 (Rev. B)	iTn	23/07/2019
L106 (Rev. B)	iTn	23/07/2019

- **Condition 4:**

4. The Plan of Management, dated June 2019 and prepared by Milestone shall be amended to incorporate the conditions of this consent including (but not limited to) the following:

- Maximum number of patrons in the outdoor cinema area is limited to 77.
- Hours of operation of the outdoor cinema is restricted to 6:00pm to 12:00 midnight, **seven (7) days a week, including the following Public Holidays:**

Easter Sunday	Sunday, 12 April 2020
Easter Monday	Monday, 13 April 2020
Queen's Birthday	Monday, 8 June 2020
Bank Holiday	Monday, 3 August 2020
Labour Day	Monday, 5 October 2020
Boxing Day	Monday, 28 December 2020

- One movie per session.
- No amplified music allowed in the outdoor cinema area.

- **Condition 22:**

Operational Hours

22. The operating hours and patron numbers of the outdoor cinema must be restricted to the following:

All operation must cease (including the packing up and cleaning of the outdoor area) by the specified hours of operation.

Hours of Operation:

- 6.00pm -12.00 midnight, **seven (7) days a week.**

Patron Numbers:

- Maximum patron numbers is restricted to 77 persons per movie session.

REASON:

The Panel has visited 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.

The Panel supports the application for the reasons given in the assessment report.

CARRIED UNANIMOUSLY.**D5/20 Development Application Report - 33 Hastings Avenue, Chifley (DA/188/2019)****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 minimum subdivision lot size 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 grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 188/2019 for Torrens title subdivision of existing dwellings at No. 33 Hastings Avenue, Chifley subject to the development consent conditions attached to this report.

REASON:

The Panel has visited 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.

The Panel supports the application for the reasons given in the assessment report.

CARRIED UNANIMOUSLY.**D6/20 Development Application Report - 54B Bream Street, Coogee (DA/370/2019)****RESOLUTION:**

That the RLPP refuses consent to Development Application No. DA/370/2019 for change of use from storage/void area to swim school with associated garbage room and storage, at No. 54B Bream Street, Coogee.

The RLPP recognises that the swim school would provide an important community facility, however it is not satisfied the current development application adequately demonstrates the appropriateness

of the use on this site. In particular, the Panel considers that the application should be refused because:

- The original development consent was for lower ground floor to be used as storage for the occupants of the building.
- The current lift and ground floor lobby are adequate for the current tenants but it has not been demonstrated how this will adequately support an additional use, without causing conflict. The Panel considers any future application should investigate opportunities to increase the lobby area, lift capacity including a possible additional lift to service the lower ground floor or alternative access.
- The reliance on on-street parking needs to be further justified by additional surveys including weekdays and Saturdays. The surveys should include a consideration of the topography surrounding the site and the ability of patrons to walk a suitable distance to the facility.
- The design, layout and facilities within the premises do not adequately demonstrate that the needs of the proposed use are met, in particular access to the pool for people with disability, size of change rooms, number of bathrooms and width of the entry door.

REASON:

The Panel has visited 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.

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

FOR	AGAINST
Jason Perica	Annelise Tuor
	Kerri Hamer
	Julie Savet Ward
Total (1)	Total (3)

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

Jason Perica had a dissenting view. Overall, he considered the wider public benefit outweighed the negative impacts to existing adjoining tenants, and generally agreed with the Council staff assessment. However such concerns and impacts were recognised, understood and real. In this regard, a reasonable outcome in Mr Perica's mind, was to approve the DA subject to additional conditions to:

- Impose a trial consent including measures to establish a liaison process with neighbouring tenancies to address access, use of the fire stairs, drop-offs, monitoring and communication.
- Revision to the internal layout to improve change facilities, shower facilities including improved privacy, and improved disabled access to the pool.

Separately, Mr Perica could not ascertain with certainty on the information before him that the previous CDC for the use and works was invalid.

Miscellaneous Reports

Nil.

The meeting closed at 5:30pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Julie Savet Ward
Jason Perica	Kerri Hamer