



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING  
HELD ON THURSDAY, 13 APRIL 2023 AT 1PM**

**Present:**

**Chairperson:** Lindsay Fletcher

**Expert Members:** Janette Murrell & Kevin Hoffmann

**Community Representatives:** Michelle Finegan (West Ward)

**Council Officers present:**

Acting Coordinator Fast Track	Ms T Ward
Coordinator Major Assessments	Mr S Cox
Executive Planner	Ms A Manahan

**Acknowledgement of Country**

The Acknowledgement of Country was read by Lindsay Fletcher.

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

Nil.

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

Deputations were received in respect of the following matters:

D20/23 11 MUNDARRAH STREET CLOVELLY (DA/123/2022)

**Objector** Ms Adnil Ramos

D21/23 59 BEACH STREET, COOGEE (DA/637/2019/D)

**Objector** Mr Stuart Murray  
**Applicant** Mr Peter Ong - Applicant

**After the above speakers had addressed the panel, the public meeting was closed at 1:48pm. The Panel then moved to the Coogee Room to deliberate and vote on each matter.**

**The resolutions, reasons and voting outcomes for each item on the agenda are detailed below:**

## Development Application Reports

### **D19/23      Development Application Report - 3 & 4 Llanfoyst Street, Randwick (DA/526/2022)**

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#### **RESOLUTION:**

The RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 526/2022 for demolition of existing structures and the construction of a four (4) storey residential flat building, at No. 3 & 4 Llanfoyst Street, Randwick, for the following reasons:

1. The floor space ratio for the proposed development does not comply with the development standard in clause 4.4 of the RLEP 2012 and the written request made in relation to the contravention of the development standard does not satisfy the requirements of clause 4.6.
2. The proposed development proposes unsatisfactory separation distances and side boundary setbacks with regard to adjoining properties.
3. The proposed development exceeds the maximum wall height control.
4. The proposed development creates unreasonable amenity impacts on future occupants of the site as well as on adjoining properties.
5. The proposed development failed to demonstrate that the extent of earthworks proposed were necessary and appropriate.
6. The proposed development does not provide for appropriate levels of landscaping including deep soil landscaping and results in a poor outcome.
7. The proposed development fails to provide for the appropriate number of car parking spaces and increases the demand for on street car parking.
8. The proposed development fails to provide for bicycle parking and did not justify the reason for the deficiency.
9. The presentation to the streetscape is inappropriate.
10. The proposed development fails to demonstrate adequate view sharing and is likely to result in unreasonable view loss impacts from adjoining properties.
11. The proposed development has not provided sufficient information with regard to details within the Architectural Plans, specifically relating to accessibility, fencing heights and locations, Australian Standards, lift overrun, shadowing, storage, easements and Arboricultural Impact Assessment recommendations.

#### **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.

#### **CARRIED UNANIMOUSLY.**

**D20/23 Development Application Report - 11 Mundarra Street Clovelly (DA/123/2022)****RESOLUTION:**

The RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 123/2022 for demolition of the existing dwelling on the site and the erection of a detached part 2-storey part 3-storey dwelling with a swimming pool, landscaping and associated structures at No. 11 Mundarra Street, Clovelly, 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 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. 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 proposed development fails to comply with the objectives of the R2 Low Density Residential zone established within Randwick Local Environmental Plan 2012 as it will have an adverse impact on the existing streetscape character, and it does not protect the amenity of residents.
3. 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 proposed development fails to satisfy the Aims of the Plan in Clauses 1.2(2)(a) and (d) of Randwick Local Environmental Plan 2012.
4. The application is considered unacceptable 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:
  - 2.3 – Site Coverage
  - 2.6 – Private Open Space
  - 3.1 – Floor Space Ratio
  - 3.2 – Building Height
  - 3.3 – Setbacks
  - 4.1 – Building Design
  - 4.4 – Roof Design
  - 5.3 – Visual Privacy
  - 5.4 – Acoustic Privacy
  - 7.5 – Swimming Pools
5. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposed development will result in adverse environmental impacts on the existing neighbourhood character and the visual amenity of the street.
6. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that approval of the development will create an undesirable precedent, and the building proposes significant variations from both the numerical and merit-based controls and is therefore not in the public interest.

**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's determination is based on the plans the subject of the assessment report. The Panel notes that the Applicant submitted amended plans in July 2022 that were not accepted by Council. The Panel had the opportunity to view those plans and considers that the amendments would not overcome the reasons for refusal.

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

**CARRIED UNANIMOUSLY.**

## **D21/23      Development Application Report - 59 Beach Street, Coogee (DA/637/2019/D)**

### **RESOLUTION:**

That the RLPP, as the consent authority, approves in part the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/637/2019 for the removal of trees and changes to privacy screen, at No. 59 Beach Street, Coogee, in the following manner:

- **Delete Condition 2.d.**
- **Add Conditions 2.e, 2.f, 31A, 31B, 31C, 31D, & 41:**
  2.
    - e. To ensure adequate visual privacy to the neighbouring property due to the loss of the Camelia trees referenced in previous Condition 2.d, the applicant is to provide, at their cost, a 600mm high timber lattice on top of the full length of the existing northern boundary fence. The timber lattice shall match the colour of the existing fence and any fixing shall be placed on the subject site.
    - f. To ensure adequate visual privacy to the neighbouring property due to the loss of the Camelia trees referenced in previous Condition 2.d, the applicant is to provide, a privacy screen having a minimum height of 1.6m (measured above the deck or balcony floor level) to the full length of the northern side of the verandah deck adjacent to bedroom 1 and balcony at the lower ground floor level.

All privacy screen/s 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.

### **Tree Management**

31A Approval is granted for removal of the row of five (5) established Camelia's in the northern side setback of this development site, adjacent the rear/northern veranda, due to the significant root loss/damage that has already occurred during construction of the approved rear terrace, with there now being no way they can be safely retained into the future, especially when considering that additional excavations still need to be performed in this area for upgraded/renewed sewer and drainage lines/pipes;

31B Those smaller, variable shrubs in the southeast site corner (not the Lilly Pillies) are approved for removal, only where needed to accommodate works associated with connecting the new stormwater pipe into the existing easement, as per the 'Tree Protection' conditions in the S4.55 'D' consent.

### **Replacement Planting**

31C The approvals provided in the 'Tree Management' conditions are subject to the following replacement planting being undertaken to ensure that reasonable levels screening, privacy

and environmental amenity are maintained for both future occupants and neighbours as a result of these works:

- a. An evenly spaced row of evergreen screening species, in undisturbed deep soil, being installed along the northern site boundary, between the northwest corner of the northern side terrace and northeast site corner, to ensure that a **co-joined, continuous screening effect will be created upon establishment;**
- b. They must all be a minimum of 1.5 metres in height at the time of planting, selecting a species which will achieve a minimum height of 4 metres at maturity;
- c. This new screen planting must then be maintained in a vigorous and healthy condition, until maturity, for the life of the development.

The applicant must contact Council's Landscape Development Officer on 9093-6613 to perform a site inspection to determine compliance with all requirements of Condition 31, with specific written approval to be obtained from Council's Officer, prior to any Occupation Certificate.

### **Tree Protection Measures**

31D To ensure retention in good health of the mature *Syzygium luehmannii* (Small Leafed Lilly Pilly) that is located right in the northeast site corner, as well as the other screening shrubs to its south, across the width of the rear boundary, the following measures are to be undertaken:

- a. The Principal Certifier must ensure that the Lower Ground Floor Stormwater Drainage Plan by Danmor Consulting Engineers, dwg ST01, rev D, dated 02/02/23 is amended to show that the 100mm UPVC pipe which is currently intersecting the centre of the rear yard will be **re-positioned** so that it is now installed hard up against the rear/eastern edge of the footprint/rear veranda, and is to be directed to the southern site boundary, where it shall then connect into the easement in the southeast site corner.
- b. Prior to installing the PVC pipe described in point 'a' above, the applicant must firstly contact Council's Landscape Development Officer (9093-6613) for an inspection to confirm compliance with these requirements. Installation cannot proceed, and an Occupation Certificate cannot be issued unless this inspection takes place.
- c. These trees must be physically protected (as one group) by installing evenly spaced star pickets at a setback of **1.5 metres** to the west of their trunks, matching up with the northern and southern site boundaries, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached to completely enclose them for the duration of works.
- d. This fencing shall be provided and maintained for the duration of works, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. Within the TPZ there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- f. Where roots are encountered which are in direct conflict with the approved UPVC drainage line as specified in point 'a' above, they may be cut cleanly using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil so that roots are not left exposed to the atmosphere.
- g. Ground levels in the rear setback between the footprint/rear veranda and trees must not be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil.

- h. Any new common boundary fencing, within a radius of **3 metres** of their trunks can only be a system which is supported on localised pads, not continuous strip footings, with details confirming compliance to be shown.
- i. The Principal Certifier must ensure compliance with all these requirements, both on the plans as well as on-site during the course of works, and prior to any Occupation Certificate.

#### **Maintenance of Replacement Planting**

41. To ensure the screen planting specified in the 'Replacement Planting' condition of this Modification 'D' consent is maintained through to establishment, a written performance report, together with a time stamped photograph, must be provided annually, by a qualified Landscape Contractor, and submitted to Council's Landscape Development Officer, commencing after the issuing of an Occupation Certificate for the development. The first report must be submitted to Council's Officer within thirty (30) days from the issue of the Occupation Certificate, and then annually on the date of this anniversary, for a period of three (3) years. The reports must clearly state:

- The general health, condition and growth rate of the trees;
- Presence of pests, diseases, or any other issues that require treatment;
- Any other recommendations to maintain ongoing health.

Council's written acceptance of the annual reports must be obtained each and every year. This condition will be satisfied upon acceptance of the 3<sup>rd</sup> yearly report. Responsibility for compliance with this condition is held with the property and any subsequent/future owners.

The Panel does not approve the requested modifications to Conditions 2.a and 2.b because of the adverse impact those changes would have on the privacy of neighbouring properties.

#### **REASON:**

The Panel has visited the site and northern neighbouring property, 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 in part for the reasons given in the assessment report and has modified or added conditions to address privacy concerns arising from the loss of existing established screen planting. The Panel recommends that Council issue a consolidated set of conditions.

#### **CARRIED UNANIMOUSLY.**

The meeting closed at 2:50pm.

<b>CONFIRMATION OF MINUTES BY PANEL MEMBERS</b>	
Lindsay Fletcher (Chairperson)	Jan Murrell
Kevin Hoffman	Michelle Finegan