



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 8 AUGUST 2024

Present:

Chairperson: Julie Walsh

Expert Members: Stephen Alchin & Sue Weatherley

Community Representatives: Kate Kelly

Council Officers present:

Manager Development Assessment	Mr F Ko
Coordinator Major Assessments	Mr F Macri
Executive Planner	Ms A Manahan

Declarations of Pecuniary and Non-Pecuniary Interests

- A) Julie Walsh declared a non significant non pecuniary interest in Item D61/24 as she is a member of Local Planning Panels on which three Directors of the Applicant's Town Planning Firm (Gyde Consulting) are also members. The Directors are Sue Francis, David Ryan and Tina Christy. Sue has no personal or professional relationship with any of these Directors.
- B) Sue Weatherley declared a non significant non pecuniary interest in Item D63/24 as the Applicant Tim Sneesby is known to her due to her work at the Planning Institute of Australia. She has no personal or professional relationship with Mr Sneesby.

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:

Development Application Reports

D60/24 Development Application Report - 8 Victory Street, Clovelly (DA/957/2023)

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/957/2023 for demolition of existing structures and construction of a 2 storey dwelling with basement parking, swimming pool and landscaping works, at No. 8 Victory Street, Clovelly, 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 generally consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is generally consistent with the specific objectives of the R2 zone in that the proposed activity and built form will provide for the housing needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents
- The scale and design of the proposal is considered to be generally suitable for the location and is compatible with the desired future character of the locality.
- The reconstruction works to the heritage sandstone retaining wall will not detract substantially from the heritage significance of the retaining wall within the streetscape.

The Panel is in receipt of an email, dated 6 August 2024, from the Applicant's architect requesting variations to some of the conditions but the Panel is of the view that the conditions are suitable in the circumstances.

CARRIED UNANIMOUSLY.

D61/24 Development Application Report - 49 Mermaid Avenue, Maroubra (DA/726/2023)

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/726/2023 for Demolition of existing structures and construction of a new three-storey dwelling with basement, new swimming pool, and associated excavation, tree removal and landscaping, at No. 49 Mermaid Avenue, MAROUBRA NSW 2035, for the following reasons:

1. Pursuant to the provisions of section 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 comply with the objectives of the R2 Low Density Residential zone in that it is not compatible with the desired future character of the locality and exceeds the level of built form anticipated for the subject site. The proposed development fails to recognise or reflect the desirable elements of the existing streetscape and built form.
2. Pursuant to clause 4.6 of RLEP 2012, the Applicant has failed to submit a written request to vary clause 4.4A of the RLEP 2012 relating to the floor space ratio development standard. The Applicant has failed to demonstrate that the proposed non-compliances are unreasonable or unnecessary in the circumstances of the case and has failed to demonstrate that there are sufficient environmental planning grounds to justify variation to the development standards.
3. Pursuant to clause 6.2 of RLEP 2012 and clause 4.7 of RDCP 2013, Council considers that the development results in excessive and unnecessary excavation of the site, which results in impacts to drainage patterns and soil stability, amenity impacts on neighbours, and detracts from the scenic qualities of the foreshore area.
4. Pursuant to clause 6.7 of RLEP 2012 and Part B10 of RDCP 2013, Council is not satisfied that the development contributes to the scenic quality of the foreshore.
5. Pursuant to the provisions of section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the application is considered unacceptable in that the proposed development fails to comply with the following objectives and controls of the Randwick Development Control Plan 2013:
 - Part B5 – Preservation of Trees and Vegetation
 - Clause 2.4 of C1 – Site Coverage
 - Clause 2.5 of C1 – Deep Soil Permeable Surfaces
 - Clause 2.6 of C1 – Landscaping and Tree Canopy Cover
 - Clause 2.7 of C1 – Private Open Space
 - Clause 3.2 of C1 – Building Height

- Clause 3.3 of C1 – Setbacks
 - Clause 4.1 of C1 – Building Design - General
 - Clause 4.4 of C1 – Roof Terraces and Balconies
 - Clause 5.1 of C1 – Solar Access and Overshadowing
 - Clause 5.3 of C1 – Visual Privacy
 - Clause 5.4 of C1 – Acoustic Privacy
 - Section 6 of C1 – Parking Facilities
 - Clause 7.1 of C1 – General Fencing
 - Clause 7.2 of C1 – Front Fencing
 - Clause 7.5 of C1 – Swimming and Spa Pools
6. Pursuant to the provisions of section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the application is considered unacceptable in that the proposed development will result in adverse environmental impacts on the existing neighbourhood character and the visual amenity of the street and foreshore area.
7. Pursuant to the provisions of section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the application is considered unacceptable in that the proposed development will is not suitable to the site as the proposed development does not respect the site topography, configuration and characteristics.
8. Pursuant to the provisions of section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the application is considered unacceptable in that the proposed development is considered to not be in the public interest as the proposal is inconsistent with the objectives of the zone and will result in significant adverse impacts on the locality.
9. Locating vehicular access from this section of Waterside Avenue would potentially create traffic conflicts and safety risks for other vehicles and pedestrians.
10. The proposal including the garage arrangement off Waterside Avenue, would be inconsistent with the established topography with rear boundaries to Waterside Avenue, and approval would create an undesirable precedent.

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.**D62/24 Development Application Report - 19 Gilderthorpe Avenue, Randwick
(DA/177/2024)**

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 height of buildings development standard in Clause 4.3 of Randwick Local Environmental Plan 2012.
- 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. 177/2024 for alterations and additions to the semi-detached dwelling at No. 19 Gilderthorpe Avenue, Randwick, 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:

- It has been successfully demonstrated that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify that contravention;
- Subject to the recommended conditions, the proposal is generally consistent with the relevant objectives contained within the LEP and the relevant requirements of the RDCP 2013 and 2023;
- The proposal is generally consistent with the specific objectives of the R3 zone in that the attic addition will provide additional housing in a manner consistent with the dwelling's and surrounding area's built form and character;
- The scale and design of the application is suitable for the location and is generally compatible with the desired future character of the locality; and
- The attic addition would not detract from the visual quality of the public domain/streetscape.

CARRIED UNANIMOUSLY.

D63/24 Development Application Report - 18 Bass Street, Kingsford (DA/619/2023)

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 development standard in Clause 4.1 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. DA/619/2023 for alterations and additions to the existing garage/rumpus room fronting Byrd Avenue to create a new dwelling house with front carport and associated site and landscape works, and subdivision of land into two Torrens title lots, at No. 18 Bass Street, Kingsford, subject to the development consent conditions attached to the assessment report, subject to the following amendments:
- Amend condition 20 to read as follows:
20. A formal Landscape Plan prepared by a qualified professional in the Landscape industry (must be eligible for membership with AILD, AILA or equivalent) must be submitted to, and be approved by, Council's Director of City Planning, **prior to CC/ commencement of site works** which must include **the C1 DCP 2023 controls with a site area of up to 300sqm to achieve compliance**, detailing the following:
- a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the works.
 - b) A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival.
 - c) A high-quality selection and arrangement of decorative **NATIVE** species throughout the front and rear setbacks to assist with presentation of the development to the streetscapes.
 - d) Dedicated garden areas around the southern, and eastern aspects of the rear yards, to which, decorative lower growing species shall be provided to soften the appearance of dividing/boundary fences.
- e) A canopy tree of a species that grows to a height of at least 3m be located in the south-western corner of the frontage to Byrd Avenue.

- f) All trees planted within both properties must ensure that the DCP 25% site coverage can be achievable, with **all trees to be measured 2.5 metres from any part of the dwelling to achieve compliance.**
- Amend Condition 2 to read as follows:
2. The approved plans and documents must be amended in accordance with the following requirements:
- a. The size of the carport structure shall be reduced in length to a maximum of 5.4m by increasing the front setback on Byrd Avenue (western boundary).
 - b. The new driveway gate fronting Byrd Avenue must be constructed with individual openings of 30mm wide.
 - c. The window area within bedroom 3 (Lot 1 – Byrd Avenue) shall be at least one-tenth (10%) of the area of the room to comply with Part F4 Light and ventilation (DtS) under the National Construction Code (NCC).

REASON:

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 Panel supports the application for the following reasons:

- Compliance with the minimum lot size is considered to be unreasonable or unnecessary in the circumstances of this case and there are environmental planning grounds that would warrant a variation to the development standard, based on the Council current planning controls and Randwick LEP 2012 regarding minimum lot size requirements and the future character of the R2 zone. As such, the written request pursuant to Clause 4.6 of the RLEP 2012 to vary the minimum lot size standard pursuant to Clause 4.1 is considered to be well founded.
- The proposal is generally consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposed development is generally consistent with the objectives of the R2 zone in relation to providing for the housing needs of the community whilst enhancing the aesthetic character, recognising the desirable elements of the streetscape and the desired character of the area, protecting the amenity of residents, and encouraging housing affordability.

The Panel agreed with the Applicant's submission to retain a double carport to Byrd Avenue, having regard to the particular circumstances of this site.

The Panel amended condition 20 regarding landscaping to ensure an appropriate landscaped setting for the proposal.

CARRIED UNANIMOUSLY.

The meeting closed at 2:05pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Julie Walsh (Chairperson)	Stephen Alchin
Sue Weatherley	Kate Kelly