



MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 24 OCTOBER 2024

Present:

Chairperson: Julie Walsh

Expert Members: David Epstein & Elizabeth Kinkade

Community Representatives: Edna Grigoriou

Council Officers present:

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

Declarations of Pecuniary and Non-Pecuniary Interests

. Nil.

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

**D86/24 Development Application Report - 80 Doncaster Avenue, Kensington
(DA/799/2024)**

RESOLUTION:

- A. 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/799/2024 for alterations and additions to an existing dwelling house including rear extension, upgrades to existing roof, widening of internal doorways, new windows and landscaping works, at No. 80 Doncaster Avenue, Kensington, subject to the development consent conditions attached to the assessment report, subject to the following amendments:
 - Amend Condition 2 to read as follows:
2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. In relation to installation of the new metal frame glass doors with sidelights for the kitchen, the original brick archways to the northern elevation should be retained. The height and siting of metal frame glass doors shall not interfere with the original

arch detailing, subject to compliance with minimum door height requirements of Building Code Australia).

- b. The existing window along the northern elevation, which will be affected by the enlargement of the building envelope (laundry/bathroom), is to be retained in situ, including the brick arch detailing.

Amended plans must be submitted to and approved by Council's Director of City Planning prior to the issue of any construction certificate.

The above amendments must be reflected in the final construction plans and any documentation submitted as part of any construction certificate.

- Amend Condition 29 to Condition 25A and relocate to the "Before the issue of an Occupation Certificate" section.

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 reasons generally given in the assessment report.

The Panel has amended some conditions for clarity.

CARRIED UNANIMOUSLY.

D87/24 Development Application Report - 41 Oberon Street, Randwick (DA/312/2024)

RESOLUTION:

- A. 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. 312/2024 for alterations and additions to the existing dwelling house at No. 41 Oberon Street, Randwick, subject to the development consent conditions attached to the assessment report.

REASON:

The Panel has visited the site, considered the written submission 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 generally given in the assessment report.

The Panel notes the receipt of late additional information which has been considered, including the amended plan and Ausgrid approval letter dated 22/10/2024.

The Panel considers that the roof form of the proposed garage/studio/workshop should be redesigned to be more in keeping with the existing roof forms nearby within the laneway, and to minimise amenity impacts upon the adjoining neighbour. The garage component should be designed to address the concerns raised by Council's Development Engineers.

The Panel notes the complexity created by the existing power pole and achieving the planning and engineering controls.

CARRIED UNANIMOUSLY.

D88/24 Development Application Report - 61 The Corso, Maroubra (DA/436/2022/A)

RESOLUTION:

That the RLPP, as the consent authority, refuses the application made under section 4.55 of the *Environmental Planning and Assessment Act 1979*, as amended, to modify Development Application No. DA/436/2022/A for section 4.55(2) Modification to the approved development for internal and external alterations to approved building, including removal of pitched roof for new flat roof, new stair configuration and location and associated internal alterations, and amendments to consent conditions at No. 61 The Corso, MAROUBRA NSW 2035, for the following reasons:

1. Pursuant to the provisions of section 4.55(3) of the *Environmental Planning and Assessment Act 1979*, the application is considered unacceptable in that the proposed development fails to demonstrate compliance with some of matters of consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, as outlined in the reasons below.
2. Pursuant to the provisions of section 4.55(3) of the *Environmental Planning and Assessment Act 1979*, the application is considered unacceptable in that the proposed development fails to take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified, including the approved building envelope with a pitched roof form.
3. 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.
4. 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 objectives and controls of the Randwick Development Control Plan 2013:
 - Clause 3.2 of C1 – Building Height
 - Clause 4.1 of C1 – Building Design - General
 - Clause 4.4 of C1 – Roof Terraces and Balconies
 - Clause 5.3 of C1 – Visual Privacy
 - Clause 5.4 of C1 – Acoustic Privacy
5. 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.
6. 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.
7. 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.

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 generally given in the assessment report and the resolution above.

CARRIED UNANIMOUSLY.

D89/24 Development Application Report - 242 Oberon Street, Coogee (DA/544/2024)

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/544/2024 for demolition of existing residential flat building, associated structures and retaining walls and construction of a 3-storey dwelling house with open deck, in-ground swimming pool, water feature (pond), ancillary and landscaping works, at No. 242 Oberon Street, Coogee, for the following reasons:

1. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the development exceeds the Height of Buildings Development Standard contained in Clause 4.3 of the Randwick Local Environmental Plan 2012.
2. The proposed development does not demonstrate that the application of the maximum Height of Buildings development standard is unnecessary or unreasonable in the circumstances of the case and does not provide a suitably prepared written request to vary the development standard contained in Clause 4.3 (Height of Buildings) of the Randwick Local Environmental Plan 2012 pursuant to Clause 4.6(1) and (3).
3. The proposed development does not demonstrate that the application of the Floor Space Ratio (FSR) development standard as per Clause 4.4A (Exceptions to floor space ratio) of the Randwick Local Environmental Plan is unnecessary or unreasonable in the circumstances of the case in accordance with Clause 4.6(1) and (3). Additionally, Council's FSR calculation differs from the Applicant's and in the absence of an agreed numerical figure, Council cannot consider the justifications provided in the Applicant's Clause 4.6 Variation Request.
4. The proposal fails to achieve the relevant aims of the Randwick Local Environmental Plan 2012, in particular, those that pertain to supporting efficient use of land, achieving a high standard of design in the private and public domain that enhances the quality of life of the community, protecting/enhancing/promoting the environmental qualities of Randwick and promoting an equitable and inclusive social environment.
5. The proposal does not comply with the provisions of the Randwick Local Environmental Plan 2012 (RLEP) in particular:
 - a. The proposal is inconsistent with the objectives of the R2 – Low Density Residential land use zone.
 - b. The proposal is inconsistent with 4.3 Height of buildings 9.5m maximum building height development standard.
 - c. The proposal is inconsistent with 4.4A Exceptions to floor space ratio – Zones R2 and R3 floor space ratio development standard.
 - d. The proposal is inconsistent with the objectives of 6.2 Earthworks.
 - e. The proposal is inconsistent with the objectives of 6.7 Foreshore scenic protection area.
6. The proposal does not comply with the provisions and controls of Randwick Comprehensive Development Control Plan 2023 in particular:
 - a. Pursuant to Section 2.5, Part C1, the proposal does not comply with objectives/controls pertaining to deep soil permeable surfaces.

- b. Pursuant to Section 2.7, Part C1, the proposal does not comply with objectives/controls pertaining to private open space.
 - c. Pursuant to Section 3.1, Part C1, the proposal does not comply with objectives/controls pertaining to floor space ratio.
 - d. Pursuant to Section 3.2, Part C1, the proposal does not comply with objectives/controls pertaining to two-storey height and street frontage.
 - e. Pursuant to Section 3.3.2, Part C1, the proposal does not comply with side setback provisions/controls.
 - f. Pursuant to Section 4.1, Part C1, the proposal does not comply with the objectives/controls pertaining to building design – the proposed scheme fails to comprise a form, scale, massing and proportion that is sufficiently responsive to the site topography and constraints, site context and surrounds; and it reflects an uncharacteristic, bulky built form that is not consistent nor compatible with the prevailing streetscape character and development pattern of the immediate locality.
 - g. Pursuant to Section 4.4, Part C1, the proposal does not comply with objectives/controls pertaining to roof terraces and balconies.
 - h. Pursuant to Section 4.7, Part C1, the proposal does not comply with objectives/controls pertaining to earthworks.
 - i. Pursuant to Section 5.1, Part C1, the proposal does not comply with objectives/controls pertaining to solar access and overshadowing.
 - j. Pursuant to Section 5.3, Part C1, the proposal does not comply with objectives/controls pertaining to visual privacy.
 - k. Pursuant to Section 6.1, Part C1, the proposal does not comply with objectives/controls pertaining to location of parking facilities.
 - l. Pursuant to Section 7.5, Part C1, the proposal does not comply with objectives/controls pertaining to swimming pools and spas.
7. Pursuant to Section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*, the application has not demonstrated that the development does not impact the natural or built environment or that it does not result in adverse social or economic impacts. The proposal will result in adverse and unreasonable impacts in terms of visual bulk and scale, view loss and safety and security.
8. 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 associated impacts are acceptable and reasonable, failure to provide a proportionate and well-balanced housing development and built form for the subject site.
9. Pursuant to Section 4.15(1)(d) of the *Environmental Planning & Assessment Act 1979*, the application has not demonstrated that the development is in the public interest as it will set an undesirable precedence including endorsement of a development (a new dwelling house) that involves unacceptable variations to Council controls/provisions/requirements including those associated with floor space ratio, building height, side setbacks, visual bulk and scale, view loss, overshadowing, visual privacy, earthworks, rooftop terraces, swimming pools, parking facilities, and that will result in unreasonable/adverse impacts on neighbouring/adjoining residential properties.

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 generally given in the assessment report and the resolution above.

CARRIED UNANIMOUSLY.

The meeting closed at 3:25pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Julie Walsh (Chairperson)	David Epstein
Elizabeth Kinkade	Edna Grigoriou