



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING
HELD ON THURSDAY, 13 FEBRUARY 2025 AT 1:00 PM**

Present:

Chairperson: Sue Francis

Expert Members: Michael Leavey & Stuart McDonald

Community Representatives: Richard Horton

Council Officers present:

Director City Planning	Ms M Bishop
Manager Development Assessment	Mr F Ko
Coordinator Major Assessments	Mr F Macri
Executive Planner	Ms A Manahan

Acknowledgement of Country

The Acknowledgement of Country was read by the Chair.

Declarations of Pecuniary and Non-Pecuniary Interests

A) Nil.

Address of RLPP by Councillors and members of the public

Deputations were received in respect of the following matters:

D1/25 312 RAINBOW STREET COOGEE (DA/850/2024)

Applicant Mr Simon Cant

D2/25 34 FRENCHMANS ROAD, RANDWICK (DA/946/2024)

Objector Mr Michael Rook

D3/25 35 DOUGLAS STREET, CLOVELLY (DA/780/2024)

Applicant Mr Jeffrey Baikie

After the above speakers had addressed the panel, the public meeting was closed at 1:32 pm. The Panel then moved to the Centennial Room to deliberate and vote on each matter.

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

General Reports

Nil

Development Application Reports

D1/25 Development Application Report - 312 Rainbow Street, Coogee (DA/850/2024)

RESOLUTION:

That the RLPP refuse consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, to Development Application No. DA/850/2024 for Demolition of existing dwelling, removal of trees, and construction of a 2-storey dwelling house with basement level, in-ground swimming pool and pool house (outbuilding), and associated ancillary and landscaping works, at No. 312 Rainbow Street, Coogee, for the following reasons:

1. The proposed development is an excessive scale and is an overdevelopment of the site, resulting in non-compliance with the floor space ratio development standard pursuant to clause 4.4A (3) of RLEP 2012. The Applicant has failed to submit a Clause 4.6 Variation Request to vary the FSR development standard.
2. The proposal is inconsistent with the objectives of the R2 Low Density Residential Zone of RLEP 2012 in that the amenity of residents is negatively impacted by the proposal and, is not compatible with the desired future character of the locality by exceeding the level of built form anticipated for the subject site.
3. The proposed development will result in unreasonable visual bulk as viewed from the streetscape within a foreshore scenic protection area. Pursuant to clause 6.7 of RLEP 2012, Clause 2.11 (1)(c) of the Resilience and Hazards SEPP and Part B10 of RDCP 2013, Council is not satisfied that the development contributes to the scenic quality of the foreshore.
4. The Applicant has failed to submit a thorough and detailed view loss assessment which details anticipated view loss from neighbouring dwellings and the public domain in line with the *Tenacity Consulting v Warringah Council [2004]* view planning principle. Pursuant to Section 5.6 of the RDCP 2013, Council considers the proposal to have unreasonable view sharing impacts, particularly on the western adjoining property 310 Rainbow Street.
5. Pursuant to Section 5.3 and 4.4 of RDCP 2013, Council is not satisfied the development has sufficiently managed privacy impacts to neighbouring dwellings due to the large, proposed balconies to the north & east of the dwelling.
6. The proposed development results in excessive change to the natural earth including excavation and fill both exceeding 1m, resulting in a non-compliance with Section 4.7 of RDCP 2013.
7. The proposal has non-compliant front, side, and rear setbacks in line with Section 3.3 of the RDCP 2013 controls which further increases the bulk, scale and view loss impacts, and fails to comply with the objectives.
8. The proposal does not comply with the site planning controls, including site coverage, deep soil permeable surfaces and landscaping set out in Sections 2.4, 2.5, and 2.6 of the RDCP 2013, this results in non-compliance with Part B4 of RDCP 2013.
9. The proposal is not well articulated, resulting in unreasonable bulk along the western elevation and an inconsistency with Section 4.1 of RDCP 2013. The proposal does not respond to the natural topography of the site.
10. The proposal does not maintain a two-storey height, manage the view or privacy impacts on neighbouring properties and has not respected the site topography and is therefore non-compliant with Section 3.2 of the RDCP 2013.
11. The proposed double width garage is inconsistent with the RDCP controls being double in width and dominating the façade and therefore does not satisfy the conditions within section 6.1 of RDCP 2013.

12. Pursuant to Sections 7.2 and 7.3 of the RDCP 2013, the proposed non-compliant front, side and rear fencing does not complement the streetscape and does not maintain reasonable levels of amenity and privacy for neighbouring properties.
13. The proposal is inconsistent with Section 4.15 1(e) of the Environmental Planning and Assessment Act 1979. Many of the submissions received are consistent with the reasons for refusal listed below. If approved, the proposal would set an undesirable precedent and would not be in the public interest.
14. The Applicant has failed to provide the following information:
 - (a) A clause 4.6 exception request relating to the exceedance of Clause 4.4A (Floor Space Ratio) in RLEP 2012 is required.
 - (b) A view loss analysis for all affected properties has not been conducted in accordance with Land and Environment Court Policy: Use of Photomontages and Visualisation Tools.
 - (c) A view loss assessment was not conducted in accordance with the Tenacity Consulting v Warringah Council [2004] Planning Principle.
 - (d) Insufficient information was provided for the respondent to conduct a view loss assessment in accordance with the abovementioned Planning Principle.
 - (e) Height poles should be erected by a suitably qualified professional to confirm the view loss, bulk and scale of the proposal.
 - (f) Insufficient information has been provided regarding the proposed levels of earthworks (cut and fill) to the rear yard and side boundaries.
 - (g) Insufficient information has been provided regarding the retaining walls associated with the proposed earthworks.
 - (h) Insufficient information has been provided regarding the Pool fencing, including the resultant height of any pool fence with particular regards to side and rear boundary fencing, and the resultant impacts on neighbouring properties, such as 248 Oberon Street, 18 and 20 Wolseley Road.
 - (i) Insufficient information has been provided to determine the visual impact of the development from the rear yards of the properties along Wolseley Road, with particular regards to the non-compliant elements being the three storeys and side setbacks.
 - (j) The proposed solar panels have not been shown on the architectural drawings and it is unclear the location of the panels or the angle of the panels.

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

The Panel notes the matter is before the Land and Environment Court but encourages the applicant to liaise with Council prior to any formal section 34 conciliation with a view to addressing and minimising the issues.

CARRIED UNANIMOUSLY.**D2/25 Development Application Report - 34 Frenchmans Road, Randwick
(DA/946/2024)****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/946/2024 for demolition of existing building and structures, tree removal and construction of a 2-storey attached dual occupancy with basement levels (for storage) and swimming pools, attached carport for western dwelling, associated ancillary and landscaping works (Heritage Conservation Area), at No. 34 Frenchmans Road, Randwick, for the following reasons:

1. The proposal is inconsistent with the objectives of the R3 Medium Density Residential Zone of the RLEP 2012 in that the proposal does not protect the amenity of residents or recognise the desirable elements of the existing streetscape and built form. The desirable elements of the existing streetscape and built form include the Caerleon Crescent Heritage Conservation Area.
2. The proposed demolition of a contributory building in the Caerleon Crescent Heritage Conservation Area is not supported under the objectives and controls under Clause 5.10 of the RLEP 2012.
3. The proposal is non-compliant with the parking requirements under Part B7 of the RDCP 2013, providing 2 spaces instead of the required 4. Council is not supportive of changes to the design to accommodate the required parking for the western dwelling due to the presence of a Sydney Red Gum Street Tree which must be retained in accordance with Part B4 of the RDCP 2013.
4. Council also does not support an additional crossover due to Heritage considerations under Part B2 of the RDCP in addition to the TfNSW concurrence requirement for new crossover to have vehicles entering and leaving in a forward direction on a classified road.
5. The proposed built form is inconsistent with the objectives and several controls under Part B2 (Heritage) of the RDCP 2023.
6. The design of the proposed dual occupancy does not comply with Section 4.2 of Part C1 of the RDCP 2013, because the proposal does not respect and enhance the architectural character of the streetscape.
7. The proposed excavation to a depth of approximately 3m below natural ground level for the basement level is excessive and does not comply with Section 4.7 (Earthworks) of Part C1 of the RDCP 2013.
8. The proposal does not comply with the front setback controls in Section 3.3.1 of Part C1 of the RDCP, given that the front setback is not consistent with the established development pattern of adjoining properties.
9. The proposal does not comply with the side setback controls in Section 3.3.2 of Part C1 of the RDCP, given that the extension of the ground floor roof to the side boundaries results in an inappropriate built form outcome.
10. The proposal does not comply with the deep soil permeable surfaces control in Section 2.5 of Part C1 of the RDCP, given that areas underneath the built form at the first floor cannot be counted as deep soil.
11. The proposed carport (eastern dwelling) and roofline of the western dwelling at the front of the property does not comply with the BCA for fire separation/safety. Construction of an enclosing fire-rated wall within 0.24m of the side boundaries is not supported by Council due to the potential amenity impacts on neighbouring properties and the streetscape.

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

CARRIED UNANIMOUSLY.

D3/25 Development Application Report - 35 Douglas Street, Clovelly (DA/780/2024)**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/780/2024 for demolition of existing structures to enable the construction of a new residential dwelling, swimming pool and associated landscape works, at No. 35 Douglas Street, Clovelly, subject to the development consent conditions attached to the assessment report, subject to the following amendments:

- Amend Condition 2(a) to read as follows:

Approved plans and documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. *The proposed privacy screens to the balustrade of the ground level living room balcony, and First Floor balcony to Bedroom 2 and Bedroom 3 must be constructed with fixed lattice/slats with individual openings not more than 30mm wide.*
 - b. The following window/s must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - First Floor bathroom window to southwest elevation (WF06)
 - c. The paved pool coping area, and area of spa pool, is to be reduced in width by 500mm to the northeast and northwest boundaries, and replaced with deep soil permeable surfaces provided at existing ground level.
 - d. Landscape screening along the northeast boundary of the site, adjacent to the swimming pool is to reach a minimum height of 1.8m.
 - e. 1.8m high boundary fencing (from existing ground level) is required to be provided across the entire northeast boundary
 - f. Clothes drying facilities are to be nominated on the Architectural plans, located behind the building line to minimise visibility from the street.

Amended plans must be submitted to Council and approved by Council's Manager Development Assessment/Coordinator Development Assessment prior to the issue of any construction certificate.

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

Condition Reason: To require amendments to the plans endorsed by the consent authority following assessment of 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 following reasons:

- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013 and 2023.
- The proposal is 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 suitable for the location and is compatible with the desired future character of the locality.
- To improve the proposed development in relation to the objectives and controls of the RDCP 2023, the following non-standard conditions are recommended:
 - Reduction in size of pool area to the northeast and northwest boundaries by 500mm, to be replaced with deep soil plantings;
 - Privacy treatments to window (WF06).;
 - Landscape screening to be provided to the site boundary adjoining the swimming pool, achieving a minimum height of 1.8m;
 - 1.8m high boundary fencing to be provided across the entire northeast boundary;
 - Street trees located on the high side of Douglas Street to be retained, and replacement canopy tree to be planted on the low side of Douglas Street.

The Panel has amended condition 2 to ensure clarity of intent.

CARRIED UNANIMOUSLY.

The meeting closed at 1:44pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Sue Francis (Chairperson)	Stuart McDonald
Michael Leavey	Richard Horton