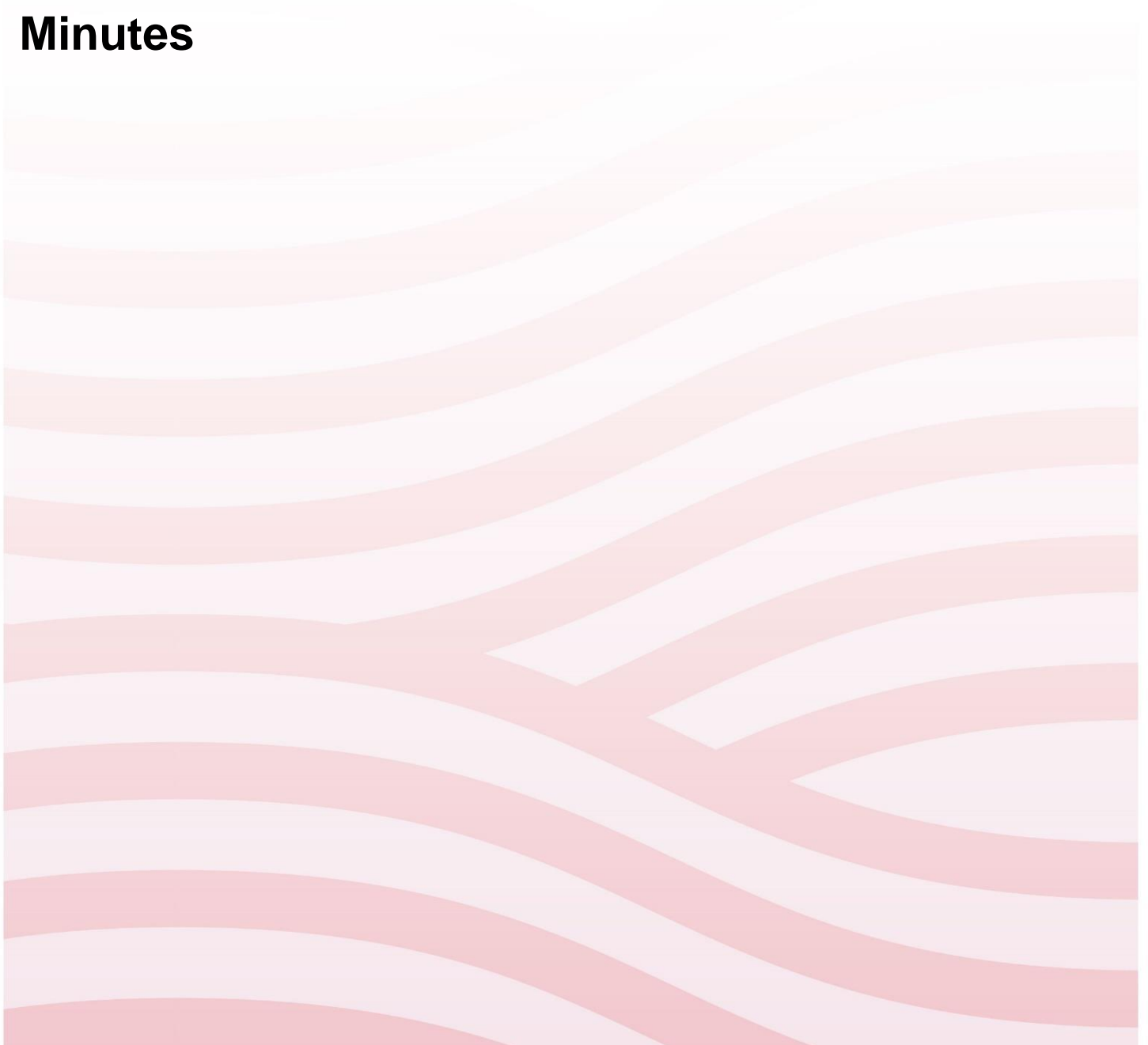




Woollahra Local Planning Panel (Public Meeting)

Thursday 25 July 2024
1.00pm

Minutes



Woollahra Local Planning Panel (Public Meeting) Minutes

Thursday 25 July 2024

Held under clause 25 of Schedule 2
of the Environmental Planning and Assessment Act 1979

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Woollahra Local Planning Panel (Public)

Minutes of the Meeting held on 25 July 2024 at 1.00pm.

Present:	Penelope Holloway	(Chair)
	Lee Kosnetter	(Expert)
	Heather Warton	(Expert)
	Kenneth Raphael	(Community Representative)
Staff:	George Fotis	(Team Leader)
	Carolyn Nurmi	(Governance Officer)
	Max Moratelli	(Team Leader)
	Thomas Wong	(Acting Manager Development Control)

Note: The Panel was briefed by council staff on each Item prior to the meeting.

The Panel heard members of the public who registered to address at the commencement of the public meeting. The public meeting was closed at 1.12pm.

The Panel then deliberated and voted on each Item in a confidential meeting.

The decisions are recorded in these Minutes.

Leave of Absence and Apologies

Nil

Late Correspondence

Nil

Declarations of Interest

Nil

ITEM No.	D1
FILE No.	DA250/2023/1
ADDRESS	38 Russell Street, Vaucluse
PROPOSAL	Demolition of the existing dwelling and the construction of a new two-storey dwelling with basement storage a swimming pool and associated landscaping.

Note: Robert Arnold, Objector and Mathew Fortunato, Applicant addressed the Panel.

Reasons for Decision

The Panel has undertaken a site inspection, considered any 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.

The Panel considered the applicant's request for deferral made at the Public meeting and did not agree due to the number of non-compliances and the inconsistencies within the plans.

The Panel is satisfied that the application be refused for the reasons set out below.

Resolved: Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, refuse development consent to Development Application No. 250/2023/1 for demolition of the existing dwelling and the construction of a new two-storey dwelling with basement storage a swimming pool and associated landscaping on land at 38 Russell Street Vaucluse, for the following reasons:

1. Woollahra Local Environmental Plan 2014 – Aims of Plan

The proposal is unacceptable because it does not comply with:

- Part 1, Clause 1.2(2)(g) - The proposal does not protect the amenity and the natural environment.
- Part 1, Clause 1.2(2)(j) - The proposal does not promote a high standard of design in the private and public domain.
- Part 1, Clause 1.2(2)(l) - The proposal does not achieve the desired future character of the Vaucluse East Precinct.

2. Woollahra Local Environmental Plan 2014 – Land Use Table

The proposal is unacceptable because it does not comply with the following objectives of the R2 Low Density Residential Zone:

- Bullet Point 3 - To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- Bullet Point 4 - To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

3. Woollahra Local Environmental Plan 2014- Height

The proposed development does not comply with the maximum building height development standard and no written request to vary this non-compliance has been submitted, contrary to Part 4.3 and Part 4.6(3) of the Woollahra Local Environmental Plan 2014.

4. Desired Future Character of the Vacluse East Precinct

The proposed height, bulk and scale is excessive, which combined with the nil front setback, results in a development that visually dominates the streetscape, is not in-keeping with the general pattern of development in the locality and is incompatible with the key elements of the Vacluse East Precinct, contrary to Objectives O1, O5, O7 and O8 of Part B1.11.2 of the WDCP, 2015.

5. Front setback

The proposed nil front setback contributes to the overdevelopment of the site, resulting in a visually dominant presentation to Russell Street, which is not in-keeping with the general pattern of development in the locality, contrary to Objectives O1, O2 and O3 and Control C1 of Part B3.2.2 of the WDCP, 2015.

6. Floorplate (Bulk and Scale)

The proposed dwelling does not comply with the maximum floorplate requirements and provides a development that is of excessive bulk and scale, which detracts from the streetscape quality and the desired future character of the Vacluse East precinct. This contributes to the overdevelopment of the site and to the loss of amenity to surrounding properties, contrary to Objectives O1, O2 and O5 and Controls C1, C3 and C4 of Part B3.3 of the WDCP, 2015.

7. Streetscape

The proposed dwelling is considered to be of excessive bulk and scale, which combined with the nil setback, results in a visually dominant presentation that is incompatible with the desired future character of the Vacluse East Precinct, contrary to Objectives O1, O2 O3, O4 and Controls C1, C3 and C5 of Part B3.5.1 of the WDCP, 2015.

8. Views

The proposed development results in the loss of views from surrounding properties, which does not adequately facilitate view sharing, contrary to Objective O3 and Control C5 of Part B3.5.3 of the WDCP, 2015.

9. Visual Privacy

The proposed development is considered to have a detrimental impact on the visual privacy afforded to adjoining properties, contrary to Objectives O2 and O3 and Controls C4, C5, C6, C8, C10 and C12 of Part B3.5.4 of the WDCP, 2015.

10. Roof Terrace

The proposed excessively sized and inappropriately positioned rooftop roof terrace shown on the submitted Landscape Plan, results in unacceptable visual privacy impacts on adjoining properties, and will obstruct views from surrounding properties, contrary to Control C5 of Part B3.5.3, Objective O2 and Controls C10 and C12 of Part B3.5.4 and Control C15 of Part B3.7.1 of the WDCP, 2015.

11. Deep Soil Landscaping

The proposed dwelling has been sited on a nil front setback, which does not allow for any deep soil landscaping to the front of the site, which detracts from the landscape character of the streetscape and exacerbates the visual dominance of the dwelling, contrary to Objectives O1, O9 and O3 and Control C2 of Part 3.7.1 of the WDCP, 2015.

12. Swimming Pool

The proposed swimming pool has been significantly elevated, which combined with the excessive height, bulk and scale of the remainder of the dwelling and the non-compliant rear setback, creates adverse impacts on the visual amenity and visual privacy of surrounding properties, contrary to Objective O1 and Control C4 of Part 3.7.4 of the WDCP, 2015.

13. Car Parking

The siting of the proposed garage on a nil front setback, contributes to the overdevelopment of the site and provides a visually dominant streetscape presentation that is inconsistent with the desired future character of Vaucluse East Precinct, contrary to Objectives O1, O2 and O7 and Control C1 of Part B3.6 of the WDCP, 2015.

14. Public Interest

The proposed development is not in the public interest.

15. Inadequate Information/Plans

The submitted plans and documentation is insufficient, inaccurate and unclear, in the following manner:

- **Architectural Plans**

- The landscape plans and the architectural plans are inconsistent as follows:
 - i. The landscape plans show a roof terrace to the top of the dwelling. No roof terrace or any associated balustrading or access to this roof terrace is shown on the architectural plans;
 - ii. The landscape plans state the rooftop parapet is to create a planter for the rooftop planting, whereas the architectural plans only show a parapet height of 200mm (this is insufficient to accommodate sufficient soil depth to support this rooftop planting);
 - iii. The landscape plan shows an external spiral staircase adjacent to the proposed swimming pool providing access to the rear garden. This staircase is not shown on the architectural plans;
 - iv. The ground floor plan (landscape plan) notes that the existing boundary fencing is to be replaced with 1800mm timber fencing. This fencing is not shown on the architectural plans. It would also appear that some of the existing boundary fencing would encroach over the site boundaries. The applicant has not submitted owners consent to allow for any works to be carried out on any adjoining property;
 - v. The ground floor plan (landscape plan) notes that a rainwater is to be installed to the northern side boundary, whereas no rainwater tanks is shown on the architectural plans.
- The total overall building height is unclear, given that the proposed plans has referenced 'natural ground level' and not 'ground level (existing)' to determine the actual height of the proposed building;

- The northern and southern elevation plans show the rear first floor balcony to be approximately 1m wider than the rear first floor balcony shown on the floorplan and section;
 - The privacy screens to the rear balconies (at ground and first floor levels) are shown on the northern and southern elevation plans, however these screens are not shown on the floorplans and section;
 - The architectural plans do not include sufficient RLs;
 - The architectural plans do not provide sufficient details relating to the proposed undercroft area, including floor levels and how this area is to be used;
 - The roof plan, elevations and sections do not show any lift over-run;
 - The architectural plans do not specify the location of the air conditioning units. It is noted that the submitted BASIX Certificate states that air conditioning is proposed by the development;
 - The rear elevation does not show the proposed swimming pool fence.
- **BASIX Certificate:**
 - A 2000 Litre rainwater tank is not shown on the architectural plans, as required by the submitted BASIX Certificate;
 - The proposed spa shown on the architectural plans has a volume greater than 3.5 kilolitres, contrary to the maximum volume specified by the submitted BASIX Certificate;
 - A 6 Star instantaneous hot water system has not been shown on the architectural plans, as required by the submitted BASIX Certificate;
 - A 1.5 kilowatt (minimum) photovoltaic energy system has not been shown on the architectural plans, as required by the submitted BASIX Certificate.
- **Cl.4.6 Variation- Height:**
 - No written request to vary the maximum building height development standard has been submitted, in accordance with Part 4.6(3) of the WLEP 2014.
- **Survey:**
 - The submitted survey does not clearly show the location and height of all windows/balconies of all buildings adjoining the site, including Nos.36 and 40 Russell Street Vaucluse.
- **Visual Privacy:**
 - The application has not provided sufficient information, including adequate sight-line drawings to demonstrate that the proposed roof terrace, balconies and elevated pool structure do not adversely impact the visual privacy of habitable room windows and private open space at surrounding residential properties.
- **Views:**
 - The application has not been accompanied by sufficient information to allow for an adequate assessment of view loss from all surrounding properties, including view loss created by the proposed planting to the rear yard, rooftop planting (and the associated rooftop planters) and all other proposed roof structures including the lift over-run, solar panels, plant equipment (including air conditioning), the roof terrace including any associated balustrading, access structure or privacy screening.

- **Shadow Diagrams:**
 - The submitted shadow diagrams do not adequately distinguish between existing and proposed overshadowing.
 - No elevational shadow diagrams have been provided to allow for the solar access impacts on adjoining north facing habitable room window/door openings to be adequately assessed.

- **Photomontage:**
 - The submitted photomontage is incorrect, as it shows part of the existing dwelling and landscaping at the subject site, which does not provide for an accurate representation of the proposed development.

Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.

For the Motion

Against the Motion

Penelope Holloway
Lee Kosnetter
Kenneth Raphael
Heather Warton

4/0

There being no further business the meeting concluded at 1.26pm.

We certify that the pages numbered 1 to 8 inclusive are the Minutes of the Woollahra Local Planning Panel (Public Meeting) Meeting held on 25 July 2024 and confirmed by all Panel members of the Woollahra Local Panel on 29 July 2024 as correct.

Chairperson

Secretary of Committee

Expert

Expert

Community Representative