

Randwick Local Planning Panel (Electronic) Meeting

Monday 23 May 2022
DEFERRED ITEMS



**RANDWICK LOCAL PLANNING PANEL
(ELECTRONIC CONSIDERATION OF DEFERRED MATTERS)**

The reports contained in this business paper was circulated to panel members to be dealt with electronically, pursuant of cl 26 of Schedule 2 of the *Environmental Planning and Assessment Act 1979*.

Declarations of Pecuniary and Non-Pecuniary Interests

Development Application Report

D30/22 16 Johnston Parade, Maroubra (DA/561/2021) - (DEFERRED ITEM) 1

Kerry Kyriacou
DIRECTOR CITY PLANNING

Development Application Report No. D30/22

Subject: 16 Johnston Parade, Maroubra (DA/561/2021) - (DEFERRED ITEM)

Executive Summary

Proposal:	Alterations and additions to an existing dwelling house
Ward:	Central Ward
Applicant:	Pinnacle Plus
Owner:	Mr R H Miller and Ms M Miller
Cost of works:	\$481,864
Reason for referral:	Conflict of Interest

Recommendation

- 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 Floor Space Ratio (FSR) development standard in Clause 4.4 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/561/2021 for alterations and additions to an existing dwelling house (Variation to FSR) at No. 16 Johnston Parade Maroubra, subject to the development consent conditions attached to the assessment report..

Attachment/s:

- [!\[\]\(2a133ebb0337313d16cc068f19494aa2_img.jpg\) 1.↓ Randwick Local Planning Panel \(Electronic\) - 9 December 2021 - REPORT - 16 Johnston Parade Maroubra \(DA/561/2021\)](#)
- [!\[\]\(e5831951c2bb646a242d812c288ddabc_img.jpg\) 2.↓ RLPP Dev Consent Conditions \(dwellings dual occ\) - 9 December 2021 - DA/561/2021 - 16 Johnston Parade, MAROUBRA NSW 2035 - Development - Randwick City Council](#)
- [!\[\]\(767ddc536c5331f5333c7801240a378b_img.jpg\) 3.↓ RLPP Dev Consent Conditions \(dwellings dual occ\) - DA 561 2021 - 16 Johnston Parade MAROUBRA NSW 2035 Randwick City Council\(2\)](#)

D30/22



1. Introduction

The subject Development Application (DA) was considered at the Randwick Local Planning Panel (RLPP) electronic meeting on 9 December 2021. At the meeting it was resolved:

The RLPP defer consideration of the matter pending clarification by Council Officers of the approved existing development and the implications of the clause 4.6 variation. Further advice is to be provided to the Panel by the end of January 2022.

The Panel has visited the site or is familiar with the site and reviewed the assessment report prepared by Council officers.

The Panel notes that the layout shown on the development application plans differs from Councils records (BA/794/1972) and appears capable of occupation as two (2) separate dwellings.

If the applicant decides to proceed with the development as an attached dual occupancy, the current application must be withdrawn and a new application is to be lodged.

The additional information provided by the applicant, has been considered and assessed below in Key Issues, and is considered acceptable subject to additional conditions including the deletion of the kitchen at first floor level and restricting the use of the premises as a single dwelling only at all times.

2. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in original assessment report attached and the key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development as conditioned is consistent with the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Not applicable.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

2.1. Discussion of key issues

The findings of the Panel, specifically addressed the following concerns:

The Panel notes that the layout shown on the development application plans differs from Councils records (BA/794/1972) and appears capable of occupation as two (2) separate dwellings.

The applicant has provided the following justification, which has been paraphrased and summarised below:

Email 18 January 2022: Council's concerns are that the existing property is capable to be used as a dual occupancy. The applicant does not have any intentions or propose the development as a dual occupancy.

We seek approval only for the addition of a master suite within the roof space and new front fence.

'I am writing (email dated 15.02.22 from applicant): The Development Application was recommended for Approval by the consultant planner and was to be determined by the Randwick Local Planning Panel on 9 December 2021. Council's concerns are that the existing property is capable to be used as a dual occupancy. During the Development Application assessment information was provided that the owners did not intend to use the property as an attached dual occupancy. A letter from the owner's was submitted as part of the request for information. The applicant does not have any intentions or propose the development as a dual occupancy. As such, and as per the proposal which was assessed and recommended for Approval by the consultant planner. Correspondence from Council was further advised to be provided to the Panel by the end of January 2022'.

Council further advised the applicant on 8 March 2022 that the Panel decision confirmed that the layout shown on the development application plan differed from Council's records (BA/794/1972) and appeared capable of occupation as two separate dwellings. The Panel was aware of the letter dated 25 October 2021 and whilst the applicant's email dated 15 Feb 2022 indicated there is no intention to use the property as an attached dual occupancy, the concerns raised by the Panel remains unaddressed. The fact remained that the property had been converted without Council approval, which would allow the building to be used as an attached dual occupancy. Notwithstanding, the applicant has provided the following additional justification, paraphrased and summarised below:

'We are unable to advise when the layout had been modified as this occurred prior to the client purchasing this property. Since purchasing the property, the client has not carried out any unauthorised works.

However, in order to rectify this issue, we are willing to modify the existing layout by removing the kitchen from the first floor. It is requested a condition be imposed within the consent requiring the kitchen to be removed, in order to resolve this issue as part of the current application'.

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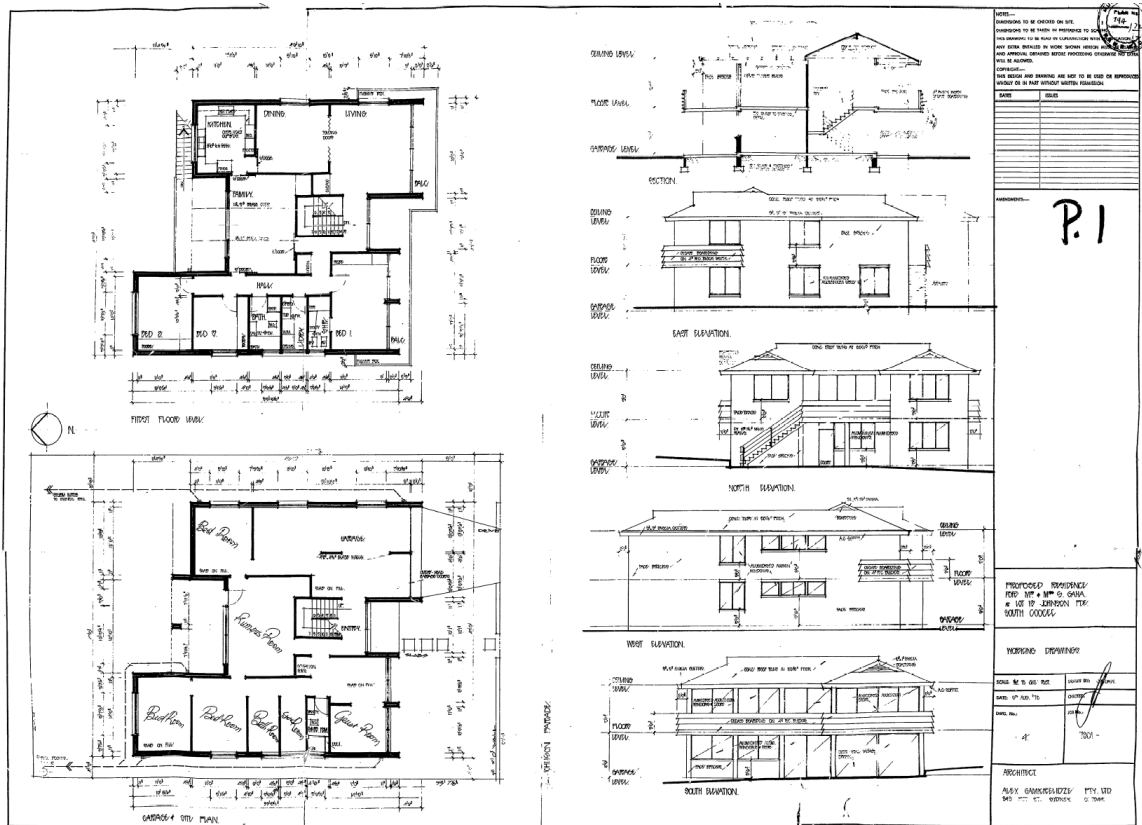


Figure 1: Approved plans under BA/794/1972 (Approved on 1 Jan 1972)



Figure 2. Floor plan layout at time of purchase - 16 Johnston Parade, Maroubra

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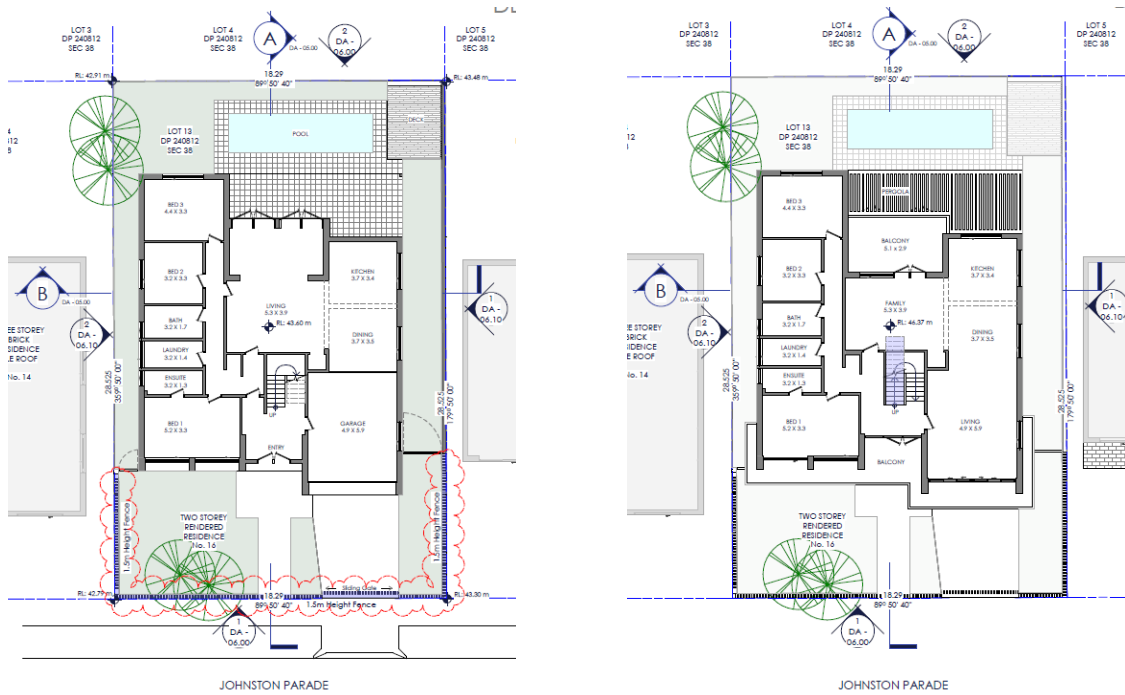


Figure 3. Floor plan submitted with original application - 16 Johnston Parade, Maroubra

3. Conclusion

On the basis of the above assessment, the application for alterations and additions to an existing dwelling house be approved subject to conditions for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the R2 zone in that 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.

Responsible officer: Tony Ristevski, Coordinator Fast Track

File Reference: DA/561/2021

Development Application Report No. D78/21

Subject: 16 Johnston Parade Maroubra (DA/561/2021)

nnProposal:	Alterations and additions to an existing dwelling house (Variation to FSR).
Ward:	Central Ward
Applicant:	Pinnacle Plus
Owner:	Mr R H Miller & Mr M Miller
Cost of works:	\$481864
Reason for referral:	Conflict of Interest

Recommendation

- 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 Floor Space Ratio (FSR) development standard in Clause 4.4 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/561/2021 for alterations and additions to an existing dwelling house (Variation to FSR) at No. 16 Johnston Parade Maroubra, subject to the development consent conditions attached to the assessment report.

