



## MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING HELD ON THURSDAY, 12 MAY 2022

**Present:**

**Chairperson:** Lindsay Fletcher

**Expert Members:** Janette Murrell & Peter Romey

**Community Representatives:** Michelle Finegan

**Council Officers present:**

Manager Development Assessment	Mr F Ko
Coordinator Major Assessments	Mr Scott Cox
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:

### Development Application Reports

**D18/22 Development Application Report - 2 Hillary Parade Matraville (DA/719/2016/B)**

**RESOLUTION:**

The RLPP refuses the Section 8.2 review of determination of Development Application DA/719/2016/B for the deletion of Condition 2(c) having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act and for the following reasons:

1. The proposed terraces would result in adverse privacy impacts to the adjoining residential properties and therefore do not satisfy the relevant objective of the R2 Low Density Residential zone under Randwick Local Environmental Plan 2012 as it would not protect the amenity of the local residents.
2. The proposal fails to satisfy the relevant objectives and controls of the Randwick Comprehensive Development Control Plan 2013, in relation to the following:
  - Part C1 – Low Density Housing
    - 4 Building Design in relation to the excessive size and visual bulk associated with the proposed terraces.
    - 5.3 Visual Privacy in relation to the adverse privacy impacts to the adjoining residential properties.
3. The proposal is not satisfactory pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended, in that the proposal is not in the public interest.

**REASON:**

The Panel has visited or is familiar with the site, considered the submissions (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.**

**D19/22 Development Application Report - 18 Percival Street, Maroubra (DA/552/2021)****RESOLUTION:**

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/552/2021 for alterations and additions to the existing dwelling house including partial demolition, ground floor extension to the rear, addition of a new first floor with east-facing balcony, swimming pool at the rear, landscaping and associated works at No. 18 Percival Street, Maroubra NSW 2035, subject to the development consent conditions attached to the assessment report and amended condition 2 to read as follows:

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The maximum ridge height of the roof of the proposed development is to be RL 32.73.
  - b. The maximum wall height to be RL 30.6.
  - c. The southern side wall of the proposed rear addition (i.e. from behind bedroom 2) shall be setback a minimum of 900mm from the boundary at both the ground and first floor levels.

**REASON:**

The Panel has visited or is familiar with 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 generally supports the application for the reasons given in the assessment report. However, the Panel has amended condition 2 to reduce the visual bulk of the proposed rear addition and its impact on the retained portion of the heritage item, as well as to comply with the National Construction Code side setback requirements.

**CARRIED UNANIMOUSLY.**

**D20/22 Development Application Report - 3A Mermaid Avenue, Maroubra (DA/80/2021)****RESOLUTION:**

- A. 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. The concurrence of the Secretary of Planning, Industry and Environment has been assumed.
- B. 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/80/2021 for alterations and additions to existing dwelling to create two new semi-detached dwellings and Torrens title subdivision, at No. 3A Mermaid Avenue, Maroubra, subject to the development consent conditions attached to the assessment report.

**REASON:**

The Panel has visited or is familiar with the site, considered the submissions (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 reasons given in the assessment report. The Panel notes that condition 2 will have the effect of achieving some reduction in overshadowing of the neighbours (3 Mermaid Ave) side courtyard.

**CARRIED UNANIMOUSLY.**

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**D21/22      Development Application Report - 33 Caley Street, Chifley (DA/88/2022)**

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**RESOLUTION:**

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/88/2022 for the construction of a new dwelling, at No. 33 Caley Street, Chifley, subject to the development consent conditions attached to the assessment report.

**REASON:**

The Panel has visited or is familiar with the site, considered the submission (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 reasons given in the assessment report.

**CARRIED UNANIMOUSLY.**

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**D22/22      Development Application Report - 274 Arden Street, Coogee (DA/660/2003/C)**

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**RESOLUTION:**

The RLPP, as the consent authority, approves the application made under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/660/2003/C to extend the kitchen by in-filling the existing terrace on the southern side of upper level (second floor) unit, changes to windows and associated works at No. 274 Arden Street, Coogee in the following manner:

- **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans drawn by Turner + Associates, Job No. 04010, issue B of drawing numbers DA01, DA04-DA07, printed on 30.04.04 and stamped received by Council on 28 July 2004, Revision A of the landscape plan drawn by Jane Irwin Landscape Architecture, numbered LDA-01 and stamped received by Council on 17 May 2004, issue A of the materials board by Turner + Associates, issued 11/05/04 and stamped received by Council on 13 May 2004, Sheets 1 to 4 of the draft strata plans prepared by Denny Linker & Co, Surveyor's Reference 040819 DSP, printed August 20, 2004 and stamped received by Council on the 24 August 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**EXCEPT where amended by:**

- **Council in red on the approved plans; and/or**
- **Other conditions of this consent; and/or**
- **the following Section 4.55 plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 plans and detailed in the Section 4.55 application:**

Plan	Drawn by	Dated	Received by Council
DA-0001 Existing Level 2 Floor Plan (demolition) Rev 1	Place Studio	10 June 2021	13 October 2021
DA-0002 Proposed Level 2 Floor Plan Rev 1	Place Studio	10 June 2021	13 October 2021
DA-0003 Rev 1	Place Studio	10 June 2021	13 October 2021
DA-0006 Level 2 Front Elevation Rev A	Place Studio	18 February 2022	22 February 2022
DA-007 Proposed South Elevation Rev 1	Place Studio	22 June 2021	22 February 2022

**REASON:**

The Panel has visited or is familiar with 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 given in the assessment report.

**CARRIED UNANIMOUSLY.****D23/22 Development Application Report - 41 Adina Avenue, Phillip Bay (DA/752/2021)****RESOLUTION:**

The RLPP refuses consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/752/2021 for alterations and additions to the approved residential dwelling including basement car parking for 15 vehicles, new cinema and gym at No. 41 Adina Avenue, Phillip Bay for the following reasons:

1. The proposed development does not satisfy the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.
2. The proposal does not satisfy SEPP (Building Sustainability Index: BASIX) 2004, in that a revised BASIX Certificate is required for the development.
3. The proposed development does not comply with the floor space ratio development standard under Clause 4.4 of the Randwick Local Environmental Plan 2012. The written request to vary the development standard pursuant to Clause 4.6 of the Randwick Local Environmental Plan 2012 provides incorrect site area and proposed floor space ratio calculations. The consent authority cannot grant development consent for the variation without a correct written request, pursuant to Clause 4.6(3). Notwithstanding, the written request has not adequately demonstrated that compliance is unreasonable and unnecessary, and that there are sufficient, environmental planning grounds.
4. The development does not satisfy Clause 6.2 – Earthworks of the Randwick Local Environmental Plan 2012. The proposed excavation is excessive and the application has not demonstrated that excavation will not result in unreasonable structural impacts on adjoining dwellings.
5. The proposal is contrary to the objectives of the R2 Low Density Residential zone in Randwick Local Environmental Plan 2012 in that the size and scale of development is not compatible with

the low density residential environment and does not contribute to the desired future character of the area.

6. The proposal does not comply with the relevant requirements of the RDCP 2013 with regard to rear setbacks, earthworks, energy efficiency and natural ventilation, car parking and access.
7. The proposed development would establish a precedent for excessive basement excavation across the locality. Accordingly, the proposal is not in the public interest.

**REASON:**

The Panel has visited or is familiar with the site, considered the submissions (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.**

The meeting closed at 3.42pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Lindsay Fletcher (Chairperson)	Jan Murrell
Peter Romey	Michelle Finegan