



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING
DETERMINATION OF A DEFERRED MATTER ON
TUESDAY 24 MAY 2022**

Present:

Chairperson: Lindsay Fletcher

Expert Members: Janette Murrell and Kevin Hoffman

Community Representatives: Kerri Hamer

Declarations of Pecuniary and Non-Pecuniary Interests

A) Nil.

The Panel deliberated and voted on the matter via an electronic meeting.

The resolution, reason and voting outcomes are detailed below:

Development Application Report

**D30/22 Development Application Report - 16 Johnston Parade, Maroubra (DA/561/2021)
- (DEFERRED ITEM) (DA/561/2021)**

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 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 has been assumed.
- B. The RLPP grants **deferred commencement** 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 at No. 16 Johnston Parade Maroubra, subject to a new deferred commencement condition as set out below and once that condition is satisfied the operational consent is approved subject to the development consent conditions attached to the assessment report with the deletion of Condition 2:

Deferred commencement condition

This consent shall not operate until:

1. Submission to and approval by Council's Manager of Development Assessment of amended plans and documents in accordance with the following requirements:

- a. One of the kitchens and one of the laundries including all associated facilities (i.e. sink, bench, cabinets, cooking/laundry appliances, etc) shall be removed and all associated services (i.e. hot and cold water, gas, electricity and the like) are to be capped and sealed.
- b. The operable skylight above the bath in the additional bedroom on the second floor is to be shown on all roof plans.
- c. The external finishes and materials plan DA-08.10 is to be amended to include the roof materials of tile and the fencing materials of rendered masonry at the base with metal paling above.
- d. The front fence is to be a maximum of 1.2 metres in height with a maximum of 150mm additional height adjacent to any stepping. The solid portion is not to exceed 600mm at any location. The plans are to indicate a tapering of the proposed new side fences from 1.2m in height to the existing side fencing.
- e. The living, dining and family areas at first floor level shall be used as a secondary living area for the occupants of the dwelling house.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (12 months) of the date of determination.

Clause 76(3) of the Regulation:

" A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters."

No development can lawfully occur under this consent unless it operates.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition.

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Evidence required to satisfy these conditions must be submitted to Council within **12 months** of the date of this consent.

The consent will not operate until such time that Council notifies the Applicant in writing that deferred commencement conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in the 'Development Consent Conditions'.

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 grants deferred commencement for the reasons given in the resolution above.

CARRIED UNANIMOUSLY.

| CONFIRMATION OF MINUTES BY PANEL MEMBERS | |
|---|-------------|
| Lindsay Fletcher | Jan Murrell |
| Kevin Hoffman | Kerri Hamer |