



**MINUTES OF RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING
HELD ON THURSDAY, 11 AUGUST 2022 AT 1PM**

Present:

Chairperson:

Annelise Tuor

Expert Members:

Oliver Klein & Helen Lochhead

Community Representatives:

Peter Ryan (South Ward)

Council Officers present:

Coordinator Major Assessment
Executive Planner
Personal Assistant to Manager PA

Mr S Cox
Ms A Manahan
Ms A Halcro

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:

D46/22 77 DENNING STREET, SOUTH COOGEE (DA/901/2015/A)

Objector Jennie Askin on behalf of the Objector

Applicant Laura Reid on behalf of the Applicant

D47/22 22 MEARS AVENUE, RANDWICK (DA/558/2021)

Councillors Kathy Neilson
Michael Olive

Objectors Max Berghouse - 1st objector
John Hearn - 2nd objector

Applicant Kate Burgess - Applicant

After the above speakers had addressed the panel, the public meeting was closed at 1.43pm. The Panel then moved to deliberate and vote on the matter.

The resolution, reason and voting outcomes for each item on the agenda are detailed below:

General Reports

GR13/22 General Report - Changes to the delegations in relation to the conduct of appeals for the RLPP matters (F2018/00142)

RESOLUTION:

- A. That Randwick Local Planning Panel (Panel) pursuant to Section 2.20(8) of the Environmental Planning & Assessment Act 1979 (EPA Act) revoke its current delegation in relation to the conduct of appeals.
- B. That the Panel pursuant to Section 2.20(8) of the EPA Act delegates to Council's General Manager, Director City Planning and Manager Development Assessment the functions of the Panel under Section 8.15(4) of the EPA Act with respect to the control and direction of Appeals subject to the operational procedures documented in the Randwick Local Planning Panel Guidelines (as amended by point "C" below).
- C. That the Randwick Local Planning Panel Guidelines, dated 8 July 2021, be amended as follows:
 - Inclusion of Section 8 to read:

8. Control and Direction of Court Appeals

Pursuant to Section 2.20(8) of the EPA Act, the Panel has delegated to Council's General Manager, Director City Planning and Manager Development Assessment the functions of the Panel under Section 8.15(4) of the EPA Act in respect of the control and direction of Appeals subject to the following:

- i. As required by Section 8.15(4) of the EPA Act, Council is to give notice to the Panel Chair and Alternate Panel Chair (electronically) of all Appeals relating to the determination or decision of the Panel or any deemed refusal within 7 days of the Appeal being served.
- ii. In the case of an Appeal relating to a determination or decision of the Panel that is contrary to a Council officer's development assessment report, either the General Manager, Director City Planning or Manager Development Assessment will consult with the Chair of the Panel that made the determination or decision (or the Chair's nominee) as to the conduct of the Appeal within 5 business days of the notice of service of the appeal.
- iii. In the case of all Appeals relating to a determination or decision of the Panel, either the General Manager, Director City Planning and Manager Development Assessment will keep the Panel Chair that made the determination or decision (or the Chair's nominee) informed as to major developments in, and the outcome of, the Appeal.
- iv. In the case of an Appeal being lodged relating to a deemed refusal of a development application, that application shall be referred to the first practical meeting, following the date that the Appeal was served, for determination or decision by the Panel. If it is not practical to provide a report, the Chair (or the Chair's nominee) shall be consulted prior to any Statement of Facts and Contentions being filed with the Court. Should there be no opportunity to consult with, or a response to a draft Statement of Facts and Contentions not be received from, the Chair (or the Chair's nominee) at least two business day prior to the date required for the filing of the Statement of Facts and Contentions the General Manager, Director City Planning or Manager Development Assessment shall have delegation to settle the Statement of Facts and Contentions without consultation or a response.
- v. The Council shall circulate a memo to all Panel members quarterly on the status of all Appeals relating to the determination or decision of the Panel and deemed refusals which would, but for the appeal, have come before the Panel. If an

agreement under Section 34 of the Land and Environment Court Act has been made, the memo shall include reasons sufficient to demonstrate how the Panel's determination was addressed in the Section 34 agreement.

REASON:

For the reasons in the Council Officer's report the panel has delegated its functions in relation to the conduct of appeals and amended the operational guidelines.

CARRIED UNANIMOUSLY.

Development Application Reports

**D46/22 Development Application Report - 77 Denning Street, South Coogee
(DA/901/2015/A)**

RESOLUTION

That the RLPP grants development consent under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/901/2015 for demolition of all existing structures on site and construction of a new three storey dwelling house, rear in-ground swimming pool, associated site and landscaping works at No. 77 Denning Street, South Coogee, in the following manner:

- **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
A.02B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.03B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.04B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.05B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.06B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.07B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.08B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.09B	Madeline Blanchfield Architects Pty. Ltd.	June 2016
A.14B	Madeline Blanchfield Architects Pty. Ltd.	June 2016

BASIX Certificate No.	Dated
674120S	16 December 2015

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
A.001 (Site Analysis Plan), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.002 (Lower Ground Floor Plan), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.003 (Ground Floor Plan),	Madeleine Blanchfield	26 May 2022	31 May 2022

Revision D	Architects		
A.004 (First Floor Plan), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.005 (Roof Plan), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.006 (South Elevation), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.007 (North Elevation), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.008 (West Elevation), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.009 (East Elevation), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022
A.0010 (Section AA), Revision D	Madeleine Blanchfield Architects	26 May 2022	31 May 2022

<i>BASIX Certificate No.</i>	<i>Dated</i>
1172325S	03 February 2021

- **Delete Conditions 2(a), 2(d) and 2(e):**
- **Add Conditions 2(f), 2(g), 58 and 59 to read:**

2. The approved plans and documents must be amended in accordance with the following requirements:

- f. The following windows must have a minimum sill height of 1.6 metres above the finished floor level. Alternatively, the windows is to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

Southern Elevation – Ground Floor Level

- Window W03 to the En-suite;
- Window W04 to Bedroom 3;
- Window W05 to the Bathroom;

Northern Elevation – First Floor Level

- Window W06 to the Powder Room;
- Windows W07 and W08 to the Dining Room.

- g. Planting within the eastern planter box to the south of the balcony at First Floor level is to be deleted and replaced with a pebbled roof. The parapet height of the eastern planter box and balcony at First Floor level is to be a maximum of RL52.40 (a 200mm parapet).

58. The Kitchenette on the Lower Ground Floor level is not to contain any cooking facilities.

59. The entire Lower Ground Floor level must not be used for separate residential accommodation or as a separate residential occupancy at any time.

REASON:

The Panel has visited or is familiar with 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 4.55 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 has deleted Condition 2(a) as the proposed window would not result in any unreasonable privacy impacts on the adjoining property.

The Panel has maintained Condition 2(c) which requires the deletion of the swimming pool as the information in relation to the tree, the sewer and overlooking did not adequately address the reasons for deletion.

CARRIED UNANIMOUSLY.

D47/22 Development Application Report - 22 Mears Avenue, Randwick (DA/558/2021)**RESOLUTION**

A. 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/558/2021 for alterations and additions to existing semi-detached dwelling, including internal works and addition of a first floor with rear-facing balcony, and associated works at No. 22 Mears Avenue, Randwick, subject to the development consent conditions attached to the assessment report., as amended

REASON:

The Panel has visited or is familiar with 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 reasons given in the assessment report subject to the following amendments to conditions:

Condition 2(a)

The rear first floor balcony as proposed shall be deleted and replaced with a Juliette balcony with a maximum depth of 300mm measured from the external face of the building.

Condition 2(b) & 2(d)

Delete Conditions 2(b) and 2(d)

The Panel has imposed Condition 2(a) to better respect the setback of the neighbouring buildings within the conservation area. The Panel considers that adequate privacy will be achieved through the deletion of the balcony whilst still providing adequate amenity to the bedroom.

CARRIED UNANIMOUSLY.

The meeting closed at 2.57pm.

CONFIRMATION OF MINUTES BY PANEL MEMBERS	
Annelise Tuor (Chairperson)	Oliver Klein
Helen Lochhead	Peter Ryan