

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

**MINUTES OF PLANNING COMMITTEE MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 8 OCTOBER 2013 AT 6:28PM**

Present:

The Mayor, Councillor S Nash (West Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli, D'Souza & P Garcia
East Ward	- Councillors T Bowen, M Matson & B Roberts
West Ward	- Councillors G Moore (Chairperson), & H Stavrinos
Central Ward	- Councillors A Andrews & T Seng (Deputy Chairperson)

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay

The meeting was adjourned at 6.28pm and was resumed at 7.00pm.

Apologies/Granting of Leave of Absences

An apology was received from Cr Stevenson.

RESOLVED: (Mayor, Cr S Nash/Bowen) that the apology received from Cr Stevenson be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 10 SEPTEMBER 2013**

PL89/13

RESOLUTION: (D'Souza/Stavrinos) that the Minutes of the Planning Committee Meeting held on Tuesday 10 September 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Neilson declared a significant non pecuniary interest in Item D75/13 as a former Executive Member of the Randwick Precinct Committee she has made representations to Council in relation to this matter. Cr Neilson indicated that she would not take part in the debate or the voting in relation to the matter.
- b) Cr Andrews declared a non significant non pecuniary interest in Item D72/13 as he knows the solicitor involved.
- c) Cr Andrews declared a non significant non pecuniary interest in Item D75/13 as he knows the applicant and his son.
- d) Cr Bowen declared a significant non pecuniary interest in Items D78/13 and D79/13 as some of the objectors are known to him. Cr Bowen indicated that he would not take part in the debate or the voting in relation to these matters.

Address of Council by Members of the Public

Prior to consideration of the Agenda by the Committee, deputations were received in respect of the following matters:

D72/13 169-171 MAROUBRA ROAD & 1-3 ROBEY STREET, MAROUBRA 2035
(DA/84/2013)

Anthony Betros on behalf of the Applicant pp

D75/13 7 DARLEY ROAD, RANDWICK (DA/632/2010/A)

Gary Bresley - Applicant

Urgent Business

Nil.

Development Application Reports

D72/13 Development Application Report - 169-171 Maroubra Road & 1-3 Robey Street, Maroubra (DA/84/2013)

PL90/13

RESOLUTION: (Bowen/Stavrinos) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/84/2013 for demolition of existing structures and construction of a part 7/part 6 storey mixed use development in two building forms comprising 1 retail tenancy fronting Maroubra Road, 67 residential units, 3 levels of basement parking for 72 vehicles, consolidation of lots and associated works at 169-171 Maroubra Road & 1-3 Robey Street, Maroubra, subject to the following non-standard conditions and the standard conditions contained in the Development Application Compliance Report.

Non Standard Conditions

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

- a) All proposed building structures, including balconies, external walls, floor slabs, sun control devices, privacy screens, planter boxes and etc, with the exception of the awning structures above the ground floor level, shall be contained wholly within all boundaries of the subject site.

All Construction Certificate documentation shall reflect compliance with this condition to the satisfaction of the Principal Certifying Authority.

- b) The glass handrail (GHR) balustrades for the balconies on the eastern and

southern elevations of the Robey Street building shall be constructed with obscured / frosted / translucent glazing, in order to protect the privacy of the occupants. Details of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

- c) Ceiling fans must be provided in all habitable rooms and indicated on construction certificate drawings/documentation to the satisfaction of the Principal Certifying Authority.
- d) No air conditioning condenser units are permitted to be installed on the roof, or in any areas of the buildings where the units will be visible from the street.

3. **Prior to the issuing of a construction certificate** for the proposed building, a amended Waste Management Plan (WMP) detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

The amended plans/documentation shall demonstrate that bin areas are adequate to accommodate bins in the number and sizes approved by Council as part of the assessment of the Waste Management Plan. The WMP must also address compactor details, associated access/bin removal for kerbside collection to demonstrate adequate provisions for access to all bins has been provided.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

MOTION: (Bowen/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D73/13 Development Application Report - 9 Hume Street, Chifley
(DA/457/2013)**

PL91/13

RESOLUTION: (Belleli/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 457/13 for alterations and additions to the existing dwelling house including rear garage, entry patio, extension to rear ground floor deck and new pergola structure along the rear boundary, at No. 9 Hume Street, Chifley, subject to the standard conditions contained in the development application compliance report attached to this report.

MOTION: (Belleli/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D74/13 Development Application Report - 147-151 Anzac Parade,
Kensington (DA/298/2013)**

It was noted that this application had been withdrawn by the Applicant prior to the meeting.

**D75/13 Development Application Report - 7 Darley Road, Randwick
(DA/632/2010/A)**

Note: Having previously declared an interest, Cr Neilson left the chamber and took no part in the debate or voting on this matter.

PL92/13

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, modify the development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, for Development Application No. DA/632/2010/A at No. 7 Darley Road, Randwick, in the following manner:

A. Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered 03 stamped received by Council 4 November 2010 and 04a stamped received by Council 28 October 2010, the application form and on any supporting information received with the application, **as amended by the Section 96 'A' amended plans numbered dwg no 03 and dwg no. 04, dated 8th October 2012 and received by Council on 23 July 2013** only in so far as they relate to the modifications highlighted in the Section 96 plans and detailed in the Section 96 applications except as may be amended by the following conditions and as may be shown in red on the attached plans:

B. Condition No. 5 is amended to read as follows:

Maximum occupancy

5. The following maximums apply to the use of the premises:
 - a) A maximum of nineteen (19) lodgers may be accommodated within the premises at any one time;
 - b) No more than two (2) occupants shall be accommodated within each approved bedroom at any one time.

The above occupancy rates shall be enforced by the appointed Manager at all times. Any variation of the above occupancy rates shall be subject to Council approval.

C. The following conditions are added:

The following conditions are applied to ensure proper operation and management of the premises:

83. The separate stair access to the carer's room must be deleted from the proposed development so that there is a shared access between the two levels of the accessible unit. The carer's room must not be used as a separate occupancy if the accessible room is not occupied by a person with a disability.
84. A manager/caretaker for the boarding house must be available at all times (i.e. 24 hours; seven (7) days per week) and must be a person over the age of 18 years.
85. The manager shall ensure the following identification signage/notices are provided and maintained on the premises:
 - a) A notice shall be placed near the entrance to the property in a visible

position to the public, advising of the manager's name and 24 hour, seven (7) day contact number;

- b) Individual identification numbers shall be provided to each boarding room;
 - c) Internal signage identifying house rules, rental terms, occupancy maximums, emergency contacts, fire safety/ emergency egress routes shall be provided to the internal common area.
86. The manager shall maintain a record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.
87. All residents in the boarding house accommodation are to sign a lease or licence agreeing to comply with the Plan of Management (PoM) for the boarding house, with the length of the lease to be determined by the management.

Parking

88. One of the approved off-street carspaces shall be dedicated for use by the carer's/disabled room.

MOTION: (Andrews/Roberts) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Cr Neilson returned to the meeting at this point (7:16pm).

D76/13 Development Application Report - 53 Rainbow Street, Kingsford (DA/43/2012/A)

PL93/13

RESOLUTION: (Belleli/Andrews) that Council, as the consent authority, grants development consent under Section 96AA of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/43/2012 by relocating bicycle storage shed to the rear of the site, construction of new front boundary fence, removal of Jacaranda tree to the front of the building, provision of office space and changes to the waste bin storage area at 53 Rainbow Street, Kingsford, in the following manner:

A Amend Condition No. 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:

<i>Plan</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
201C – Ground Floor Plan	C	Day Bukh Architects	8 February 2013	14 February 2013
202C -First Floor Plan	C	Day Bukh Architects	8 February 2013	14 February 2013
203C – Roof Plan	C	Day Bukh Architects	8 February 2013	14 February 2013
205C – Streetscape elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
350C – North & South elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
351C – West elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
352C – East elevation	C	Day Bukh Architects	8 February 2013	14 February 2013

400C – Section A:A	C	Day Bukh Architects	8 February 2013	14 February 2013
401C – Section B:B & Section C:C	C	Day Bukh Architects	8 February 2013	14 February 2013

only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, **and as amended by the Section 96 "A" plans and supporting documentation listed below:**

<i>Plan</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
201D – Ground Floor Plan	D	Day Bukh Architects	24 June 2013	17 July 2013
202D -First Floor Plan	D	Day Bukh Architects	24 June 2013	17 July 2013
351D – West elevation	D	Day Bukh Architects	24 June 2013	17 July 2013
352D – East elevation	D	Day Bukh Architects	24 June 2013	17 July 2013

except as may be amended by the following conditions and as may be shown in red on the attached plans:

B Add Condition No. 98 as follows:

98. All loft structures shall be deleted from the Section 96 "A" plans referred to in Condition No. 1

C Delete Conditions Nos. 9, 10, 11 and 61

D Amend Condition No. 40 d) to read as follows:

d) 1 x 100 litre (pot/bag size at the time of planting) feature tree (not a palm) in deep soil within the front setback, a minimum distance of 2.5m from any part of the proposed building, selecting a species from the list shown at point 11.1.3, Recommendations, of the Development Impact Assessment Report by Earthscape Horticultural Services dated June 2013.

E Amend Condition No. 62 to read as follows:

Tree Removal

62. No objections are raised to removing the smaller vegetation throughout the site, including the *Lagerstroemia indica* (Crepe Myrtle) in the front yard, along the eastern boundary, the *Plumeria acutifolia* (Frangipani) on the western side, those shrubs in the rear yard, as well as the more established *Jacaranda mimosifolia* (Jacaranda) located centrally in the front setback, all so as to accommodate the works as shown.

MOTION: (Belleli/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D77/13 Development Application Report - 2-6 Goodwood Street, Kensington (DA/195/2012/B)

PL94/13

RESOLUTION: (Belleli/Andrews) that Council, as the consent authority, modify the development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/195/2012/B for 2-6 Goodwood Street, Kensington as follows:

Amend Condition No. 101 to read:

101 The applicant shall meet the full cost for the overhead power lines located along the Goodwood Street and Ascot Street site frontages to be bundled. The applicant shall liaise directly with the relevant service utility authorities to

organise for the cables to be bundled. All cables must be bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

MOTION: (Belleli/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D78/13 Development Application Report - 49- 59 Boronia Street,
Kensington (DA/673/2012/A)**

Note: Having previously declared an interest, Cr Bowen left the chamber and took no part in the debate or voting on this matter.

PL95/13

RESOLUTION: (Andrews/Stavrinos) –

A. That Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development consent No. DA/673/2012/A for including addition of roof top terraces, air conditioning units & planter beds to units 003 & 004, external alterations including alteration to approved terraces & decks, alter north & western fire stairs, alter roof parapets, extend blade walls, increase lift core, alter exterior walls resulting in alteration to internal floor space, internal alterations to basement and internal replanning of various units, at No. 49- 59 Boronia Street, Kensington, in the following manner:

▪ **Amend Condition 1 as follows:**

Approved Plans & Supporting Documentation

- 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:

<i>Plan</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA0.02	B	Fox Johnston	16 January 2013	17 January 2013
DA1.00				
DA1.01				
DA1.02				
DA1.03				
DA1.04				
DA1.05				
DA1.06				
DA2.01				
DA2.02				
DA2.03	C		5 February 2013	5 February 2013
DA2.04	B		16 January 2013	17 January 2013
DA2.05	A		5 February 2013	5 February 2013
DA2.06				
LAN-DA-01	D	360'	16 January 2013	17 January 2013
LAN-DA-02				
LAN-DA-03	C			
LAN-DA-04				
Sample Board: (49-59 Boronia Street, Kensington)		Fox Johnston	Not dated	18 October 2012

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
Multi Dwelling	451781M	17 October 2012

and as amended by the **Section 96 plans only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions:

<i>Plan</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA0.02	D	Fox Johnston	16 September 2013	23 September 2013
DA1.00				
DA1.01				
DA1.02				
DA1.03				
DA1.04				
DA1.05				
DA1.06				
DA1.07	B			
DA2.01	D			
DA2.02				
DA2.03	E			
DA2.04	D			
DA2.05				
DA2.06				
LAN-S96-01	B	360'	12 June 2013	2 July 2013
LAN-S96-02				
LAN-S96-03				
LAN-S96-04				

Non standard conditions

- **Add the following detail to condition 1**

- 1a) In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the **Construction Certificate** application for the application, as amended.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

- **Add the following detail to Condition No. 2**

- 2c) The south elevation balcony and pergola at second floor level, associated with apartment 038 and shown on Plan *DA04 Rev D*, shall be deleted. The balcony shall not exceed the approved trafficable footprint of DA/673/2012, as identified in red on the approved plans.

A fixed privacy screen of minimum 1600mm in height above finished floor level shall be provided to the south aspect.

Where louvres are being used for obscuring treatment, a minimum of 75% of the required obscured area shall remain obstructed at all times through spacing and fixing of the louvres.

- **Delete condition 48.**
Landscaping

~~Floor, Ground Floor, Rooftop, Plant Images & Schedule Plans by 360 Degrees Landscape Architects, dwg LAN-DAN-01 – 04, sheets 1-4, issue D, dated 16/01/13.~~

- **Amend Condition 69 as follows:**
69. Prior to issuing a Final (or any type of interim) Occupation Certificate, written certification from a qualified professional in the landscape/horticultural industry (must be a registered member of AILD or AILA) shall be submitted to, and be approved by, the PCA, confirming that landscaping at this site has been installed substantially in accordance with the Amended Landscape Plans by 360 Degrees, dwg LAN-S96-01 – 05, revision B, dated 12/06/13, and relevant conditions of consent, with the owner/s to implement strategies to ensure that it is maintained in a healthy and vigorous state until maturity.

AMENDMENT: (Neilson/Shurey) that the staff recommendation be adopted, subject to the removal the bathroom/toilet facilities proposed on the rooftop terraces.
LOST.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor D'Souza	Councillor Andrews
Councillor Garcia	Councillor Belleli
Councillor Matson	Councillor Moore
Councillor Neilson	Councillor Nash
Councillor Shurey	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
Total (5)	Total (8)

MOTION: (Andrews/Stavrinou) CARRIED UNANIMOUSLY – SEE RESOLUTION.

D79/13 Development Application Report - 49 - 59 Boronia Street, Kensington (DA/673/2012/C)

Note: Having previously declared an interest, Cr Bowen left the chamber and took no part in the debate or voting on this matter.

PL96/13

RESOLUTION: (Andrews/Stavrinou) that Council, as the consent authority, modify the development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, for Development Application No. DA/673/2012/C for 49-59 Boronia Street, Kensington in the following manner:

Amend Condition No. 72 to read:

- 72 The applicant shall meet the full cost for the overhead power lines located along the Boronia Street site frontage to be bundled. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be bundled. All cables must be bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

MOTION: (Andrews/Stavrinou) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 7.26pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 12 November 2013.

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CHAIRPERSON