

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, 10 JUNE 2014 AT 6:01PM

Present:

The Mayor, Councillor S Nash (West Ward)

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

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Director City Planning	Ms S Truuvert
Acting Director Governance & Financial Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Acting Communications Manager	Ms E Shanks

The meeting was adjourned at 6.01pm and was resumed at 6.03pm.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 13 MAY 2014

PL34/14

RESOLUTION: (Stavrinou/Andrews) that the Minutes of the Planning Committee Meeting held on Tuesday 13 May 2014 (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 non significant non pecuniary interest in Item D50/14 as some of the objectors are known to her.
- b) Cr Shurey declared a non significant non pecuniary interest in Item D50/14 as some of the objectors are known to her through the Precinct Committee system.
- c) Cr Matson declared a non significant non pecuniary interest in Item D50/14 as some of the objectors are known to him through the Precinct Committee system.
- d) Cr Bowen declared a non significant non pecuniary interest in Item D50/14 as some of the objectors are known to him.

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:

D50/14 3 CAIRO STREET, SOUTH COOGEE (DA/573/2013)

Objector Viven Ward

Applicant Michael Goldberg (representing the applicant/owners)

D52/14 19-21 LISTER AVENUE, LITTLE BAY (DA/840/2007/D)

Objector Susan Graham

D53/14 10A KYNASTON AVENUE, RANDWICK (DA/597/2013)

Objector Adam Liberman

Applicant Anthony Betros (representing the applicant)

Urgent Business

UB4/14 Cr Kathy Neilson – Award of Order of Australia Medal - former Mayor Paul Tracey

PL35/14 **RESOLUTION: (Neilson/Seng) that:**

- a) the Mayor write to former Mayor Paul Tracey to congratulate him on being awarded an OAM (Order of Australia Medal) in the 2014 Queen's Birthday Honours List and acknowledging Paul Tracey's contribution to local government, the Randwick City Council community, awareness of environmental issues in the local area and his contribution to fundraising for MS.
- b) Paul Tracey's award and contribution to local government be acknowledged in Council's eNews.

MOTION: (Neilson/Seng) CARRIED - SEE RESOLUTION.

Development Application Reports

D49/14 Development Application Report - 49 Earl Street, Randwick (DA/61/2014)

PL36/14 **RESOLUTION: (Andrews/Roberts)** 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. 61/2014 for demolition of existing carport, ground floor alterations and first floor addition to

existing dwelling, new rear gate and alterations to rear wall, landscaping and associated works, at No. 49 Earl Street, Randwick subject to the standard conditions contained in the development application compliance report attached to this report.

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

**D50/14 Development Application Report - 3 Cairo Street, South Coogee
(DA/573/2013)**

PL37/14

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, refuses consent to Development Application No. 573/2013 for demolition of existing structures, construction of part two (2), part three (3) storey dwelling with garage to front, swimming pool to the rear and associated works., at No. 3 Cairo Street, Coogee, pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, for the following reasons:

1. The proposal exceeds the maximum height standard of 9.5 metres specified in Clause 4.3 of Randwick Local Environmental Plan 2012. The applicant has not provided a valid request for exception pursuant to Clause 4.6, demonstrating the application of the standard is unreasonable or unnecessary in the circumstances;
2. The scheme proposes an excessive wall height that eventuates in unreasonable bulk and scale and fails meet the objectives for Building Height set out in Clause 3.2 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
3. The scheme proposes insufficient eastern side and rear setback that fails meet the objectives for Setbacks set out in Clause 3.3 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
4. The scheme proposes a built form that does not adequately respond to it's topographical and built form context and fails to meet the objectives and controls of Building Design set out in Clause 4.1 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
5. The scheme does not meet the view sharing requirements set out in Clause 5.6 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential
6. The scheme proposes extensive cladding in aluminum that fails to meet the objectives and controls of Colours, materials a finishes set out in Clause 4.5 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
7. The scheme proposes an unnecessary extent of backfilling along common boundaries that fails to meet the objectives and controls of earthworks set out in Clause 4.6 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
8. The scheme proposes an eastern elevation that will have direct view into adjoining bedrooms and that fails to meet the objectives and controls for visual privacy set out in Clause 5.3 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
9. The scheme proposes built form and finishing to the development that fails to meet the objectives and controls for the Foreshore Scenic Protection Area set out in Part B10 of the Randwick Development Control Plan 2013.

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

D51/14 Development Application Report - 10 Victory Street, Clovelly - DA/72/2013/A

PL38/14

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority refuses development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/72/2013/A to increase size of windows adjacent to front courtyard, relocation of front entry gate, increase width of garage door, alterations to front wall, extend upper terrace landscaping to boundary, new wire balustrade to lower terrace at No. 10 Victory Street, Coogee, for the following reasons:

1. The proposed modifications do not satisfy the zone objectives of the R2: Low Density Residential Zone of the Randwick Local Environmental Plan 2012 and is contrary to the following objective:
 - To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
2. The proposed modifications do not comply with the relevant objectives of Clause 5.10: Heritage Conservation of the Randwick Local Environmental Plan 2012 as the amendments will compromise the heritage significance of the sandstone retaining wall including the associated fabric and settings.
3. The deletion of the public staircase does not comply with the relevant aims of the Randwick Local Environmental Plan 2012, including:
 - (a) To foster a livable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres;
 - (d) To achieve a high standard of design in the private and public domain that enhances the quality of life of the community; and
 - (e) To promote sustainable transport, public transport use, walking and cycling
4. The deletion of the public staircase is not in the public interest as it will reduce accessibility of the public domain and may set as undesirable precedent.

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

D52/14 Development Application Report - 19-21 Lister Avenue, Little Bay (DA/840/2007/D)

PL39/14

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, refuses development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/840/2007/D for Section 96 modification to the approved development by reconstruction of part of fence on southern boundary and removal of part of fence on southern boundary at 19-21 Lister Avenue, Little Bay for the following reasons:

1. The proposed boundary fence would not be consistent with the relevant aims of Clause 5.10 of the RLEP 2012 in that the fence detracts from the primary architectural features of the residential flat building on the site; and is considered to have a significant impact on the principal heritage values of the nearby (primary) heritage item and on the Heritage Conservation Area generally.
2. The proposed boundary fence would not be consistent with the relevant aims of Clause 6.7 of the RLEP 2012 in that the proposed boundary fence has not been

designed sympathetically to the existing or desired streetscape for Pavilion Drive and that the fence detracts from the scenic quality of the coastal foreshore.

3. The proposed boundary fence does not comply with the relevant objectives and planning controls under Part E4, Section 4.16 of the Randwick Comprehensive Development Control Plan 2013 relating to fences. The proposed fence would not contribute positively to the public domain and would detract from the appearance of the associated residential flat building.
4. The proposed fence is not considered to be suitable development for the subject site as assessed under Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 (as amended); in that the fence would detract from the primary heritage values of the site and would not integrate successfully with the subject residential flat building.
5. The development does not demonstrate a satisfactory level of design quality in accordance with the principles of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
6. The proposal is not consistent with the Prince Henry Design Principles

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

D53/14 Development Application Report - 10A Kynaston Avenue, Randwick (DA/597/2013)

PL40/14

RESOLUTION: (Smith/Bowen) that the application be deferred to allow for the submission of amended plans that address the objectives in the DCP in relation to wall height, landscaping, setbacks and car parking.

MOTION: (Neilson/Shurey) –

- A. That Council does not support the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to height of buildings, on the grounds that the proposed development does not comply with the objectives of the above clauses, and will adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/597/2013 for demolition of an existing dwelling and erection of a residential flat building at No. 10A Kynaston Avenue Randwick, for the following reasons:
 1. the proposal is not an appropriately designed building in the context of the site.
 2. inadequate setbacks.
 3. inadequate landscaped areas.
 2. the proposal interferes with the purpose of the adjoining reserve (which is for public recreation).
 3. the proposal does not comply with the height requirements of the Randwick LEP 2012.
 4. insufficient car parking provisions. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Belleli
Councillor Shurey	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (3)	Total (12)

MOTION: (Smith/Bowen) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Roberts
Councillor D'Souza	Councillor Stavrinou
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (12)	Total (3)

D54/14 Development Application Report - 3 Kyogle Street, Maroubra (DA/703/2013/A)

PL41/14

RESOLUTION: (Andrews/Roberts) 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/703/2013 for a dormer to the front roof plane and adding one window to the first floor northern elevation, at No. 3 Kyogle Street, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Amend Condition No. 1 to read:

- The development must be implemented substantially in accordance with the following plan and documentation:

Plan	Drawn by	Dated	Received by Council
DA-01-C Rev C	Chris Elliot Architects	24-01-14	29 January 2013

BASIX Certificate No.	Dated	Received by Council
A168475_03	5 February 2014	5 February 2014

as amended by the following Section 96 plan and documentation:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA-01-D Rev C	Chris Elliot Architects	09-04-14	9 April 2014

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A168475_04	8 April 2014	9 April 2014

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 and as may be shown in red on the attached plans:

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

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 6.49pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 8 July 2014.

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CHAIRPERSON