

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, 11 AUGUST 2015 AT 6:04PM

Present:

The Mayor, Councillor T Seng (Central Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli, N D'Souza & P Garcia (from 6.15pm)
East Ward	- Councillors T Bowen, M Matson & B Roberts (from 6.16pm)
West Ward	-Councillors G Moore (Chairperson) & S Nash (Deputy Chairperson)
Central Ward	-Councillors A Andrews (from 6.14pm) & G Stevenson

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director Governance & Financial Services	Mr J Smith
Manager Development Assessment	Mr K Kyriacou
Manager Administrative Services	Mr D Kelly

Apologies/Granting of Leave of Absences

An apology was received from Cr Stavrinou.

RESOLVED: (Seng/Andrews) that the apology received from Cr Stavrinou 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 14 JULY 2015

PL68/15

RESOLUTION: (Matson/Shurey) that the Minutes of the Planning Committee Meeting held on Tuesday 14 July 2015 (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 Shurey declared a significant non pecuniary interest in Item D56/15 as the owner is a close friend of hers. Cr Shurey will be taking no part in the debate or voting on this matter.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item D61/15 as she knows the objector speaking on the matter.
- c) Cr Bowen declared a non-significant non pecuniary interest in Item D61/15 as he knows one of the objectors.

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:

D60/15 61 RAGLAN STREET, MALABAR (DA/1/2015)

Objector Sue Chan

Applicant Peter Truscott

D59/15 9 BRODIE AVENUE, LITTLE BAY (DA/377/2015)

Applicant Daniel Moore

D57/15 5 INMAN STREET, MAROUBRA (DA/556/2014/B)

Objector Emil Dan

Applicant Michael Newstein on behalf of applicant.

D61/15 97 CARRINGTON ROAD, COOGEE (DA/234/2014/A)

Objector Zoe Reynolds

Applicant Anthony Betros on behalf of applicant.

Note: The Chairman acknowledged the excellent work done by Council and staff over the past decade which has resulted in Council achieving the highest level of urban design outcomes and improved planning controls. This hard work was acknowledged at the recent Randwick Architecture & Urban Design Awards which was attended by the highest level of industry representatives, including the NSW Minister for Planning and the Senior Commissioner of the Land & Environment Court.

The meeting was adjourned at 6.45pm and was resumed at 6.57pm.

Urgent Business

Nil.

Development Application Reports

**D56/15 Development Application Report - 24-26 McKeon Street, Maroubra
(DA/914/1998/B) (DA/914/1998/B)**

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

PL69/15 **RESOLUTION: (Smith/Andrews)**

A. That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Condition 2 of Development Consent No DA/98/00914/GN for permission to extend the hours of operation of the restaurant to 7:00am – 10:00pm on Mondays to Saturdays and 7:00am – 9:00pm on Sundays and delete Condition No. 21 in the following maner:

- **Amend Condition No. 1 to read:**

Approved Plans & Supporting Documentation

1. The development shall be implemented substantially in accordance with the details set out on the plans (numbered 914/98 and dated 9 October 1998), and on the application form and on any supporting information received with the application, except as amended by the **Section 96 'B' plans and documentation listed below**, and as may be amended by the following conditions and as may be shown in red on the attached plans:

<i>Document</i>	<i>Author</i>	<i>Dated</i>	<i>Received by Council</i>
Statement of Environmental Effects	Hannah More	11 March, 2015	
Building Consultant Report	Tony Masters Design	23 March, 2015	

- **Amend Condition No. 2 to read:**
2. Hours of operation shall be limited to 7:00am to 10:00pm, Mondays to Saturdays; and 7:00am to 9:00pm on Sundays.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

- **Delete Condition No. 21:**

~~Access and sanitary facilities for persons with disabilities being provided to the shop in accordance with Parts D3 and F2 of the Building Code of Australia and Council's code for access for persons with disabilities. Details of compliance is required to be provided in the relevant plans and specifications for the construction certification for the development."~~

- **Add to the following advisory notes:**

GENERAL ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This

information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

A1 The existing conditions of Development Consent are required to be complied with (except as amended in this determination).

A2 It is an offence under the provisions of the *Environmental Planning & Assessment Act 1979* to carry out any development (including modifications or variations to an approved development) without the prior consent of Council.

Council may issue a notice and order in relation to any unauthorised variations and Council may also issue a Penalty Infringement Notice or commence legal proceedings for the offence. These regulatory matters are determined by Council's Health, Building & Regulatory Services department, separately to the determination of this application.

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

**D57/15 Development Application Report - 5 Inman Street, Maroubra
(DA/556/2014/B) (DA/556/2014/B)**

PL70/15

RESOLUTION: (Neilson/D'Souza) that Council, as the consent authority, refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No 556/2014/B for deletion of condition 2b, at No. 5 Inman Street, for the following reasons:

1. The proposed development is not consistent with the objective of the R2 Low Density Residential Zone under the Randwick Local Environmental Plan 2012 in that the proposal will not protect the amenity of residents.
2. The proposed development does not satisfy the objective under Section 4.4 Roof Design and Features of Part C1 Low Density Residential in the Randwick Comprehensive Development Control Plan 2013 in that it does not ensure trafficable roof space maintains satisfactory privacy relationship with the neighbouring dwellings.
3. The proposed development does not satisfy the objective under Section 5.3 Visual Privacy of Part C1 Low Density Residential in the Randwick Comprehensive Development Control Plan 2012 in that the proposed size and location of the terrace is in close proximity to the neighbours habitable rooms and privacy measures are not able to be implemented without resulting in significant adverse impacts on the amenity of neighbouring properties in relation to view sharing and without dominating and potential impact upon the character of the streetscape along Inman Street.

MOTION: (Neilson/D'Souza) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Nash
Councillor Bellei	Councillor Roberts
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	

Councillor Seng
 Councillor Shurey
 Councillor Smith
 Councillor Stevenson
Total (12)

Total (2)

AMENDMENT: (Andrews/Nash) that the application be deferred to allow the parties to enter into mediation to discuss a reduction in the size of the terrace. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stevenson
Total (3)	Total (11)

**D58/15 Development Application Report - 1179 Anzac Parade, Matraville
 (DA/994/2011/C) (DA/994/2011/C)**

PL71/15

RESOLUTION: (Andrews/Roberts)

That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/994/2011/C for new rear stairs, increasing the size of the ensuites and new rear first floor balconies with privacy screens at No. 1179 Anzac Parade, Matraville, subject to the following standard conditions and the standard conditions contained in the development application compliance report attached to this report:

• **Amend Condition No. 1**

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	Rev.	Drawn by	Stamped
DA01	F	Teknicon Design	22 May 2012
DA02	F	Teknicon Design	22 May 2012
DA03	F	Teknicon Design	22 May 2012
DA04	F	Teknicon Design	22 May 2012
DA05		Teknicon Design	22 May 2012

BASIX Certificate	No.	Dated
1179 Anzac Parade Matraville	407165M	05 December 2011

Except as amended by the **Section 96 'C' plans and supporting documentation listed below:**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DA01 (issue A)	Teknicon Design	18/05/2015
DA02 (issue A)	Teknicon Design	18/05/2015
DA03 (issue A)	Teknicon Design	18/05/2015
DA04 (issue A)	Teknicon Design	18/05/2015
DA05 (issue A)	Teknicon Design	18/05/2015

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
	407165M_04	29/05/2015

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:

- **Add Condition No. 2(b) to read:**

2(b) The privacy screens to the northern and southern edges of the rear terrace at first floor level are to be provided with a 1.5m return, measured from the north-western and south-western corners of the rear first floor terrace.

- **Add Condition No. 2(c) to read:**

2(c) The landing and associated stairs to the rear of the northern dwelling at ground floor level shall be reconfigured so that the stairs face west. A privacy screen measuring 1.6m above the landing level is to be provided to the northern edge of the rear landing at ground floor level. The total area of any openings within the privacy screen must not exceeding 25% of the area of the screen

- **Add Condition No. 2(d) to read:**

2(d) A privacy screen measuring 1.6m above the landing level shall be provided to the southern edge of the landing to the rear of the southern dwelling at ground floor level. The total area of any openings within the privacy screen must not exceeding 25% of the area of the screen

- **Add Condition 2(e) to read:**

2(e) The proposed external landing entry, associated stairs and privacy screen structures to both dwellings are to be deleted from the S96 C plans. The entry design must revert back to the original approval under DA/994/2011.

- **Delete Condition No. 3**

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

**D59/15 Development Application Report - 9 Brodie Avenue, Little Bay
(DA/377/2015) (DA/377/2015)**

PL72/15

RESOLUTION: (Mayor, Cr T Seng/Andrews) that the application be deferred for the applicant to submit amended plans lowering the wall height and to allow for the relevant local community association to be informed of the Council's request for amended plans.

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

**D60/15 Development Application Report - 61 Raglan Street, Malabar
(DA/1/2015) (DA/1/2015)**

PL73/15

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. 1/2015 for construction of a new 3 storey dwelling house including a semi-basement garage, attic storage area and boundary fence at No. 61 Raglan Street, Malabar, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non-standard conditions**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The south east facing first floor balcony (and doorway) shall be deleted from the development as the balcony will afford a direct view into the rear yards of neighbouring properties. Details showing compliance with this condition shall be included in the Construction Certificate plans.
 - b. The steep roof form over the dining room returning to the rear upper level balcony shall be amended into either a flat roof or alternatively a less pronounced hipped roof returning to the rear elevation of the balcony so that at its peak it has a height no higher than RL20.63. The adjacent rear upper level balcony shall also be reduced in size so that it has maximum dimensions of 4m in length measured equidistant across the rumpus room doorway and a maximum depth of 2m from the south eastern elevation of the rumpus room. A 1.6m high privacy screen shall be installed along the south eastern side of the balcony in order to restrict sightlines into the rear yard of the neighbouring property at No. 58A Victoria Street. Details showing compliance with this condition shall be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the development
 - c. The air conditioning equipment must be located at ground level and away from the neighbouring properties habitable room windows, and comply with the operational conditions of this consent.
 - d. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
 - e. The rainwater tank must be located away from habitable room windows of the neighbouring properties, any pump or associated equipment must be located within a sound absorbing enclosure and comply with the operational conditions of this consent.
 - f. No consent is granted for fencing to the side or rear boundaries. Any new fencing shall be subject to a separate development application unless the side and rear boundary fence design meets the exempt and complying development criteria specified under the SEPP Exempt and Complying Codes 2008.
 - g. The fence on the street alignments is to be a maximum height of 1.8m (150mm allowance for drop downs) and be designed so that the upper two thirds of the fence (excluding any piers or posts) is at least 30% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. The driveway gate shall also be

designed to be at least 30% open. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

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

**D61/15 Development Application Report - 97 Carrington Road, Coogee
(DA/234/2014/A) (DA/234/2014/A)**

PL74/15

RESOLUTION: (Matson/Neilson)

That Council as the consent authority grant its consent under Section 96 of the *Environmental Planning and Assessment Act 1979* as amended to modify Development Consent No DA/234/2014/A by increasing the building height by up to 700mm, internal modifications, new car lift over run, changes to external finishes and relocation of OSD tanks at 97 Carrington Road, Coogee. Original consent: Demolition of the existing structures and construction of a part 3/part 4 residential flat building containing 11 units with 2 levels of basement car parking for 18 vehicles, landscaping and associated works at 97 Carrington Road, Coogee in the following manner:

- **Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans:

<i>Plan</i>	<i>Drawn by</i>	<i>Received Council</i>	<i>by</i>
A 2001 Roof	Alex Phegan Pty Ltd	29/04/2015	
A 2002 Level 02	Alex Phegan Pty Ltd	29/04/2015	
A 2003 Level 01	Alex Phegan Pty Ltd	29/04/2015	
A 2004 Ground	Alex Phegan Pty Ltd	29/04/2015	
A 2005 Ground 01	Alex Phegan Pty Ltd	29/04/2015	
A 2006 Ground 02	Alex Phegan Pty Ltd	29/04/2015	
A 2007 Ground 03	Alex Phegan Pty Ltd	29/04/2015	
A 3001 Elevation West + East	Alex Phegan Pty Ltd	29/04/2015	
A 3003 Elevation North + South	Alex Phegan Pty Ltd	29/04/2015	
A 3101 Section 01	Alex Phegan Pty Ltd	29/04/2015	
A 3102 Section 02	Alex Phegan Pty Ltd	29/04/2015	
A 3103 Section 03	Alex Phegan Pty Ltd	29/04/2015	
A 3104 Section 04	Alex Phegan Pty Ltd	29/04/2015	

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 by the following:

- **Amend Condition No. 2 to include:**

- 2(e) The proposed rooftop terrace to unit 2 must be deleted from the plans and is not approved
- 2(f) The proposed enclosure of the fire stairs must be deleted from the plans and is not approved.

MOTION: (Andrews/Roberts) that the Section 96 application be granted with the deletion of condition 2(f) to allow the enclosure of the fire stairs. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Roberts	Councillor Bowen

Councillor D'Souza
Councillor Garcia
Councillor Matson
Councillor Moore
Councillor Nash
Councillor Neilson
Councillor Seng
Councillor Shurey
Councillor Smith
Councillor Stevenson

Total (2)

Total (12)

MOTION: (Matson/Neilson) CARRIED UNANIMOUSLY – SEE RESOLUTION.

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 7.37pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 8 September 2015.

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CHAIRPERSON