

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 NOVEMBER 2015 AT 6:05PM

Present:

The Mayor, Councillor N D'Souza (South Ward)

- | | |
|--------------|--|
| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillors R Belleli & P Garcia |
| East Ward | - Councillors T Bowen, M Matson & B Roberts (Deputy Chairperson) |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou (Chairperson) |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson (from 7.33pm) |

Officers Present:

| | |
|--|-----------------|
| General Manager | Mr R Brownlee |
| Director City Services | Mr J Frangoules |
| Director City Planning | Ms S Truvert |
| Director Governance & Financial Services | Mr J Smith |
| Manager Development Assessment | Mr K Kyriacou |
| Manager Administrative Services | Mr D Kelly |
| Communications Manager | Mr J Hay |

The meeting was adjourned at 6.07pm and was resumed at 6.09pm.

Apologies/Granting of Leave of Absences

An apology was received from Cr Matson.

RESOLVED: (Neilson/Smith) that the apology received from Cr Matson 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 8 SEPTEMBER 2015

PL90/15

RESOLUTION: (Shurey/Neilson) that the Minutes of the Planning Committee Meeting held on Tuesday 8 September 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 Belleli declared a significant pecuniary interest in Items D76/15 and D77/15 as his wife has sent information concerning her business to one of these Child Care Centres. Cr Belleli will not be taking part in the debate or voting on this matter.
- b) Cr Bowen declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he did not attend.
- c) Cr Seng declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he attended.
- d) Cr Shurey declared a non significant non pecuniary interest in Item D79/15 as she received an invitation recently to an event at these premises, which she did not attend.
- e) The Mayor, Cr D'Souza declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he attended.
- f) The Mayor, Cr D'Souza declared a significant pecuniary interest in item D74/15 as he has a property in this particular street. The Mayor will not be taking part in the debate or voting on this matter.
- g) Cr Andrews declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he attended.
- h) Cr Neilson declared a non significant non pecuniary interest in Item D79/15 as she received an invitation recently to an event at these premises, which she did not attend. Cr Neilson also knows some people who made submissions on this matter.
- i) Cr Neilson declared a non significant non pecuniary interest in item M9/15 as she knows some people who made submissions on this matter.
- j) Cr Smith declared a significant pecuniary interest in Item D79/15 as his employer is part of the liquor industry. Cr Smith will not be taking part in any debate or voting on this matter. Cr Smith also declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he did not attend.
- k) Cr Belleli declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he did not attend.
- l) Cr Stavrinou declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he did not attend.
- m) Cr Moore declared a non significant non pecuniary interest in Item D79/15 as he received an invitation recently to an event at these premises, which he did not attend.
- n) Cr Belleli declared a non significant non pecuniary interest in Item D74/15 as his mother in law knows the father of the owner of this property.
- o) Cr Moore declared a non significant non pecuniary interest in Item M9/15 as he knows the speaker on the matter.

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:

D74/15 7 CLOSE STREET, SOUTH COOGEE (DA/463/2013/A)

Objector Emma Gerasimatos

Applicant Carl Rust

D75/15 41 CUZCO STREET, SOUTH COOGEE (DA/237/2015)

Applicant Larissa Ozog on behalf of applicant

D79/15 169-181 DOLPHIN STREET, COOGEE (DA/238/1998/C)

Objector Wendy Freeman on behalf of Coogee Precinct

Applicant Antony Jones on behalf of applicant

M9/15 RANDWICK LIGHT RAIL ALIGNMENT WORKING GROUP

Against Ingrid Maganov

The meeting was adjourned at 6.49pm and was resumed at 7.05pm.

Urgent Business

Nil.

Development Application Reports**D73/15 Development Application Report - 3 Adams Avenue, Malabar
(DA/361/2015)****PL91/15 RESOLUTION: (Andrews/Smith) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 and 4.4 of Randwick Local Environmental Plan 2012, relating to the Height and FSR standards respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. 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. 361/2015 for the construction of a new garage with studio unit above fronting Rubie Lane, new rear balconies to first and second floor units, and new metal awning over the existing rooftop terrace and changes to strata plan at No.3 Adams Avenue, Malabar, subject to the following non standard conditions and the standard conditions contained in the development application compliance report:

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

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

- The western balustrade to levels 1 and 2 shall consist of obscure glazing.
- Highlight windows (W4 and W5) on the southern elevation of the above garage studio must be operable to allow ventilation.

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

**D74/15 Development Application Report - 7 Close Street, South Coogee
(DA/463/2013/A)**

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

PL92/15

RESOLUTION: (Andrews/Garcia) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 463/2013 for Section 96 modification seeking to adjust crossover, location of tree in front yard, delete rear pergola, reduce size of pool, relocate bin store, changes to windows, new stairs along northern side and internal configuration, at No. 7 Close Street, South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report:

Amend condition 1 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 | Received by Council |
|--------------------------|---------------------------|--------------|----------------------------|
| 1306/DA01 - 1306/DA25 | Anderson Architectures | Nov. 2013 | 8 November 2013 |

| BASIX Certificate No. | Dated | Received by Council |
|------------------------------|--------------|----------------------------|
| 482663S | 20 July 2013 | 20 July 2013 |

as amended by the following Section 96 plans and documentation:

| Plan | Drawn by | Dated | Received by Council |
|----------------|-----------------|--------------|----------------------------|
| S-96/101 Rev A | | 30/07/2015 | 30 July 2015 |
| S-96/202 Rev A | | 17/07/2015 | 14 July 2015 |
| S-96/204 Rev B | | 30/07/2015 | 30 July 2015 |
| S-96/206 Rev A | | 17/07/2015 | 14 July 2015 |
| S-96/301 Rev A | | 17/07/2015 | 14 July 2015 |
| S-96/401 Rev A | | 17/07/2015 | 14 July 2015 |
| S-96/402 Rev A | | 17/07/2015 | 14 July 2015 |
| S-96/403 Rev A | | 17/07/2015 | 14 July 2015 |
| S-96/404 Rev A | | 17/07/2015 | 14 July 2015 |

| BASIX Certificate No. | Dated | Received by Council |
|------------------------------|--------------|----------------------------|
| 646548S | 14 July 2015 | 14 July 2015 |

**Amend condition 1 "Amendment of Plans & Documentation" to read:
Amendment of Plans & Documentation**

1. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The bottom sash of the louvre window (W2.07) on the ground floor, along the southern elevation off the WC is to have opaque glazing up to a

minimum height of 1.6m above internal floor level..

- b. The louvres along the sides of the ground floor rear deck are to be fixed and designed as follows:
- Northern side: fixed louvres (configured in a north easterly direction) shall be installed for a length of 2.0m running from the end of the stair landing in an easterly direction. The height of these louvres shall be full length to the underside of the first floor level balcony. The remaining louvres may be reduced in height to a minimum of 1.8m above the ground level deck level.
 - Southern side: fixed louvres (configured in a north easterly direction) shall be installed for a length of 3.3m from the rear ground level elevation in an easterly direction. The height of these louvres shall be full length to the underside of the first floor level balcony. The remaining louvres may be reduced in height to a minimum of 1.8m above the ground level deck level.

Details showing compliance with this condition shall be submitted to Council's Manager of Development Assessment for approval prior to an Amended Construction certificate being issued for this part of the development.

- c. The screen planting along the northern boundary setback shall contain species that at full maturity only reach 3 metres in height.
- d. The tree within the front yard shall be of a species that at full maturity, only reaches 3 metres in height. Tree species selected shall be relatively narrow in canopy width in order to retain views from the rear of 2 Palmer Street.
- e. The proposed bin store area adjacent to the must be deleted from the application and replaced with garden bed at around natural ground level (approx. RL26.88). The condition has been included as the increased ground level in close proximity to the neighbours habitable room windows will likely result in odour nuisance. In addition, a bin enclosure along this side of the site will result in an excessively high fence along the northern side neighbours front yard.

The bin store area may either be retained in its approved location along the southern side alcove, within the garage or along the southern side of the dwelling over natural ground level. The southern side of the site is considered reasonable location as ground levels along this side generally follow the existing topography and the approved boundary fence provides a reasonable visual buffer.

Amend condition 12 to read:

Design Alignment levels

12. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:

- Driveway Entrance Northern Edge RL **27.65** AHD
- Driveway Entrance Southern Edge RL **27.85** AHD
- Pedestrian Entrance RL 28.13 AHD (approx.)

The design alignment levels at the property boundary as issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly

adhered to.

The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$610.00 calculated at \$50.00 (inclusive of GST) per metre of site frontage. This amount is to be *paid prior to a construction certificate being issued for the development.*

Delete condition 13

Add the condition 59:

59. Tree management

Permission is granted for the applicant/owner to remove the small Council Street Tree located within the construction zone of the new Council vehicular crossing, the removal is at the applicants'/owners expense.

- The applicant shall submit a total payment of \$107.25 to Council,
- Being the cost for Council to supply and install 1 x 25 litre replacement street tree at the completion of all works (\$97.50) + GST

The contribution shall be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre, prior to a Construction Certificate being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks' notice to arrange for removal of the street tree prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement street tree.

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

D75/15 Development Application Report - 41 Cuzco Street, South Coogee (DA/237/2015)

PL93/15

RESOLUTION: (Andrews/Garcia) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 and 4.4 of Randwick Local Environmental Plan 2012, relating to Floor space ratio and Height respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. 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. 237/2015 for Alterations and new upper level addition to the existing dwelling house, at No. 41 Cuzco Street, South Coogee subject to the standard conditions contained in the development application compliance report.

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

D76/15 Development Application Report - 36 Burke Street, Chifley (DA/130/2012/C)

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

PL94/15

RESOLUTION: (Andrews/Shurey) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/130/2012/C by increasing the hours of operation of the child care centre from 8:30am-5:00pm to 7:00am-6:00pm on Monday to Friday at No. 36 Burke Street, Chifley, subject to the following conditions:

- **Amend Condition No. 37 to read:
Hours of operation**

37. The hours of the operation of the business are restricted to:

Monday through to Friday, inclusive from: 7:00am to 6:00pm.

Add the following Condition:

49. An amended plan of management shall be prepared and incorporate relevant operational conditions of the RSA Acoustic report no: 150371R1 dated 22 September 2015 titled: "Noise Impact Assessment Proposed Extension Of Hours Child Care Centre 36 Burke Street Chifley". The plan shall include but not be limited to all operational recommendations including use of mechanical plant and be reviewed by the acoustic consultant as complying with recommended measures. The plan shall be submitted for approval to Council prior to commencement of use.

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

**D77/15 Development Application Report - 91 Paine Street, Maroubra
(DA/1/2008/A)**

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

PL95/15

RESOLUTION: (Andrews/Shurey) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/1/2008/A by increasing the hours of operation of the child care centre from 8:30am-5:00pm to 7:00am-6:00pm on Monday to Friday at No. 91 Paine Street, Maroubra, subject to the following conditions:

- **Amend Condition 7 to read:**

7. The hours of the operation of the business are restricted to:

Monday – Friday: 7:00am – 6:00pm

- **Add the following Condition:**

47. An amended plan of management shall be prepared and incorporate relevant operational conditions of the RSA Acoustic report no: 150370R1 dated 22 September 2015 titled: "Noise Impact Assessment Proposed Extension Of Hours Child Care Centre 91 Paine Street Maroubra". The plan shall include but not be limited to all operational recommendations including use of mechanical plant and be reviewed by the acoustic consultant as complying with recommended measures. The plan shall be submitted for approval to Council prior to commencement of use.

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

D78/15 Development Application Report - 1094-1118 Anzac Parade, Maroubra (DA/583/2015)

PL96/15

RESOLUTION: (Andrews/Smith) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3 of Randwick Local Environmental Plan 2012, relating to Height of Buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. 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/583/2015 for Removal of the existing roof parapet, construction of new metal roof structure and installation of photovoltaic panels on rooftop, at No. 1094-1118 Anzac Parade, Maroubra, subject to the following non-standard conditions and the standard conditions contained in the development application compliance report:

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

2. The approved plans and documents must be amended in accordance with the following requirements:
- a) Prior to the issue of a construction certificate, a BASIX certificate must be submitted and approved by Council to reflect the approved plans.
 - b) Prior to the issue of a construction certificate, a cost summary report contained within Council's DA checklist must be submitted and approved by Council to reflect a cost of works of \$300,000.
 - c) The solar panels must not exceed the reduced level of RL42.45 of the southern block and RL41.93 of the northern block.

MOTION: (Andrews/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.**D79/15 Development Application Report - 169-181 Dolphin Street, Coogee (DA/238/1998/C)**

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

PL97/15

RESOLUTION: (Andrews/Roberts) -

- A. That Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/238/1998/C to modify the approved development by increasing the number of patrons in the outdoor area from 35 to 48 and inclusion of fixed chairs, tables and umbrellas on the Council footpath at No 169-181 Dolphin Street, COOGEE, subject to the following conditions:

Approved Plans & Supporting Documentation

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:

| Drawing | Issue | By | Dated | Received by Council |
|---|-------|---------------|------------|---------------------|
| Proposed table TA.01 & Umbrella Fixing detail DA X01 | A | Akin Creative | 01.09.2015 | 7 September 2015 |
| Proposed Furniture Plan – Outdoor Seating DA D01 | B | | 01.09.2015 | 7 September 2015 |
| Drawing register & Location plan DA A00 | B | | 01.09.2015 | 7 September 2015 |

only in so far as they relate to the modifications highlighted on 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:

• **Amend Condition Nos. 8, 17, 19, 26 and 28 to read:**

8. The premises must not be used for the sale, supply or consumption of alcohol unless a Liquor Licence (issued under the *Liquor Act 2007*) has been obtained beforehand.

The footway dining/trading area must not be used solely for the consumption of alcohol. Alcohol may only be served or consumed in this area if it is in conjunction with and ancillary to the service of a meal (as defined in the *Liquor Act 2007*), to the satisfaction of Council.

17. The increase to the patron numbers (48) and the operating hours must be restricted to the following and both are subject to a review period in accordance with Section 80A (10B) of the Environmental Planning & Assessment Act 1979 and Division 14 of the Environmental & Assessment Regulation 2000:

Outdoor dining/footway

- Friday to Saturday 7.00am - 11.00pm
- Sunday to Thursday 7.00am - 10.00pm

The number of patrons, fixed furniture and the operating hours including tables, chairs and umbrellas will be reviewed by Council within 12 months of the date of commencement of the hours of operation. The operator of the premises must advise Council in writing of the date of commencement of the hours of operation. Appropriate supporting evidence (including but not limited to, an acoustic report) may be required at the end of the review period to demonstrate compliance with all conditions of this consent as part to the review.

19. The licensee shall keep a policy of public risk insurance with respect to the tables, chairs and umbrellas/shade structures. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event. The public risk insurance must cover any liabilities outside the designated hours of operation stipulated within the license agreement.

NOTES:

- a. *The policy shall extend to cover death or injury to any person and*

damage to property of any person sustained by the shade structures or when such person is using or entering the licensed area.

- b. The policy must name the Council as the owner and the licensee as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
- c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the licensee to the Council.*

26. The dimensions of the outdoor trading/dining area must be consistent with the development consent and all items of furniture must be located within the designated approved area at all times. The total number of patrons must not exceed 48 persons at any time.
28. (a) The operator of the Hotel premises shall comply with the Plan of Management titled "Merivale Coogee Pavilion Plan of Management – Version No: 0.26, Issued: 24 August 2015 ("Pavilion POM") at all times.
- (b) The Pavilion POM referred to at 25 (a) may be amended from time to time ONLY with the prior written approval of Randwick City Council's Manager, Health Building & Regulatory Services and the Eastern Beaches Local Area Command Licensing Police.

Add Condition nos. 31, 32, 33

31. The tables, chairs and umbrellas must be removed by the applicant if:
- Any public utility authority requires the tables, chairs and umbrella structures to be removed to facilitate access for maintenance/upgrade of services within the license area;
 - The duration of the license agreement expires and a new license is not entered into; or
 - The licensee fails to comply with the terms of the license agreement and/or Council determines that the umbrellas are posing as a safety hazard.
32. All works within the footpath dining area shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of the works.
33. All material and equipment must be stored within the existing licensed area at all times during the construction works.
34. The licensee (of the subject footpath dining area) shall clean, maintain, renew and repair the tables, chairs and umbrella structures located within the road reserve, with all works being undertaken to the satisfaction of Council.
35. The L_{10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 11pm at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 11pm and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

- Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 11.00pm and 7.00am.
36. No amplified music, entertainment, or any other ancillary activity is permitted in the outdoor area.
 37. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
 39. There are to be no emissions or discharges from the premises, which result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
 40. Preparation, display and/or storage of food is not permitted within the footway dining area.
 41. The footway dining area is to be maintained free of grease, food items and associated litter at all times.
 42. The applicant must submit to Council for approval, and have approved, a detailed specification for the connection of the proposed outdoor dining furniture to the existing pavement in Dolphin Street. The detail shall include all structural elements (such as pad footings below the pavers, bolts etc.) for ensuring the furniture maintains its location and structural integrity during and outside of the approved licence hours. Design certification for all structural elements, from a suitably qualified engineer/s, must accompany the specification. The existing paving pattern and paving materials must not be substantially altered as a result of the installation of the proposed outdoor dining furniture.
 43. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
 44. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to Council prior to the commencement of any installation works. The applicant must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.
 45. A detailed design and performance specification must be provided to Council for the proposed outdoor dining furniture. The specification must demonstrate that the nominated furniture is fit for its intended purpose given the location and expected usage / loadings. The furniture selection must be approved by Council prior to its installation.
 46. The applicant must meet the full cost for all works associated with installation of the proposed outdoor dining furniture. All works shall be undertaken by a Council approved contractor and in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".
 47. The applicant must meet the full cost for Council to remove the furniture and reinstate the area to Council's satisfaction should the licence agreement be terminated. Similarly, the applicant must meet the full cost for Council to

remove the furniture should removal be required to accommodate service authorities or emergency vehicle access.

- **Delete Condition Nos. 24 and 29**

MOTION: (Andrews/Roberts) 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 Belleli |
| Councillor D'Souza | Councillor Bowen |
| Councillor Garcia | Councillor Neilson |
| Councillor Moore | Councillor Shurey |
| Councillor Nash | |
| Councillor Roberts | |
| Councillor Seng | |
| Councillor Stavrinou | |
| Total (8) | Total (4) |

Miscellaneous Reports

M8/15 Miscellaneous Report - Planning Proposal - 270 Malabar Road, Maroubra (RZ/3/2015)

PL98/15

RESOLUTION: (Andrews/Smith) that:

- Council endorse the Planning Proposal (attachment 1) which proposes to amend the *Randwick Local Environmental Plan 2012* to include 'childcare centre' as an additional permitted use for 270 Malabar Road, Maroubra (Cnr Lot 3821, DP 752015);
- the Planning Proposal (attachment 1) be forwarded to the Minister for Planning requesting Gateway Determination and endorsement for exhibition in accordance with s.56 of the *Environmental Planning and Assessment Act 1979*;
- Council seek to exercise the delegation of the Minister for Planning's functions under s59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan; and
- Council endorse a review of SP2 Infrastructure zoned land to address anomalies and any relevant issues and that the subject review be included in the Strategic Planning Operational Plan for the 2016-2017 period.

MOTION: (Andrews/Smith) CARRIED - SEE RESOLUTION.

M9/15 Miscellaneous Report - Randwick Light Rail Alignment Working Group (F2014/00380)

PL99/15

RESOLUTION: (Shurey/Neilson) that Council rejects the intended removal of trees and bike path facilities along the north side of Alison Road that results from the approved modification to the CBD to South East Light Rail consent as both unacceptable and unjustified and;

- notes that the tree removals are likely to occur in January and will arouse great and justifiable anguish in the eastern suburbs community;

- b) notes its disappointment that the issue of this consent modification was not flagged with Council until after the signing of the CSELR development agreement;
- c) will seek urgent legal advice on whether Council now has grounds to challenge the consent modification;
- d) calls on the Australian Turf Club to support a revocation of the consent modification so as to enable the light rail lines to be returned back to the south side of Alison Road bordering the racecourse as was the design at the time of the signing of the Development Agreement with Council ;
- e) authorises the spending of \$10,000.00 on street signage along Alison Road calling for the saving of the trees by the relocation of the light rail route to the southern side of Alison Road; and
- f) writes to The Hon Andrew Constance, Minister for Transport, State Member for Heffron, Mr Ron Hoenig and State Member for Coogee, Mr Bruce Notley-Smith seeking their support to intervene in good faith on behalf of the community to save the trees and bike path by a return to the design prevailing at the time of the signing of the development agreement.

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

Notice of Rescission Motions

Nil.

The meeting closed at 7.45pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 1 December 2015.

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CHAIRPERSON