

**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, 1 DECEMBER 2015 AT 6:06PM**

**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) (arrived 6.12pm) |
| West Ward    | - Councillors G Moore & H Stavrinou (Chairperson)                                 |
| Central Ward | - Councillors A Andrews & G Stevenson (arrived 7.31pm)                            |

**Officers present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoplos
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr J Smith
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay
Executive Manager	Mr L Fitzgerald

The Meeting was adjourned at 6.06pm and was resumed at 6.07pm.

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Nash and Seng.

**RESOLVED: (Andrews/Matson)** that the apologies received from Crs Nash and Seng be accepted and leave of absences from the meeting be granted.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING  
HELD ON TUESDAY 10 NOVEMBER 2015**

**RESOLUTION: (Smith/Andrews)** that the Minutes of the Planning Committee Meeting held on Tuesday 10 November 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 Smith declared a non-significant non pecuniary interest in Item D80/15 as some of those who made submissions, both for and against, are known to him.
- b) Cr Garcia declared a non-significant non pecuniary interest in Item D89/15 as the partner of one of the objectors is a teacher at his daughter's school.
- c) Cr Matson declared a non-significant non pecuniary interest in Item M11/15 as he knows the speaker (who is an ex-Councillor).
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D80/15 as some of those who made submissions, both for and against, are known to her.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item D82/15 as one of the objectors is known to her.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item D84/15 as some of those making submissions are known to her.
- g) Cr Neilson declared a non-significant non pecuniary interest in Item D88/15 as some of the objectors are known to her.
- h) Cr Neilson declared a non-significant non pecuniary interest in Item M11/15 as she knows the speaker (who is an ex-Councillor).
- i) Cr Garcia declared a non-significant non pecuniary interest in Item D80/15 as the speaker for the applicant is known to him.
- j) Cr Smith declared a non-significant non pecuniary interest in Item M11/15 as a member of the JRPP. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- k) Cr Moore declared a non-significant non pecuniary interest in Item M11/15 as a member of the JRPP. Cr Moore indicated that he would not take part in the debate or the vote on the matter.
- l) Cr Stavrinou declared a non-significant non pecuniary interest in Item D84/15 as some of the objectors are known to him.

Cr Roberts arrived at the meeting at this point (6.12pm).

### **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:

D80/15 13-33R OCEAN STREET, CLOVELLY (DA/683/2015)

**Against** John Baron

**For** Tony Shephard

D82/15 6 DUNDAS STREET, COOGEE (DA/400/2012/D)

**Applicant** Chris Koudanaris

D84/15 153-157 ANZAC PARADE, KENSINGTON (DA/900/2014)

**Objector** Rosemary McKenzie

**Applicant** Peter McGregor

D85/15 11 BOND STREET, MAROUBRA (DA/535/2015)

**Objector** Daniel Flynn

**Applicant** Lewis Adey (representing the applicant)

D88/15 14 MUNDARRAH STREET, CLOVELLY (DA/220/2015)

**Objector** Andrew Martin

**Applicant** Sarah Roach

D89/15 756 ANZAC PARADE, MAROUBRA (DA/424/2015)

**Objector** Ben Carter

**Applicant** Tiong Chandra

D90/15 166 MAROUBRA ROAD, MAROUBRA (DA/332/2015)

**Objector** Ken Lander

**Applicant** Anthony Betros (representing the applicant)

Cr Stevenson arrived at the meeting at this point (7.31pm).

M11/15 COUNCIL AS RELEVANT PLANNING AUTHORITY FOR PRE GATEWAY REVIEW  
PLANNING PROPOSALS

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

**For** Margery Whitehead

### **Urgent Business**

Nil.

The Meeting was adjourned at 7.36pm and was resumed at 7.58pm.

### **Development Application Reports**

#### **D80/15 Development Application Report - 13-33R Ocean Street, Clovelly (DA/683/2015)**

PL100/15 **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. 683/2015 for removal of two existing light poles at Burrows Park and installation of two new 18m high light poles on western side of playing field and two new 18m high light poles on eastern side of playing field, at No. 13-33R Ocean Street, Clovelly, 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**

##### **Obtrusive Light**

3. A Lux Diagram must be prepared by a suitable qualified person in external lighting/luminance which demonstrates that the lighting from the proposed park lights will not create light-spill beyond the park boundary which may cause an environmental nuisance to adjacent neighbouring dwellings and will

comply with the requirements of Australian Standard 4282:1997 – Control of obstructive effects of outdoor lighting.

The Lux Diagram must provide the exact dimension/distances to the most affected residential receivers and shall be provided to Council's Manager Development Assessment prior to the issuing of a construction certificate.

4. The light poles and attached lights must be designed and located so as to minimize light-spill beyond the park boundary or cause an environmental nuisance.

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

**D81/15 Development Application Report - 22 Curtin Crescent, Maroubra (DA/123/2015/A)**

PL101/15

**RESOLUTION: (Andrews/Garcia)** 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. 123/2015/A for Section 96 modification of the approved development by increasing the floor level of the cabana and increasing the rear setback to the pool, at No. 22 Curtin Crescent, 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 as follows:**

**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:

<i><b>Plan</b></i>	<i><b>Drawn by</b></i>	<i><b>Dated</b></i>	<i><b>Received by Council</b></i>
6/15	Peter Banfield	17/02/2015	3 March 2015

Except as amended by the **Section 96 'A' plans** listed below:

<i><b>Plan</b></i>	<i><b>Drawn by</b></i>	<i><b>Dated</b></i>	<i><b>Received by Council</b></i>
6/15A	Peter Banfield	12/10/2015	22 October 2015

Only in so far as they relate to the modifications to the basement car park and associated works, 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/Garcia) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**D82/15 Development Application Report - 6 Dundas Street, Coogee (DA/400/2012/D)**

PL102/15

**RESOLUTION: (Matson/Shurey)** that Council, as the consent authority, grants development consent under Sections Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/400/2012/D to modify the approved development by increasing the size of the trafficable areas of the balconies accessed from the living and dining areas, at No. 6 Dundas Street,

Coogee, subject to the following conditions:

### Standard conditions

- **Amend Condition 1 to read:**

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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
DA 01 Rev B	MD+A Architects	24 March 2013	8 May 2013
DA 02 Rev B		24 March 2013	8 May 2013
DA 13 Rev B		24 March 2013	8 May 2013
DA 14 Rev B		24 March 2013	8 May 2013
DA 15 Rev B		24 March 2013	8 May 2013
DA 16 Rev B		24 March 2013	8 May 2013
DA 20 Rev B		24 March 2013	8 May 2013
DA 21 Rev B		24 March 2013	8 May 2013
DA 22 Rev B		24 March 2013	8 May 2013
DA 23 Rev B		24 March 2013	8 May 2013
DA 24 Rev B		24 March 2013	8 May 2013
DA 25 Rev B		24 March 2013	8 May 2013
DA 26 Rev B		24 March 2013	8 May 2013
DA 27 Rev B		24 March 2013	8 May 2013
DA 28 Rev B		24 March 2013	8 May 2013
DA 29 Rev B		24 March 2013	8 May 2013
DA 30 Rev B		24 March 2013	8 May 2013
DA 31 Rev B	24 March 2013	8 May 2013	

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
Single dwelling	429164S	21 June 2012

Except as amended by the **Section 96 "B" plans and supporting documentation listed below:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
CC 07 (Revision E)	MD+A Architects	10/10/2013	04/04/2014
CC 09 (Revision E)	MD+A Architects	10/10/2013	04/04/2014

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>	<b>Received</b>
Single dwelling	A166181	04/04/2014	04/04/2014

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
CC 03 (Revision E)	MD+A Architects	10/10/2013	31/07/2014
S96-50	MD+A Architects	8/8/2014	8/8/2014

Except as amended by the **Section 96 "D" plans and supporting documentation listed below:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
Clear glass glazing positioning diagram	Unnamed	1/11/2015

**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:**

- **Retain Condition No. 2(d).**

**MOTION: (Andrews/Roberts)** that the recommendation be adopted, subject to the deletion of condition 2(d). **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Garcia	Councillor Matson
Councillor Roberts	Councillor Moore
Councillor Stavrinou	Councillor Neilson
	Councillor Shurey
	Councillor Smith
	Councillor Stevenson
<b>Total (5)</b>	<b>Total (8)</b>

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

**D83/15 Development Application Report - 5/71-73 Dolphin Street, Coogee (DA/689/2015)**

PL103/15 **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 Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the development standard, 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/689/2015 for the refurbishment of unit five, at 71-73 Dolphin Street, subject to the standard conditions contained in the development application compliance report attached to this report.

**Non-standard conditions**

**Amendment of Plans and Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The roof form above the proposed addition shall be modified such that the new roof slopes away from the existing roof and is no higher than the external wall height (i.e. the eave height) of the existing roof.

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

**D84/15 Development Application Report - 153-157 Anzac Parade, Kensington (DA/900/2014)**

PL104/15 **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. DA/900/2014 for the demolition of all structures on site and construction part 3 to part 7 storey mixed use development comprising of 4 ground floor retail tenancies, 31 units and 2 levels of basement parking for 34 cars, associated site and landscape works at No. 153-157 Anzac Parade, Kensington, 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**

#### **CBD and South East Light Rail (CSLER) Project**

2. The acoustic report labeled '153-157 Anzac Parade, Kensington – Acoustic Assessment for Development Application', dated 29 October 2014 and received by Council on the 17 December 2014 shall be amended to include predicted noise impacts from the proposed CBD and South East Light Rail (CSLER) Project. An amended Acoustic Report shall be submitted and approved by Council prior to the issue of a construction certificate.
3. The proposed works shall be carried out in accordance with the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' (2008) prepared by the Department of Planning and environment.
4. A Construction Traffic Management Plan (CTMP) must be prepared with consultation and concurrence received from Transport for New South Wales (TfNSW) prior to the commencement of any works. The CTMP must include any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. The CTMP should include the cumulative construction impacts of projects including the CBD and South East Light Rail Project. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate these should be clearly identified and included in the CTMP.
5. Should the commencement of works be carried out concurrently with any works associated with the CBD and South East Light Rail Project further consultation must be engaged with Transport for New South Wales.

#### **Amendment of Plans & Documentation**

6. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The upper level roof form must be amended so that it provides a more cohesive and articulated element that reduces the visual presence of the seventh storey and makes it more recessive in the streetscape. Details are to be submitted for approval by Council's Manager Development Assessment prior to issuing a construction certificate for the development.
  - b. An amended BASIX certificate must be consistent with the plans referenced in Condition 1 of this determination and a copy shall be submitted to Council and the Principal Certifying Authority prior to an construction certificate being issued for the development.
  - c. The approved plans are to be amended to include a minimum of 20% of dwellings be converted to adaptable dwelling and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing. Details are to be included in the construction certificate.
  - d. A privacy screen having a height of 1.6m above floor level must be provided to the western edge of the first floor deck of apartments 8 and

20. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

- e. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the window is to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
- First floor, west facing dining/living room window (apartment 8)
  - Third floor, west facing dining/living room window (apartment 20)
- f. The first floor level balcony located immediately adjacent to the western boundary and the associated balustrading and supporting columns shall be deleted. The sliding door shall be replaced with a suitably sized window and the window must have a minimum sill height of 1.6 metres above the finished floor level, or alternatively, the window is to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height. The BASIX certificate shall be amended to reflect the above changes.

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

**D85/15 Development Application Report - 11 Bond Street, Maroubra  
(DA/535/2015)**

PL105/15 **RESOLUTION: (Roberts/Andrews)** that the application be deferred for mediation.

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

**D86/15 Development Application Report - 512 Bunnerong Road, Matraville  
(DA/335/2015)**

PL106/15 **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 Clause 4.3A, sub-section (2)(a) of Randwick Local Environmental Plan 2012, relating to Exceptions to height of buildings in Matraville and Kensington, 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 & Environment 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/335/2015 for demolition of the existing commercial building and construction of a new part 4 part 5 mixed use shop top housing development comprising of 2 retail lots, 13 residential units and rear ground floor level carpark for 14 vehicles, at No. 512 Bunnerong Road, Matraville, 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**

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the Construction



**Certificate:**

- a) Three adaptable dwellings must be designed and constructed within the development to a minimum Class C Certification under AS4299 Adaptable Housing. Details are to be included in the construction certificate.
- b) In order to allow for natural light and ventilation to the lobby areas on levels 2 and 3 to Building 'A', a recessed slot shall be provided through Bedrooms 1 to apartments 6 & 10 on the 2<sup>nd</sup> and 3<sup>rd</sup> floor levels to align with the built form of apartment 1 on the first floor level. Details to be provided to Council's Manager Development Assessment for approval prior to the issuing of the construction certificate.
- c) Planter boxes having a minimum depth of 900mm with planting species that achieve a maximum height of 600mm at maturity are to be provided to the southern and eastern sides of the roof terrace deck to Block B which fronts on to Baird Lane.
- d) The awning structure shall be setback 600mm from the street kerb.
- e) Following dedication of the required road widening in Baird Lane, no part of the proposed building must encroach into the road reserve. This shall include but not be limited to any balconies and roof structures.

**External Colours, Materials & Finishes**

5. a) The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

- b) Detailed sections shall be provided at 1:50 scale to demonstrate the proposed material quality and finishes of Buildings A & B on all elevations, (i.e. a schedule and brochure/s or sample board) shall be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

**Section 94A Development Contributions**

7. The applicant shall submit a Quantity Survey report that reflects the approved development, prepared by a Registered Quantity Surveyor. The report shall be submitted to Council for approval, prior to the issue of any construction certificate for the development.

In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, 1% of the approved development cost provided in the approved Quantity Survey report must be paid to Council.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

**IDC = ODC x CP2/CP1**

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

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

**D87/15 Development Application Report - 29 Brook Street, Coogee (DA/632/2015)**

PL107/15 **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 4.1A of Randwick Local Environmental Plan 2012, relating to the minimum subdivision lot size for strata plan schemes in Zone R2 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 & Environment 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/632/2015 for ground and first floor alterations to 29A Brook Street and amendment to strata subdivision of 29A and 29B Brook Street, Coogee, subject to the standard conditions contained in the development application compliance report attached to this report.

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

**D88/15 Development Application Report - 14 Mundarrah Street, Clovelly (DA/220/2015)**

**RESOLUTION: (Andrews/Garcia)** 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/220/2015 for alterations, first and second floor additions to the existing semi-detached dwelling including new boundary fence and solar panels on roof at 14 Mundarrah Street, Clovelly, 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 following window must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this

specified height:

- South facing ground level sunroom window (W02)
  - South facing stair well window (W12)
- b. The green roof (second floor) area shall be subject to the following:
- Be non-trafficable and accessible for maintenance purposes only
  - Balustrade along the southern side of the roof shall be removed and anchor points installed for the purposes of safe maintenance
  - Planting shall consist of only low level and low maintenance species
- c. The side boundary fence between the subject site and the neighbouring dwelling at No. 12 Mundarraah Street shall not exceed the height of existing side boundary fencing. This condition has been included in order to limit the height of side boundary fencing between the subject site and the adjoining property to the north.
- d. Solar panels located on the roof shall be installed flush with the roof
- e. No approval is granted for air-conditioning equipment
- f. Northern and rear boundary fencing is limited to a maximum of 1800mm above existing ground level. An allowance of 150mm is permitted for differences in ground level between the subject site and adjoining properties.
- g. The ground and first floor level blade walls projecting 750mm from the rear elevation shall be deleted from the development.

#### **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 Randwick City Council or an Accredited Certifier. 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.

4. Development consent issued under DA/417/2014 must be surrendered to Council in accordance with the requirements under the Environmental Planning and Assessment Act and its regulations.

**MOTION: (Neilson/Bowen)** that the application be deferred to allow for the submission of amended plans that remove the upper level. **LOST.**

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

#### **FOR**

Councillor Matson  
Councillor Neilson  
Councillor Shurey

#### **AGAINST**

Councillor Andrews  
Councillor Belleli  
Councillor Bowen  
Councillor D'Souza  
Councillor Garcia  
Councillor Moore  
Councillor Roberts

**Total (3)**

Councillor Smith  
Councillor Stavrinou  
Councillor Stevenson  
**Total (10)**

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (10)</b>	<b>Total (3)</b>

**D89/15 Development Application Report - 756 Anzac Parade, Maroubra (DA/424/2015)**

PL108/15 **RESOLUTION: (Moore/Matson) -**

- 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 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, 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/424/2015 for demolition of existing structures and construction of a two storey boarding house with 9 boarding rooms and car parking area located at the rear of the site at No. 756 Anzac Parade, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report
2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
    - a. The first floor north facing window openings W16, W18, W19 and W20 windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height.

**MOTION: (Garcia/Bowen) -**

- 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 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, 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/424/2015 for demolition of existing structures and construction of a two storey boarding house with 9 boarding rooms and car parking area located at the rear of the site at No. 756 Anzac Parade, Maroubra, for the following reasons:

1. the significant community opposition to the proposal.
2. the proposed development does not comply with the objectives of Clause 4.4 of Randwick LEP 2012 relating to Floor Space Ratio.
3. the proposed development will adversely affect the amenity of the locality.  
**LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor Garcia	Councillor Belleli
	Councillor D'Souza
	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (2)</b>	<b>Total (11)</b>

**MOTION: (Moore/Matson) CARRIED - SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Garcia
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (11)</b>	<b>Total (2)</b>

**D90/15 Development Application Report - 166 Maroubra Road, Maroubra  
(DA/332/2015)**

PL109/15

**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. 332/2015 for alterations and additions to the existing building including conversion of the existing commercial uses at first, second and third levels into residential uses additional 3 levels of residential apartments above comprising a total of 17 units, 2 retail shops and offices of ground floor level and basement parking for 11 vehicles at No. 166 Maroubra Road Maroubra, 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**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. Privacy screen having a height of 1.6m above floor level must be provided to the western side of the rear balconies of Unit 1 and Unit 12. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
  - b. A minimum 20% of dwellings in the development must be adaptable dwellings and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing.

**Residential Parking Permits**

- c. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development. As a minimum a notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.
- d. To ensure the trafficable area is a minimum of 2080mm from the front boundary, a 700mm wide planter box shall be installed along the full length of the southern end of the Level 6 balcony.

**MOTION: (Matson/Shurey)** that the application be deferred to allow legal advice to be sought in relation to the effectiveness of the S94 mechanism with respect to parking credits from 1987. **LOST.**

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

**FOR**

Councillor Matson  
Councillor Shurey

**AGAINST**

Councillor Andrews  
Councillor Belleli  
Councillor Bowen  
Councillor D'Souza  
Councillor Garcia  
Councillor Moore  
Councillor Neilson  
Councillor Roberts  
Councillor Smith  
Councillor Stavrinou

**Total (2)**Councillor Stevenson  
**Total (11)****MOTION: (Andrews/Roberts) CARRIED UNANIMOUSLY - SEE RESOLUTION.****Miscellaneous Reports****M10/15 Miscellaneous Report - Report variation to Development Standard under State Environmental Planning Policy NO.1 (SEPP1) and clause 4.6 between 1 October to 18 November 2015 (F2008/00122)**PL110/15 **RESOLUTION: (Andrews/Garcia)** that the report be received and noted.**MOTION: (Andrews/Garcia) CARRIED - SEE RESOLUTION.****M11/15 Miscellaneous Report - Council as Relevant Planning Authority for Pre Gateway Review Planning Proposals (RZ/1/2014)****Note: Having previously declared an interest, Crs Moore and Smith left the chamber and took no part in the debate or voting on this matter.**PL111/15 **RESOLUTION: (Andrews/Matson)** that Council:

- a) resolve to not accept the role of relevant planning authority in regards to the Planning Proposals for 395, 397-397A Anzac Parade and 1 and 17 Bunnerong Road, Kingsford (known as the Kingsford triangle site) and 84-108 Anzac Parade, Kensington.
- b) call on the State Government to immediately halt any pre-gateway reviews including those for the JRPP subject of this report.
- c) call on the State Government not to accept any future pre-gateway reviews.

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

Crs Moore and Smith returned to the meeting at this point (8.41pm).

**Notice of Rescission Motions**

Nil.

The meeting closed at 8.43pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 9 February 2016.**

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**CHAIRPERSON**