

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

MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 8 MARCH 2016 AT 6:05PM

Present:

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

- | | |
|--------------|--|
| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillor R Belleli and P Garcia (arrived 6.42pm) |
| East Ward | - Councillors T Bowen (arrived 6.10pm),
M Matson & B Roberts (Deputy Chairperson)
(arrived 6.19pm) |
| West Ward | - Councillors G Moore, S Nash &
H Stavrinou (Chairperson) |
| Central Ward | - Councillors A Andrews (arrived 6.26pm),
T Seng & G Stevenson |

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Director City Planning	Ms S Truuvert
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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 9 FEBRUARY 2016

PL22/16

RESOLUTION: (Smith/Shurey) that the Minutes of the Planning Committee Meeting held on Tuesday 9 February 2016 (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 non-significant non pecuniary interest in Item D22/16 as an objector has been a previous client of his.
- b) Cr Matson declared a significant non pecuniary interest in Item D26/16 as a member of the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Nash declared a significant non pecuniary interest in Item D26/16 as a member of the JRPP. Cr Nash indicated that he would not take part in the debate or the vote on the matter.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D22/16 as a member the Golf Club.
- e) All Councillors present at the meeting declared a non-significant non pecuniary interest in Item D21/16 as the subject site is owned by Council.
- f) Cr Nash declared a non-significant non pecuniary interest in Item D23/16 as he knows the speaker (objector).
- g) Cr Roberts declared a non-significant non pecuniary interest in UB3/16 as he is a member of the Maroubra sub-branch.
- h) Cr Moore declared a non-significant non pecuniary interest in Item D25/16 as he once resided at this address.

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:

D20/16 5 AHEARN AVENUE, SOUTH COOGEE (DA/490/2015)

Applicant Anthony Betros (representing the applicant)

D22/16 11 JENNIFER STREET, LITTLE BAY (DA/152/2015)

Objector Edward Ellis

Applicant Anthony Perkins (representing the applicant)

D23/16 54 MARINE PARADE, MAROUBRA(DA/801/2015)

Objector Murray Cook

Applicant David Grey

D24/16 46 TORRINGTON ROAD, MAROUBRA (DA/77/2013/A)

Objector Shaun Moriarty

Applicant Diego Jaime

D25/16 3 MEARS AVENUE, RANDWICK (DA/494/2015)

Objector Yury Reznik

Applicant Guiseppie Lombardo

D26/16 JRPP - 180-188 MAROUBRA RD, MAROUBRA (DA/813/2015)

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

Objector Nathan Martin

Applicant Darren Beasley

The meeting was adjourned at 6.46pm and was resumed at 6.56pm.

Urgent Business

UB4/16 Cr Anthony Andrews - Acquisition of Maroubra Bowling Club site - due diligence and feasibility study (F2004/06325)

PL24/16 Cr Stevenson left the meeting at this point (7.10pm).

RESOLUTION: (Andrews/Matson) that Council:

- a) staff undertake a due diligence and prepare a feasibility study on Council acquiring the Maroubra Bowling Club site for community purposes with a feasibility study to be presented to Council prior to the close of the expression of interest period;
- b) notes its recent submission to the Boundaries Commission and its resolution that it will advise the Government that Councillors should be kept in place during the transition to any new Council body to deal with the Maroubra Bowling Club site; and
- c) reaffirm the current RE2 zoning for this site.

Councillors Andrews and Belleli called for a **DIVISION**.

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

FOR	AGAINST
Councillor Andrews	Councillor Garcia
Councillor Belleli	Councillor Smith
Councillor Bowen	
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinou	
Total (11)	Total (2)

Crs Nash and Stevenson were not present at the meeting during the vote on this Item.

Development Application Reports

D17/16 Development Application Report - A402/106 Brook Street Coogee (DA/43/2016)

PL25/16 **RESOLUTION: (Smith/Andrews) -**

- 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 of Randwick Local Environmental Plan 2012, relating to building 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 & 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/43/2016 for the installation of a vergola roof system to the roof terrace area of Unit A402 at No. A402/102-106 Brook Street, Coogee, subject to the standard conditions contained in the development application compliance report.

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

D18/16 Development Application Report - 10/311-313 Maroubra Road, Maroubra (DA/617/1997/E)

PL26/16

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/617/1997/D for permission to modify Conditions 1 and 7 as follows:

Condition 7 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

"7(a). ~~The roof terrace serving unit 5 shall be fixed planter boxes around the periphery of the roof with a minimum of 500mm and height of 500mm and shall be appropriately landscaped.~~ The roof terrace serving unit 10 shall have fixed privacy screens comprising frosted glass at a height of 640mm above the southern, south-eastern (splayed), eastern (for a distance of ~~2.78m~~ **7m** from the splayed corner) masonry balustrade and frosted glass at a height of a 340mm above the northern masonry balustrade and a stainless steel handrail 250 mm above the western and eastern masonry balustrade. ~~A 1m wide planter box shall also be provided along the eastern edge of the terrace to prevent views down into the rear yard of No. 315 Maroubra Road.~~

Details of compliance shall be submitted to Council's Manager Development Assessment for approval prior to the issuing of a construction certificate.

- (b) The works approved pursuant to the S96(D) determination must be implemented and an occupation certificate issued within 6 months of the date of this determination.

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

D19/16 Development Application Report - 150 Prince Edward Street, Malabar (DA/855/2015)

PL27/16

RESOLUTION: (Smith/Andrews) -

- 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 of Randwick Local Environmental Plan 2012, relating to building 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 & 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/855/2015 for demolition of existing structures, construction of 3 storey dwelling with roof terrace, semi-basement garage, swimming pool to rear and associated works at 150 Prince Edward Street, Malabar subject to the standard conditions contained in the development application compliance report.

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

D20/16 Development Application Report - 5 Ahearn Avenue, South Coogee (DA/490/2015)

PL28/16 **RESOLUTION: (Smith/Andrews) –**

- 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(2) 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/490/2015 for demolition of existing dwelling, construction of new four level dwelling including double garage, swimming pool and studio to rear, landscaping and associated works, at No. 5 Ahearn Avenue, South Coogee, 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

- 2a. The proposed external louvers to the side elevations shall be evenly spaced and angled to prevent overlooking into neighbouring properties.

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

D21/16 Development Application Report - 21-29 Munda Street, Randwick (DA/897/2015)

PL29/16 **RESOLUTION: (Smith/Andrews)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/897/2015 for new advertising structure for the Munda Street Community Centre and new landscaping works including pedestrian pathways, vegetation and stone walls at No. 21-29 Munda Street, Randwick, subject to the standard conditions contained in the development application compliance report.

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

Cr Stevenson returned to the meeting at this point (7.13pm).

D22/16 Development Application Report - 11 Jennifer Street, Little Bay (DA/152/2015)

PL30/16 **RESOLUTION: (Smith/Matson)** that Council, as the consent authority, refuses development consent under Sections 80 of the Environmental Planning and

Assessment Act 1979, as amended, to Development Application No. DA/152/2015 for demolition of all structures on site and construction of a 3 storey residential flat building and multi dwelling housing development comprising 40 dwellings in 3 building forms, basement car parking, Torrens title subdivision into 2 lots and associated works at No. 11 Jennifer Street, Little Bay, for the following reasons:

1. The applicant has failed to submit an adequate Species Impact Statement, required under Section 78A of the Environmental Planning and Assessment Act 1979, to enable Council to assess the impact of the development in the presence of an identified threatened ecological community, as defined by the Threatened Species Conservation Management Act, 1995.
2. The application is accompanied by insufficient information for Council to proceed with assessment against Section 79B of the Environmental Planning and Assessment Act 1979, requiring Council to obtain concurrence from the Director-General of the Office of Environment and Heritage.
3. The application is accompanied by insufficient information for Council to make an adequate assessment against Section 79C of the Environmental Planning and Assessment Act, as it relates to the natural environment, site suitability and the public interest.
4. The application does not adequately address Clause 6.12 of Randwick Local Environmental Plan 2012 and a Staged Development Application/Site Specific DCP has not been submitted.
5. The application is accompanied by insufficient information for Council to make an assessment pursuant to Section 111(4) of the EPA ACT 1979, requiring Council to consider the proposal and any effect on a threatened ecological community.

AMENDMENT: (Nash/Roberts) that the application be deferred to allow the applicant four (4) weeks to submit amended plans and then the matter be referred back to Council as soon as practicable. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Neilson	Councillor Matson
Councillor Roberts	Councillor Moore
Councillor Seng	Councillor Shurey
Councillor Stavrinos	Councillor Smith
	Councillor Stevenson
Total (7)	Total (8)

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

D23/16 Development Application Report - 54 Marine Parade, Maroubra (DA/801/2015)

PL31/16

RESOLUTION: (Moore/Bowen) that the application be deferred for mediation.

MOTION: (Andrews/Roberts) –

- 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 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 clause, 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/801/2015 for the construction of a roof level viewing deck above unit L3-01 by amending approved development consent DA/277/2014, at No. 54-56 Marine Parade, 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

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>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A-2.01	Mkdarchitects	30/10/2015
A-2.02	Mkdarchitects	30/10/2015
A-3.01	Mkdarchitects	30/10/2015
A-3.02	Mkdarchitects	30/10/2015
A-3.03	Mkdarchitects	30/10/2015

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- The 1.6m glass balustrades surrounding the 'view decking' shall be reduced to a maximum height of 1m, measured from the finished roof level.
 - The height of the stair well shall be reduced by 300mm to a maximum height of RL35.400.
 - This Development Consent amends, where relevant the conditions issued under DA/277/2014 inclusive of the modifications. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Garcia
Councillor D'Souza	Councillor Matson
Councillor Moore	Councillor Neilson
Councillor Nash	Councillor Seng
Councillor Roberts	Councillor Shurey
Councillor Stavrinou	Councillor Smith
	Councillor Stevenson
Total (7)	Total (8)

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

D24/16 Development Application Report - 46 Torrington Road, Maroubra

(DA/77/2013/A)

PL32/16 **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 Application No. DA/77/2013/A by the modification of condition 1 to extend a third level terrace with awning and additional photovoltaic cells on roof. Consent is refused for the following reasons:

1. The proposed modification is deemed to be inconsistent with the low density residential R2 objectives of the RLEP 2012
2. The proposed modification is non compliant with the maximum wall height control of the RCDCP 2013
3. The proposed modification is non compliant with the side setback control of the RCDCP 2013
4. The proposed modification is non compliant with the visual privacy controls of the RCDCP 2013
5. The proposed modification is inconsistent with the relevant objectives of the RCDCP 2013
6. The proposed modification would result in a design that significantly adversely impacts both the amenity enjoyed by adjoining residents and the amenity and character of the streetscape.

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

**D25/16 Development Application Report - 3 Mears Avenue, Randwick
(DA/494/2015)**

PL33/16 **RESOLUTION: (Matson/Shurey)** that the application be deferred for mediation.

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 Moore
Councillor D'Souza	Councillor Roberts
Councillor Garcia	Councillor Stavrinou
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (11)	Total (4)

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

**D26/16 Development Application Report - JRPP - 180-188 Maroubra Rd,
Maroubra (DA/813/2015)**

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

PL34/16 **RESOLUTION: (Andrews/Neilson)** that the Joint Regional Planning Panel as the

responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/813/2015 for the demolition of all existing structures, construction of shop top housing development comprising 8 storeys to Green Street, 7 storeys to Maroubra Road with 2 retail tenancies fronting Maroubra Road and 1 fronting Green Street, 69 residential dwellings, 3 levels of basement car parking for 100 vehicles, landscaping and associated works for the following reasons:

1. The proposal does not satisfy the objectives of the B2 Local Centre zone relating to urban design and amenity of residents.
2. The proposal exceeds the maximum building height of 25m specified in Clause 4.3 of Randwick Local Environmental Plan 2012 and the Clause 4.6 variation to the development standard is not well founded.
3. The proposal does not satisfy the design criteria and design guidance set-out in Part 3D-1 Communal Open Space of the Apartment Design Guide as per SEPP 65.
4. The proposal does not satisfy the design criteria and design guidance set-out in Part 3E-1 Deep Soil Zones of the Apartment Design Guide as per SEPP 65.
5. The proposal does not satisfy the design criteria and design guidance set-out in Part 3F-1 Visual Privacy of the Apartment Design Guide as per SEPP 65.
6. The proposal does not satisfy the design criteria and design guidance set-out in Part 4A Solar and Daylight Access of the Apartment Design Guide as per SEPP 65.
7. The proposal does not satisfy the design criteria and design guidance set-out in Part 4B Natural Ventilation of the Apartment Design Guide as per SEPP 65.
8. The proposal does not satisfy the design criteria and design guidance set-out in Part 4C Ceiling Heights of the Apartment Design Guide as per SEPP 65.
9. The proposal does not satisfy the design criteria and design guidance set-out in Part 4F Common Circulation Spaces of the Apartment Design Guide as per SEPP 65.
10. The proposal does not satisfy the objectives or controls for Building Envelope set-out in Clause 3.1.3 of the Randwick Development Control Plan 2013 Part D4.
11. The proposal does not satisfy the objectives or controls for Building Height set-out in Clause 3.1.4 of the Randwick Development Control Plan 2013 Part D4.
12. The proposal does not satisfy the objectives or controls for Building Depth set-out in Clause 3.1.5 of the Randwick Development Control Plan 2013 Part D4.
13. The proposal does not satisfy the objectives or controls for the Block 08 set-out in Clause 3.2.8 of the Randwick Development Control Plan 2013 Part D4.
14. The proposed development is unacceptable in that the proposed height, bulk, scale, built form and design will have an adverse impact on the amenity of neighbouring residents and is incompatible with the desired future character and existing scale of development in the Maroubra Junction Town Centre.
15. The proposal does not address the requirements of land contamination in accordance with the provisions of SEPP 55, Contaminated Land Management Act 1997 and Council's Contaminated Land Policy 1999.
16. The proposed floor levels do not comply with Council's flood planning requirements (1%AEP level plus 500mm freeboard).

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

Cr Matson returned to the meeting at this point (7.39pm).

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 7.55pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 12 April 2016.

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CHAIRPERSON