

**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, 12 JULY 2016 AT 6:06PM**

**Present:**

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

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith  |
| South Ward   | - Councillor R Belleli   |
| East Ward    | - Councillors T Bowen (arrived 6.17pm),<br>M Matson & B Roberts (Deputy Chairperson)<br>(arrived 6.25pm) |
| West Ward    | - Councillors G Moore & S Nash   |
| Central Ward | - Councillors T Seng & G Stevenson (arrived<br>6.26pm)   |

**Officers present:**

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

In the absence of the Chairperson (Cr Stavrinis) and the Deputy Chairperson (Cr Roberts), the Mayor (Cr D'Souza) Chaired the meeting.

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Andrews, Garcia and Stavrinis.

**RESOLVED: (Nash/Matson)** that the apologies received from Crs Andrews, Garcia and Stavrinis 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 14 JUNE 2016**

PL65/16

**RESOLUTION: (Smith/Nash)** that the Minutes of the Planning Committee Meeting held on Tuesday 14 June 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 Matson declared a non-significant non pecuniary interest in Item D55/16 as he knows a family who lives in close proximity to the development.
- b) Cr Belleli declared a significant non pecuniary interest in the proposed Urgent Business Item UB9/16 as he is unsure of the impact of WestConnex on his business and he has contacted WestConnex about the work. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Bowen declared a significant non-pecuniary interest in Item D58/16 as relative of his owns a property in Dolphin Street. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.

**RESOLVED (PROCEDURAL MOTION): (Matson/Neilson)** that Item D55/16 be brought forward for immediate consideration.

**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:

D56/16 104 GALE ROAD, MAROUBRA (DA/821/2015)

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

Cr Bowen arrived at the meeting (6.17pm)

D57/16 20 MOORE STREET, COOGEE (DA/551/2015)

**Objector** Mr Dominic DeGiorgio (representing the objector)

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

Cr Roberts arrived at the meeting (6.25pm)

Cr Stevenson arrived at the meeting (6.26pm)

D58/16 29 DOLPHIN STREET, RANDWICK (DA/333/2015)

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

**Objector** Ms Jennifer Tuckwell

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

Cr Bowen returned to the meeting (6.39pm)

D59/16 120 BROOK STREET, COOGEE (DA/308/2015)

**Objector** Ms Rebecca Lehman

**Applicant** Mr Theo Lucas (representing the applicant)

The Meeting was adjourned at 6.55pm and was resumed at 7.15pm.

When the meeting was resumed at 7.15pm, Cr Roberts (the Deputy Chairperson) assumed the Chair.

**RESOLVED (PROCEDURAL MOTION): (Smith/Nash)** that the proposed Urgent Business Item be deferred until after the development applications for which there were speakers have been determined.

### **Urgent Business**

#### **UB9/16 Cr Murray Matson - Proposal for joint WestConnex legal action**

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

**Cr Matson requested that the Deputy Chairperson rule under Clause 23(3)(b) of the Code of Meeting Practice that the following motion is of great urgency to allow a motion be put that it be transacted as business under clause 23(3)(a).**

**MOTION: (Matson/Shurey)** that Randwick City Council urgently contacts both the Mayor of Sydney City Council and the Administrator of the Inner West Council proposing a joint legal action against the recent approval for Stage 2 of the WestConnex motorway.

The Chairperson (Cr Roberts) ruled that the matter was not of any great urgency.

**MOTION OF DISSENT: (Matson/Shurey)** that the Chairperson's ruling that the matter is not urgent, be dissented to. **LOST.**

Cr Belleli returned to the meeting (7.39pm)

### **Development Application Reports**

#### **D53/16 Development Application Report - 1/14-20 Gardeners Rd, Kingsford (DA/204/2016)**

PL66/16

**RESOLUTION: (Smith/Shurey)** 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/204/2016 for the fit out and use of vacant ground level tenancy as a Japanese Relaxation Massage Clinic with associated signage, at 1/14-20 Gardeners Rd, Kingsford subject to the following conditions:

#### **Development Consent conditions:**

##### **GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

#### **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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
A.01.1 to A.01.3	Superdraft	17 June 2016
A.03.1	Superdraft	17 June 2016
A.07.1	Superdraft	17 June 2016

### **Crime Prevention through Environmental Design**

- The development must be undertaken in accordance with the recommendations of the NSW Police Force's "Crime Risk Assessment" of the development received by Council on 27 April 2016. Details shall be provided at the construction certificate stage, to the satisfaction of the certifying authority.

### **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.

### **Sydney Water**

- All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

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

### **Building Code of Australia & Fire Safety**

- In accordance with section 80 A (11) of the Environmental Planning &

Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.

5. In existing buildings, the following works are to be carried out to ensure minimum levels of fire safety (as applicable) to the satisfaction of the Certifying Authority:
- Any new or replacement ceilings walls and floor linings and doorways are required to satisfy the relevant requirements of the Building Code of Australia.
  - Any residential parts of the building must be provided with a smoke detection and alarm system, in accordance with the relevant provisions of the Building Code of Australia.
  - Any residential part/s of the building are to be suitably fire-separated from the commercial area encompassed in this development application.

Details of the abovementioned items and other building and fire safety works are to be included in the construction certificate.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

#### **Certification, PCA & other Regulatory Requirements**

6. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
- A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- d) at least two days notice must be given to the Council, in writing, prior to commencing any works.

#### **Public Utilities**

7. The applicant must meet the full cost for telecommunication companies, gas

providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

#### **Building Inspections**

8. The works must be inspected by the Principal Certifying Authority, in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

#### **Permitted Working Hours**

9. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>Monday to Friday - 7.00am to 5.00pm</li> <li>Saturday - 8.00am to 5.00pm</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> <li>Monday to Saturday - No time limits (subject to column 1)</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

#### **Construction Site Management, Public Health & Safety**

10. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):
- a) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder*

- permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
- b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- c) A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.
- d) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- e) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- f) During construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.
- g) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.*

- h) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

The requirements and practices contained in the *Protection of the Environment Operations Act 1997* and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented

throughout the works to the satisfaction of Council.

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

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 and to maintain reasonable levels of public health, safety and amenity.

**Occupation Certificate Requirements**

11. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation or use of the development encompassed in this development consent (including alterations, additions and 'fit-out' work to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

**Council's Infrastructure, Vehicular Crossings, Street Verge**

12. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
13. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
  - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

**Fire Safety Certificate Requirements**

14. Prior to issuing an interim or final Occupation Certificate, a single and complete Fire Safety Certificate, encompassing all of the essential fire safety measures contained in the fire safety schedule must be obtained and be submitted to Council, in accordance with the provisions of the Environmental Planning and



Assessment Regulation 2000. The Fire Safety Certificate must be consistent with the Fire Safety Schedule which forms part of the Construction Certificate.

A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy of the *Fire Safety Certificate* and *Fire Safety Schedule* must also be forwarded to Fire & Rescue NSW.

#### **Waste Management**

15. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.
16. Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

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 and to maintain reasonable levels of public health and environmental amenity.

#### **Noise Emissions**

17. The operation of the premises and all plant and equipment must not give rise to an environmental health or public nuisance or, result in an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB (A) in accordance with relevant NSW Office of Environment & Heritage/Environmental Protection Authority Noise Control Guidelines.

18. The owner of the subject site must advise Council in writing of any change in the tenant that is operating the massage shop and advise the new tenant that they must provide Council with the qualifications of all staff involved in providing massage services prior to commencing the new operation.
19. The premises must only be used for the purposes of remedial massage. The premises must not be used for the purposes of a brothel and in this regard, no sexual services of any kind are to be offered in association with the massage use.
20. The maximum number of employees operating from the subject premises is restricted to 4, and their relevant remedial and therapeutic massage qualifications are to be submitted to and approved by Council's Manager Development Assessment prior to the commencement of the use or when there are new employees.
21. Any other treatments/services other than remedial massage will require a separate application to Council and relevant approval shall be obtained (as

required) prior to commencement.

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

Monday to Sunday from: 10am – 9pm.

### **Plant & Equipment**

23. The operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

### **Air Conditioners**

24. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- Before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- Before 7.00am or after 10.00pm on any other day.

### **Fire Safety Statements**

25. A single and complete Fire Safety Statement (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.

The *Fire Safety Statement* must be provided on an annual basis, each year following the issue of the *Fire Safety Certificate* and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

### **GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may

result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

- A2 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010. All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.
- A3 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**D54/16 Development Application Report - 16 Coogee Street, Randwick  
(DA/853/2013/A)**

PL67/16

**RESOLUTION: (Neilson/ Smith)** that Council, as the consent authority, refuses its development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/853/2013/A by construction of a retaining wall on rear boundary with fence above at 16 Coogee Street, Randwick for the following reasons:

1. The proposal fails to satisfy the relevant objectives of R3 – Medium Density zone under Randwick Local Environmental Plan 2012 in relation to the protection of residential amenity.
2. The proposal fails to satisfy the relevant objectives of flooding under Part B8 of the Randwick Comprehensive Development Control Plan 2013 in that the retaining wall will likely to impact on the movement of overland flow through the subject site.
3. The proposed retaining wall with fence above exceeds the maximum fence height control under Part C2 of the Randwick Comprehensive Development Control Plan 2013 and will result in unreasonable impacts upon the neighbouring dwellings in terms of visual amenity and solar access.

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

**D55/16 Development Application Report - 20 Wentworth Street, Randwick  
(DA/194/2016)**

PL68/16

**RESOLUTION: (Matson/Neilson)** that the application be deferred in accordance with the objector's request.

**MOTION: (Matson/Neilson) 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 Bellei	Councillor Smith
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	

Councillor Seng  
Councillor Shurey  
**Total (8)**

**Total (1)**

**D56/16 Development Application Report - 104 Gale Road, Maroubra  
(DA/821/2015)**

PL69/16

**RESOLUTION: (Matson/Shurey)** 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/821/2015 for demolition of the existing dwelling, construction of a 3 storey residential flat building containing 5 dwellings with basement parking for 8 vehicles and associated works, at No. 104 Gale road, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report:

**Non standard conditions**

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

The following privacy screens :

- Eastern and western sides of unit 3 balcony
  - Western side of all balconies for unit 5
  - Eastern side of balcony for unit 5 accessed from living area
  - Eastern and western side of balcony for unit 4 must have a minimum height of 1.5m above floor level and 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.
3. The solid portion of the front fence is not to exceed 600mm in height. The non-solid portion of the front fence is to be constructed with lightweight materials that are at least 30% open and evenly distributed along the full length of the fence. Details are to be shown on construction certificate plans.
  4. Mailboxes are to be located and constructed in accordance with the requirements of Australia Post. Mailboxes must be convenient for residents and not clutter the appearance of the development from the street. Mailboxes are to clearly mark the street number of the unit it serves. Details are to be shown on the construction certificate plans.
  5. An area of communal open space is to be provided with a minimum depth of 6m as measured from the rear site boundary with access provided adjacent to the eastern site boundary.

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

**D57/16 Development Application Report - 20 Moore Street, Coogee  
(DA/551/2015)**

PL70/16

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

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

### **D58/16 Development Application Report - 29 Dolphin Street, Randwick (DA/333/2015)**

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

PL71/16

**RESOLUTION: (Matson/Shurey)** that the application be deferred to allow an onsite meeting with the Ward Councillors and the residents.

**MOTION: (Matson/Shurey) 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 Belleli	Councillor Moore
Councillor D'Souza	Councillor Neilson
Councillor Matson	Councillor Seng
Councillor Nash	Councillor Smith
Councillor Roberts	
Councillor Shurey	
Councillor Stevenson	
<b>Total (7)</b>	<b>Total (4)</b>

Cr Bowen returned to the meeting (7.28m)

### **D59/16 Development Application Report - 120 Brook Street, Coogee (DA/308/2015)**

PL72/16

**RESOLUTION: (Matson/Shurey) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Ardwick Local Environmental Plan 2012 in respect to non-compliance with Clauses Height of Building of Randwick Local Environmental Plan 2012, relating to Clause 4.3(2), 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. Prior to the commencement of any building, subdivision or associated construction works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with Section 81A (2) (a) of the Environmental Planning and Assessment Act 1979.

Pursuant to Section 80 (3) of the Environmental Planning & Assessment Act 1979, notice is given that the abovementioned development application has been determined by granting of **deferred commencement** consent subject to the conditions below:-

#### **DEFERRED COMMENCEMENT CONDITIONS**

*The consent is not to operate until the following material has been submitted to and approved by the Council's Manager of Development Assessment.*

- Amendment of Plans & Documentation**
1. The lift to the southern elevation shall be moved by no less than 500mm and preferably 700mm to the north.

Amended plans shall be submitted to Council's Manager Development Assessments for approval.

**Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.**

**Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director of City Planning, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:**

- C. That subject to compliance with the deferred commencement conditions, to the satisfaction of the Director of City Planning, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979, to Development Application No. DA/308/2015 for demolition of the existing structure on site and construction of a 4 storey mixed use building comprising of a retail premises at ground floor level, 11 dwellings and two basement level car park for 30 vehicles, associated site and landscape works, at No. 120 Brook Street, Coogee, 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. The ground floor components of the "SOHO" apartments must only be used for commercial purposes and not for a residential use.
  - b. Clothes Dry facilities shall be provided to the rear of the courtyard areas of the "SOHO" apartments and rear common communal open space.

**MOTION: (Matson/Shurey) 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 Belleli	Councillor Bowen
Councillor D'Souza	Councillor Moore
Councillor Matson	Councillor Stevenson
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
<b>Total (9)</b>	<b>Total (3)</b>

#### **Miscellaneous Reports**

**M3/16 Miscellaneous Report - Report for variation to Development Standard under State Environmental Planning Policy No. 1 (SEPP 1) and Clause 4.6 between 13 May - 30 June 2016 (F2008/00122)**

**RESOLUTION: (Smith/Nash)** that the report be received and noted.

**MOTION: (Smith/Nash) CARRIED - SEE RESOLUTION.**

PL73/16

**Notice of Rescission Motions**

Nil.

The meeting closed at 7.40pm.

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

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**CHAIRPERSON**