

**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, 9 AUGUST 2016 AT 6:05PM**

**Present:**

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

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

**Officers present:**

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

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Moore, Neilson and Shurey.

**RESOLVED: (Smith/Roberts)** that the apologies received from Crs Moore, Neilson and Shurey 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 12 JULY 2016**

PL74/16

**RESOLUTION: (Smith/Roberts)** that the Minutes of the Planning Committee Meeting held on Tuesday 12 July 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 Andrews declared a non-significant non pecuniary interest in Item D62/16 as he is aware of one of the applicants.
- b) All Councillors present at the meeting declared a non-significant non pecuniary interest in Item D60/16 as a current Randwick City Council is a neighbour.
- c) Cr Garcia declared a significant non pecuniary interest in item M5/16 as his parents live close to the development. Cr Garcia indicated that he would not take part in the debate or the vote on the matter.

## Address of Council by Members of the Public

Prior to consideration of the Agenda by the Committee, deputations were received in respect of the following matters:

D60/16 31 LENTHALL STREET, KENSINGTON (DA/344/2016)

**Applicant** Mr Ben Rollo

D61/16 30 MIDDLE STREET, KINGFORD (DA/11/2016)

**Applicant** Mr Ben Larsson

D62/16 202 OBERON STREET, COOGEE (DA/287/2015/A)

**Applicant** Anthony Betros (on behalf of applicant)

D63/16 42-42A PAULING AVENUE, COOGEE - DA/372/2016

**Objector** Mr Philip North (representing the objectors)

**Applicant** Ms Joanna Lukaszewicz

D65/16 37 PARK STREET, CLOVELLY (DA/819/2014/A)

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

The Meeting was adjourned at 6.40pm and was resumed at 7.00pm.  
Cr Garcia did not return to the meeting after the adjournment.

## Urgent Business

Nil.

## Development Application Reports

### **D60/16 Development Application Report - 31 Lenthall Street, Kensington (DA/344/2016)**

PL75/16

**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.344/2016 for internal alterations and a new two storey addition at the rear of the property including a new carport, rear deck and associated swimming pool, at No. 31 Lenthall Street, 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 Heritage Conditions**

2. The external walls of the proposed cool room be painted to match the adjacent brickwork. Amended drawings shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
3. Any required repointing of original face brickwork to the front elevation and common brickwork to the side elevations should be carried out by a skilled and experienced tradesperson, to ensure the use of technically sound and appropriate techniques.
4. Further clarification of the details of the retention of the existing garage gable is required. Amended/additional drawings shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Details of the design, height, materials and structure of the front pedestrian and vehicular gates are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Gates are to be compatible with the style of the dwelling and the streetscape character.

#### **Flooding**

53. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the area underneath the new ground floor slab shall not be enclosed or used for the storage of goods. This is to ensure flood storage is maintained on the subject property. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.
54. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer

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

#### **D61/16 Development Application Report - 30 Middle Street, Kingsford (DA/11/2016)**

PL76/16

**RESOLUTION: (Matson/Smith)** that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/11/2016 for the demolition of all existing structures on site and construction of a three storey boarding house containing 19 self-contained rooms, ground floor common room, parking for cars and bicycles, landscaping and associated works at No. 30 Middle Street, Kingsford, for the following reasons:

1. The proposal does not satisfy Clause 29(2)(e): Parking of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in that the boarding house development will result in a non-compliance to the off-street parking provisions.
2. The proposal does not satisfy Clause 30A: Character of Local Area of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in that the boarding house is incompatible with the character of the local area.
3. The proposal does not satisfy the objectives of the R3: Medium Density

Residential Zone in that it does not recognise the desirable elements of the existing streetscape or positively contribute to the desired future character of the area.

4. The proposal exceeds the maximum floor space ratio of 1.25:1 specified in Clause 29(c)(i) of the State Environmental Planning Policy (Affordable Rental Housing) 2009, is inconsistent with the objectives of floor space ratios and a Clause 4.6 variation to the development standard has not been submitted as part of the development application.
5. The proposal exceeds the maximum height of building of 9.5 metres specified in Clause 4.3: Height of Buildings of the Randwick Local Environmental Plan 2012, is inconsistent with the objectives for height of buildings and a Clause 4.6: variation to the development standard has not been submitted as part of the development application.
6. The proposal does not satisfy the objectives or controls for Boarding Rooms set-out in Clause 2.1 of the Randwick Development Control Plan 2013 Part C4.
7. The proposal does not satisfy the objectives or controls for Visual and Acoustic Amenity and Privacy set-out in Clause 2.6 of the Randwick Development Control Plan 2013 Part C4.

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

**D62/16 Development Application Report - 202 Oberon Street, Coogee  
(DA/287/2015/A)**

PL77/16

**RESOLUTION: (Andrews/Seng)** that the application be deferred to provide an opportunity for the amended plans to be assessed.

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 Bowen	
Councillor D'Souza	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (10)</b>	<b>Total (1)</b>

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

**D63/16 Development Application Report - 42-42A Pauling Avenue, Coogee  
- DA/372/2016**

PL78/16

**RESOLUTION: (Andrews/Mayor, Cr N D'Souza) –**

- 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 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. 372/2016 for alterations and new upper level additions to existing dual occupancy development at No. 42-42A Pauling Avenue, Coogee, subject to the following non standard condition and the standard conditions contained in the development application compliance report attached to this report.

1A. The sill height of the bathroom window on the southern elevation at second floor level is to be increased to a minimum height of 1.65m above floor level.

**MOTION: (Andrews/Mayor, Cr N D'Souza) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**D64/16 Development Application Report - 77 and 79 Malabar Road, South Coogee (DA/137/2016)**

PL79/16

**RESOLUTION: (Smith/Nash) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 (2A) of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3 of Randwick Local Environmental Plan 2012, relating to maximum height, 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/137/2016 for alterations and additions to the existing dwelling at 77 Malabar Road at ground and lower ground floor levels plus new first floor addition, construction of hard stand car park space to front of dwelling with storage area below, new access stairs and planter in front yard, and new external access stairs, at 77 and 79 Malabar Road, 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**

***Amendment of Plans & Documentation***

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. The slats of the frontage fencing are to be designed to be at least 30% open when viewed from the street.
  - b. A privacy screen having a height of 1.6m above floor level must be provided to the full extent of the western sides of each of the two rear decks. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 30% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

- c. The following window 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:

- W3 in the ground floor living area

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

**D65/16 Development Application Report - 37 Park Street, Clovelly  
(DA/819/2014/A)**

PL80/16

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify DA No. DA/819/2014/A of the approved development by reducing the size of the ground floor window opening and deleting the BBQ and planter box to the rear ground floor terrace, at No. 37 Park Street, Clovelly, subject to the following conditions:

- **Amend Condition 1 to read:**

**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>	<b>Received by Council</b>	
DA100 Rev. E	Look Design Group P/L	17.02.15	17 February 2015	
DA101 Rev. A		06.11.14	19 November 2014	
DA102 Rev. D		24.02.15	24 February 2015	
DA103 Rev. E		17.02.15	17 February 2015	
DA104 Rev. C		17.02.15	17 February 2015	
DA105 Rev. C		17.02.15	24 February 2015	
DA106 Rev. E		17.02.15	17 February 2015	
DA107 Rev. D		17.02.15	17 February 2015	
DA108 Rev. C		17.02.15	17 February 2015	
DA109 Rev. C		17.02.15	17 February 2015	
Exterior finishes				19 November 2014

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
591052S	18 November 2014	19 November 2014
ABSA Certificate 1007038027	- 18/11/2014	19 November 2014

except as amended by the **Section 96 only in so far as they are highlighted and detailed below**, and as may be amended by the following conditions and as may be shown in red on the attached plans:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA102 Rev J	Look Design Group P/L	20/05/2016
DA106 Rev J		20/05/2016
DA107 Rev I		20/05/2016

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

## Miscellaneous Reports

### M4/16 Miscellaneous Report - Report for Variation to Development Standard under State Environmental Planning Policy No. 1 (SEPP 1) and Clause 4.6 between 1 July to 28 July, 2016 (F2008/00122)

PL81/16

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

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

The meeting was adjourned at 7.14pm and was resumed at 7.53pm.  
Cr Garcia returned to the meeting at 7.53pm (after the adjournment).

### Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

### Closed Session

#### M5/16 Confidential - Draft Voluntary Planning Agreement for Newmarket Green Development - 150-174 Barker St & 181 Botany St & 1-7,18-21 Jane St & 8-20, 28-42 Young St, Randwick (DA/88/2016) (DA/88/2016)

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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

PL82/16

**RESOLUTION: (Smith/Nash)** that Council resolves not to accept the Applicant's letter of offer in relation to affordable housing and dedication of the "Big Stable" under a Draft VPA for the Newmarket Green site.

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 Nash
Councillor D'Souza	Councillor Roberts
Councillor Matson	Councillor Seng
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (7)</b>	<b>Total (4)</b>

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

### Open Session

That the meeting move back into open session.

### Notice of Rescission Motions

Nil.

The meeting closed at 8.15pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 13 September 2016.**

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**CHAIRPERSON**