



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL  
OF THE CITY OF RANDWICK HELD ON TUESDAY, 14 JULY 2009 AT  
6:28 PM.**

**Present:**

North Ward	- Councillors K. Smith, P. Tracey & M. Woodsmith (in the Chair)
South Ward	- Councillors R. Belleli, C. Matthews & A. White
East Ward	- Councillor T. Bowen
West Ward	- Councillors B. Hughes & J. Procopiadis
Central Ward	- Councillors T. Seng & G. Stevenson

**Officers Present:**

General Manager	Mr R. Brownlee
Director City Services	Mr J. Frangoples
Director City Planning	Ms S. Truvert
Director Governance & Financial Services	Mr G. Banting
Manager Administrative Services	Mr D. Kelly
Manager Sustainability	Mr P. Maganov
Manager Integrated Transport	Mr T. Lehmann
Acting Manager Development Assessment	Mr R. Quinton

**Apologies/Granting of Leave of Absences**

Apologies were received from Cr Andrews and Nash. Requests for leave of absence were received from the Mayor, Cr B. Notley-Smith and Cr Matson.

**RESOLVED: (Smith/Woodsmith)** - that the apologies received from Cr Andrews and Nash and the requests for leave of absence from the Mayor, Cr B. Notley-Smith and Cr Matson be accepted and leave of absence from the meeting be granted.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING  
HELD ON TUESDAY 9 JUNE 2009**

PL57/09

**RESOLUTION: (Smith/Procopiadis)** that the Minutes of the Planning Committee Meeting held on Tuesday 9 June 2009 (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 Bowen declared a non significant non pecuniary interest in item D41/09 as the owner of the subject premises was employed by a colleague of his.
- (b) Cr Hughes declared a non significant non pecuniary interest in item D41/09 as he knows the objector through the Clovelly Precinct Committee.
- (c) Cr Woodsmith declared a non significant non pecuniary interest in item D41/09 as she knows the objector through the Clovelly Precinct Committee.
- (d) Cr Tracey declared a non significant non pecuniary interest in item D41/09 as he knows the objector through the Clovelly Precinct Committee.
- (e) Cr Smith declared a non significant non pecuniary interest in item D41/09 as he knows the objector through the Clovelly Precinct Committee.

### 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:

D41/09 7 TOWER STREET, COOGEE

**Against** Jason Young

**For** Anthony Betros (on behalf of the applicant)

### Urgent Business

Nil.

### Development Application Reports

#### D41/09 Development Application Report - 7 Tower Street, Coogee (DA/838/2006/A)

PL58/09

#### RESOLUTION: (Hughes/Smith)

- A. That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/838/2006/A for permission to undertake a Section 96 modification to reduce the rear setback on both levels and delete northern rebates on both levels and alter the front roof form at 7 Tower Street, Coogee in the following manner:

#### Amend Condition No 1 to read:

The development must be implemented substantially in accordance with the amended plans numbered 1b and 2b, dated 2 July 2007 and received by Council on 2 July 2007, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered 1G & 2F, amended 9 June 2009 and received by Council on 22 June 2009, 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:

#### MOTION: (Hughes/Smith) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Bowen	Councillor Belleli
Councillor Hughes	Councillor Matthews
Councillor Seng	Councillor Procopiadis
Councillor Smith	Councillor White
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
<b>Total (7)</b>	<b>Total (4)</b>

**D42/09 Development Application Report - 42-44 Ritchard Avenue, Coogee (DA/348/2009)**

PL59/09

**RESOLUTION: (Hughes/Belleli)**

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 30(1) of the Randwick Local Environmental Plan 1988, relating to minimum allotment sizes, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/348/2009 for permission to subdivide the land into two lots to accommodate each of the semi detached dwellings within their own allotment at 42-44 Ritchard Avenue, Coogee subject to the following conditions:
  1. The development must be implemented substantially in accordance with the plan prepared by Dunlop Thorpe & Co Pty. Ltd. reference no 16782, dated 1 April 2009 and received by Council on 4 Jun 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**The following conditions are applied to ensure that the development satisfies the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations and to provide for reasonable levels of safety and amenity:**

2. 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.
3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000 for a building of Type A construction*.
4. Details of critical stage inspections carried out by the principal certifying authority under any relevant construction certificate, together with any other certification relied upon must be provided to Council or the accredited certifier prior to the issuing of a subdivision certificate.

**The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:**

5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneypwater.com.au](http://www.sydneypwater.com.au) then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

6. Prior to the release of the subdivision plans the applicant shall demonstrate that the dwelling's roof rainwater runoff drains through to a suitable drainage system in Ritchard Avenue.

If rectification works are required to comply with the above requirement the works shall be completed and hydraulic certification provided to the Principal Certifying Authority prior to the release of the subdivision plans.

**NOTE:** This condition has been included as it appears that the site's drainage system has been illegally connected to Sydney Water's sewerage system.

7. 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.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a subdivision certificate for the development.

For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999

8. The applicant shall provide Council with the finalised survey plan of the property prior to receiving subdivision approval
9. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
10. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

**MOTION: (Hughes/Belleli) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**D43/09 Development Application Report - 166-168 Clovelly Road, Randwick (DA/341/2009)**

PL60/09

**RESOLUTION: (Smith/Procopiadis)**

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 35 of the Randwick Local Environmental Plan 1988, relating to the floor area of Business Premises in Residential Zones, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/341/2009 for the change of use of the premises to a luxury pet accessories boutique, fit-out and signage with hours of operation 7.30am-6.30pm, Monday-Friday and 9.00am-12.00pm Saturdays at 166-168 Clovelly Road, Randwick, subject to the following conditions:
1. The development must be implemented substantially in accordance with the plans marked 'Scaled Plan for 166 Clovelly Road, Randwick', received by Council on 30 June 2009 and the Schedule of Finishes (as marked in red by Council Officer on 25 June 2009) and 'Sign Plan', received by Council on 24 June 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
  2. No articles shall be placed on Council's footway at any time unless prior written consent has been obtained from Council.
  3. Consent is granted for use of the premises for retail sales purposes only. No animals may be kennelled or groomed at the premises at any time unless prior written consent has been obtained from Council.
  4. The maximum number of employees operating from the subject premises is restricted to 2. Any proposal to change the number of employees shall require a further application to Council.
  5. The hours of operation of the business are restricted to 7.30am to 6.30pm (Monday - Friday) and 9.00am - 12.00pm Saturdays. Any proposal to change the hours of operation shall require a further application to Council.

**The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of health, safety and amenity:**

**Regulatory**

6. 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.

**The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to**

**the locality:**

7. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
8. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
9. The use of the premises and the operation of all plant and equipment 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 premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

**The following conditions are applied to provide adequate provisions for waste management:**

10. 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.

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 and details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

**ADVISORY MATTERS:**

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

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

**Notices of Rescission Motions**

Nil.

The meeting closed at 7.26 pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 11 August 2009.**

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**CHAIRPERSON**