

**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 MAY 2015 AT 6:22PM**

**Present:**

The Mayor, Councillor T Seng (Central Ward)

|              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith                                     |
| South Ward   | - Councillors R Belleli, N D'Souza (arrived 6.29pm) & P Garcia (arrived 6.36pm) |
| East Ward    | - Councillors T Bowen & M Matson  |
| West Ward    | - Councillors G Moore (Chairperson)   |
| Central Ward | - Councillors A Andrews & G Stevenson   |

**Officers present:**

|  |                |
|--|----------------|
| General Manager                          | Mr R Brownlee  |
| Acting Director City Services            | Mr J Ingegneri |
| 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 |

**Apologies/Granting of Leave of Absences**

Apologies were received from Nash, Roberts and Stavrinou.

**RESOLVED: (Smith/Andrews)** that the apologies received from Nash, Roberts and Stavrinou 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 APRIL 2015**

PL38/15

**RESOLUTION: (Smith/Andrews)** that the Minutes of the Planning Committee Meeting held on Tuesday 14 April 2015 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

### Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Shurey declared a non-significant non pecuniary interest in Item D33/15 as she lives in the street.
- b) Cr Bowen declared a significant non pecuniary interest in Item D34/15 as the applicant is known to him through his professional practice. Cr Bowen indicated that he would not take part in the debate or the voting on the matter.
- c) Cr Andrews declared a non-significant non pecuniary interest in Item D34/15 as the applicant is known to him.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D36/15 as applicant's mother is known to her.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item D38/15 as some of the objectors are known to her through the Clovelly Precinct.
- f) Cr Smith declared a non-significant non pecuniary interest in Item D35/15 as he went to school with people who live in the property.
- g) Cr Smith declared a non-significant non pecuniary interest in Item D36/15 as he went to school with people who live in the property.
- h) Cr Moore declared a non-significant non pecuniary interest in Item D38/15 as the applicants are known to him.

**PROCEDURAL MOTION: (Andrews/Seng)** that Item D34/15 be brought forward for immediate consideration given the applicant's request for the matter to be deferred. **LOST.**

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

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

| FOR                | AGAINST              |
|--------------------|----------------------|
| Councillor Andrews | Councillor Belleli   |
|                    | Councillor D'Souza   |
|                    | Councillor Matson    |
|                    | Councillor Moore     |
|                    | Councillor Neilson   |
|                    | Councillor Seng      |
|                    | Councillor Shurey    |
|                    | Councillor Smith     |
|                    | Councillor Stevenson |
| <b>Total (1)</b>   | <b>Total (9)</b>     |

Cr Bowen returned to the meeting at this point (6.35pm).

Cr Garcia arrived at the meeting at this point (6.36pm).

### 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:

D31/15 1179 ANZAC PARADE, MATRAVILLE (DA/994/2011/B) (DEFERRED)

**Applicant** Andrew Martin (representing the applicant)

D34/15 10 BOND STREET, MAROUBRA (DA/20/2015)

**Note: Having previously declared an interest, Cr Bowen left the chamber prior to the public address on this matter.**

**Objector** Lisa Bella Esposito (representing the objector)

**Applicant** Jon Jacka (representing the applicant)

Cr Bowen returned to the meeting at this point (6.52pm).

D35/15 48 TORRINGTON ROAD, MAROUBRA (DA/931/2014)

**Applicant** Joe Snell (representing the applicant)

D36/15 9 FIGTREE AVENUE, RANDWICK (DA/861/2014)

**Objector** Peter Sarlos (representing the objector)

**Applicant** John Darvill

D37/15 165 PRINCE EDWARD STREET, MALABAR (DA/727/2014/A)

**Applicant** Frank Takos

D38/15 32-34 BEACH STREET, COOGEE (DA/27/2015)

**Objector** Julie Charles

**Applicant** Dan Brindall (representing the applicant)

The meeting was adjourned at 7.20pm and was resumed at 7.35pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

#### **D31/15 Development Application Report - 1179 Anzac Parade, Matraville (DA/994/2011/B) (Deferred)**

PL39/15

**RESOLUTION: (Neilson/Matson)** that Council, as the consent authority, refuses development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/994/2011 by way of addition of a roof terrace to each dwelling, increase in size of bedroom 1 to each dwelling, and alter entry stairs, at No. 1179 Anzac Parade, Matraville, for the following reasons:

1. The proposal does not satisfy the relevant objectives for R2 Low Density Residential Zone as set-out in the Randwick Local Environmental Plan 2012 in that it fails to:
  - a) recognise the desirable elements of the existing streetscape and built form that contributes to the desired future character of the area.
  - b) protect the amenity of residents.
2. The proposed increase in overall height is excessive and does not comply with development standards and objectives under Clause 4.3 of the Randwick Local Environmental Plan 2012 in that it fails to:

- a) ensure that the size and scale of development is compatible with the desired future character of the locality;
  - b) ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, overshadowing and views
3. The proposed increase in the external wall height is excessive and does not comply with the Controls and objectives under Section 3.2 of the Randwick DCP 2013 in that it fails to:
- a) To ensure development height establishes a suitable scale to the street and contributes to its character.
  - b) To ensure development height does not cause unreasonable impacts upon the neighbouring dwellings in terms of overshadowing, view loss, privacy and visual amenity.
  - c) To ensure the form and massing of development respect the topography of the site.
4. The proposed roof terrace does not satisfy the objectives and controls under Section 4.4 of the Randwick Comprehensive Development Control Plan 2013 – Roof Design and Features in that it fails to:
- a) Adhere to the control that roof terraces, decks or trafficable outdoor spaces must not be provided on the uppermost or main roof of the building.
5. The proposed roof terrace and entries does not satisfy the amenity objectives under Section 5.3 and 5.4 of the Randwick Comprehensive Development Control Plan 2013 – Visual and Acoustic privacy in that it fails to:
- a) ensure development minimise overlooking or cross viewing to the neighbouring dwellings to maintain reasonable levels of privacy.
  - b) ensure the siting and design of development minimise the impacts of noise transmission.
6. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 and having regard to the above reasons, approval of the application is not in the public interest as evidenced by the objections received.

**MOTION: (Andrews/Belleli)** that the application be deferred to allow for the submission of amended plans. **LOST.**

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

| <b>FOR</b>         | <b>AGAINST</b>                  |
|--------------------|---------------------------------|
| Councillor Andrews | Councillor Bowen                |
| Councillor Belleli | Councillor Garcia               |
| Councillor D'Souza | Councillor Neilson              |
| Councillor Matson  | Councillor Seng                 |
| Councillor Moore   | Councillor Smith                |
| Councillor Shurey  | Councillor Stevenson            |
|                    | Councillor Moore (casting vote) |
| <b>Total (6)</b>   | <b>Total (7)</b>                |

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

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

| FOR                  | AGAINST            |
|----------------------|--------------------|
| Councillor Andrews   | Councillor Belleli |
| Councillor Bowen     |                    |
| Councillor D'Souza   |                    |
| Councillor Garcia    |                    |
| Councillor Matson    |                    |
| Councillor Moore     |                    |
| Councillor Neilson   |                    |
| Councillor Seng      |                    |
| Councillor Shurey    |                    |
| Councillor Smith     |                    |
| Councillor Stevenson |                    |
| <b>Total (11)</b>    | <b>Total (1)</b>   |

**D32/15 Development Application Report - 127 Doncaster Avenue, Kensington (DA/872/2014)**

PL40/15

**RESOLUTION: (Andrews/Bowen)** 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. 872/2014 for ground floor and first floor alterations to the existing dwelling house including a new northern side carport and front boundary fence, at No. 127 Doncaster Avenue, subject to the standard conditions contained in the development application compliance report.

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

**D33/15 Development Application Report - 14 Chapman Avenue, Maroubra (DA/159/2015)**

PL41/15

**RESOLUTION: (Andrews/Bowen)** 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. 159/2015 for the proposed uncovered single car space in front of the existing dwelling at No. 14 Chapman Avenue, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions**

- 2 (a) Additional landscaping shall be provided to the east of the car space and along the site frontage to the east of the car space.
- (b) That the area east of the approved car space within the front setback shall be amended to be landscaped area (approximate dimensions of 5.9m x 2.5m). In this regard, the reinforced concrete slab shown on the approved plan shall be replaced by the increased landscaped area with details to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate. The landscaping should incorporate native species which should have a mature height of no greater than 600mm along the frontage to retain sight distances when reversing out of the driveway. The garden bed along the eastern side shall have a minimum depth of 600mm and shall return along the street frontage for a distance of 2.5m from the eastern boundary. A brick fence forming the southern side of the planter bed should be provided along the site frontage to match the height of the adjoining front fence at 16 Chapman Avenue.

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

**D34/15 Development Application Report - 10 Bond Street, Maroubra  
(DA/20/2015)**

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

PL42/15

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, refuses development consent to Development Application No. 20/2015 for alterations and construction of a three storey addition to the rear of the existing semi-detached dwelling, at No. 10 Bond Street, Maroubra, pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, for the following reasons:

1. The proposed development is not consistent with the relevant objectives of R2 Low Density Residential zone under Clause 2.3 of the *Randwick Local Environmental Plan 2012*, in that the resultant bulk and scale of the proposed development is inconsistent and incompatible with the desirable elements of the existing streetscape and built form and will adversely affect the amenity of the neighbouring residents.
2. The proposed development is not consistent with the relevant objectives of floor space ratio under Clause 4.4 of the *Randwick Local Environmental Plan 2012*, in that the proposal results in a building envelope with adversely impacts on the adjoining development through excessive visual bulk and view loss;
3. The proposal exceeds the maximum height standard of 9.5 metres specified in Clause 4.3 of *Randwick Local Environmental Plan 2012*. The applicant has not provided a valid request for exception pursuant to Clause 4.6, demonstrating the application of the standard is unreasonable or unnecessary in the circumstances;
4. The scheme proposes an excessive wall height that eventuates in unreasonable bulk and scale and fails meet the objectives for Building Height set out in Clause 3.2 of the *Randwick Development Control Plan 2013 Part C1 – Low Density Residential*;
5. The scheme proposes a built form that does not adequately respond to its topographical and built form context and fails to meet the objectives and controls of Building Design set out in Clause 4.1 of the *Randwick Development Control Plan 2013 Part C1 – Low Density Residential*;
6. The proposed development does not comply with the objectives and controls regarding Additional Design Requirements for Semi-Detached Dwellings of the *Randwick Development Control Plan 2013, C1 Low Density Residential, sub-section 4.2*. The proposed development fails to recognise its semi-detached pairing and will result in an undesirable precedent for the building to which it is attached;
7. The scheme does not meet the view sharing requirements set out in Clause 5.6 of the *Randwick Development Control Plan 2013 Part C1 – Low Density Residential*;
8. The proposal is not in the public interest and does not satisfy Section 79C(i)(e) of the Environmental Planning and Assessment Act 1979.

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

Cr Bowen returned to the meeting at this point (7.48pm).

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**D35/15 Development Application Report - 48 Torrington Road, Maroubra (DA/931/2014)**

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PL43/15

**RESOLUTION: (Andrews/Bowen)** 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/931/2014 for demolition of the existing dwelling house and garage and construction of a new part 2 part 3 storey dwelling house with basement cellar/storage and new boundary fence, at No. 48 Torrington Road, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions****Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The window to the gymnasium room W/21 to the north western elevation on the first floor level 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.
  - b. Prior to the issue of a Construction Certificate, the BASIX Certificate shall be amended to reflect the approved plans.

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

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**D36/15 Development Application Report - 9 Figtree Avenue, Randwick (DA/861/2014)**

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PL44/15

**RESOLUTION: (Andrews/Garcia)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 861/2014 for substantial alterations and additions to the existing semi-detached dwelling and new carport at No. 9 Figtree Avenue, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions****Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The following window/s must have a minimum sill height of 1.6 m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
    - Ground floor window located on the southern elevation attached to Bedroom 4;
    - First floor window located on the eastern elevation attached to Bedroom 2.

**MOTION: (Matson/Shurey)** that the application be deferred for mediation with a view to the submission of amended plans that address the solar access issues for the

adjoining property. **LOST.**

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

| <b>FOR</b>        | <b>AGAINST</b>       |
|-------------------|----------------------|
| Councillor Bowen  | Councillor Andrews   |
| Councillor Matson | Councillor Belleli   |
| Councillor Seng   | Councillor D'Souza   |
| Councillor Shurey | Councillor Garcia    |
|                   | Councillor Moore     |
|                   | Councillor Neilson   |
|                   | Councillor Smith     |
|                   | Councillor Stevenson |
| <b>Total (4)</b>  | <b>Total (8)</b>     |

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

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

| <b>FOR</b>           | <b>AGAINST</b>    |
|----------------------|-------------------|
| Councillor Andrews   | Councillor Matson |
| Councillor Bowen     | Councillor Shurey |
| Councillor Belleli   |                   |
| Councillor D'Souza   |                   |
| Councillor Garcia    |                   |
| Councillor Moore     |                   |
| Councillor Neilson   |                   |
| Councillor Seng      |                   |
| Councillor Smith     |                   |
| Councillor Stevenson |                   |
| <b>Total (10)</b>    | <b>Total (2)</b>  |

**D37/15 Development Application Report - 165 Prince Edward Street, Malabar (DA/727/2014/A)**

PL45/15

**RESOLUTION: (Andrews/Bowen)** that council, as the consent authority, refuse development consent under section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/727/2014 by modifying the approved development by deleting condition 2(a) of the development consent in relation to the height of the proposed carport at 165 Prince Edward Street, Malabar, for the following reasons:

1. The proposed development does not satisfy the objectives and controls of Section 6.6 Carport Configuration under the Randwick Comprehensive Development Control Plan (RDCP) 2013 in that the proposed carport structure contains a flat to mono-skillion roof with a maximum building height greater than 3m and will detract from the amenity of the adjoining properties.
2. The proposal will lead to a negative planning outcome and would create and undesirable precedent which compromises the amenity of the neighbouring residential dwelling.

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



**D38/15 Development Application Report - 32-34 Beach Street, Coogee  
(DA/27/2015)**PL46/15 **RESOLUTION: (Andrews/Bowen) -**

- 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 (2A) of Randwick Local Environmental Plan 2012, relating to Building 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 & 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. 27/2015 for demolition of the existing buildings and construction of a multi dwelling housing development containing 6x3 bedroom dwellings and basement car parking for 11 vehicles, at No. 32-34 Beach Street, 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 A/C units for Building A (Front) and Building B (rear) shall be located in accordance with the plans received by Council on 13 February 2015. In particular, the A/C for Unit 1,3,5,6 shall be located on the ground floor level and greater than 3m from the side boundaries. The A/C unit to Unit 4 shall be located within the rear courtyard and be greater than 4.5m from the boundary. The A/C for Unit 2 shall be located within the rear courtyard and be sited greater than 11m from the rear units on the site.
  - b) The northern and southern sides of the second floor balconies to units 1 & 3 shall be non-trafficable
  - c) No consent is granted for fencing to the side or rear boundaries. Any new fencing shall be subject to a separate development application unless the fence design meets the exempt and complying development criteria specified under the SEPP Exempt and Complying Codes 2008.
  - d) A privacy screen having a height of 1.6m above floor level must be provided to southern side of the balcony of unit 1 guest bedroom and the northern side of the balcony of the unit 3 guest bedroom. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

**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 an Accredited Certifier or Randwick City Council. 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.

**The following conditions are applied to provide adequate security against damage to Council's infrastructure:**

**Protection of Street Trees**

4. In order to ensure retention of the three large and mature *Ficus macrocarpa* var. 'Hillii' (Hills Weeping Figs) located on Council's Beach Street verge, being T1 to the south of the existing crossing, T2 just to the north of the existing crossing, and T3 towards the northern site boundary in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show the retention of these three trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
  - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property can only be adjacent the southeast corner of the site, where connection will be made into Council's 750mm diameter pipe, as is shown on the Stormwater Drainage Ground Floor Plan by LP Consulting, dwg C202, issue B dated 23/1/15.
  - c. **The development can only proceed on the basis of one of the two following options:**
    - i) The existing vehicle crossing must be retained and upgraded in exactly its current position;  
  
OR;
    - ii) The setback between excavations for the northern side of the proposed vehicle crossing and the trunk of T2 must be increased from approximately 1300mm as is currently shown on the Floor Plan by ASA Architects, dwg DA 100, issue B, dated 20.1.15, out to a minimum distance of 2 metres, measured off the outside edge of its trunk at ground level.
  - d. **Detailed plans demonstrating compliance with one of these two options must be submitted to, and be approved by, the Manager of Development Assessment, prior to the issue of a Construction Certificate.**
  - e. The Certifying Authority/PCA must ensure that, prior to the commencement of any site works, an Arborist who holds a minimum of AQF Level 5 ("the site Arborist") has been engaged for the duration of the project to undertake, supervise and monitor all aspects of the works relating to protection and preservation of these trees, and must ensure compliance with the conditions of consent, with all site staff to comply with any instructions issued.
  - f. All initial excavations for the proposed internal basement entry ramp or for any other structures or services between the eastern wall of the basement level and eastern site boundary must be initially performed by hand directly by, or under the direct supervision of; the site Arborist,

- to a minimum depth of 600mm, without damaging any roots in the process.
- g. **The site Arborist must then contact Council's Landscape Development Officer (9399-0613), prior to proceeding further with any works, and giving at least 2 working days notice, to inspect these areas, with the applicant to comply with any instructions issued.**
  - h. Where roots with a diameter of less than 75mm are found which are in direct conflict with the works, and Council's Officer gives permission for their pruning, they may be cut cleanly by hand, only by the site Arborist, with the affected areas to be backfilled with clean site soil as soon as practically possible.
  - i. Should Council's Officer confirm that permission can be granted for major root pruning (in terms of size or quantity), for works either within the site or on public property for the new crossing, footpath, kerb or similar, this can only be performed by Council, wholly at the applicant's cost.
  - j. Upon completion of this major root pruning, the required fee will need to be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to the issue of any Occupation Certificate**
  - k. These trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to their south and north (measured off the outside edge of their trunks at ground level), matching up with the back of the kerb to their east, and pedestrian footpath to their west, in order to completely enclose each tree for the duration of works.
  - l. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
  - m. Where further trunk or branch protection is required, this may be via wrapping layers of geo-textile, underfelt or layers of Hessian, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around their circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
  - n. Where ground protection is required within the site so as to prevent root damage and compaction, this will comprise a 50mm layer of mulch, then strapped together rumble boards, plywood or similar, which must remain in place for the duration of works, until such time as the approved landscaping is being installed. Refer point 4.5.3 & Figure 4 of AS 4970 – 2009: Protection of trees on development sites.
  - o. Within the TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
  - p. The applicant is not authorised to perform any other works to these

trees, and must contact Council's Landscape Development Officer on 9399-0613 should any other, further work appear necessary, with the applicant to cover all costs, to Council's satisfaction, prior to the issue of an Occupation Certificate.

- q. Prior to the issue of any Occupation Certificate, the site Arborist must submit to, and have approved by, the PCA, a compliance report that confirms the dates of attendance on-site; the works that were performed to the trees, and that the conditions of development consent and any other 'on-site' instructions were complied with.
- r. The PCA must ensure compliance with all of the requirements listed above, as well as Appendix 7 of the Tree Assessment Report by Mark Bury Consulting, dated 9/12/14, during the course of works, and prior to issuing any type of Occupation Certificate.
- s. In the event of a discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome and course of action.
- t. A refundable deposit in the form of cash, credit card, cheque or bank guarantee (with no expiry date) for an amount of **\$20,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of any Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

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

### **Miscellaneous Reports**

Nil.

### **Notice of Rescission Motions**

Nil.

The meeting closed at 8.11pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 9 June 2015.**

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**CHAIRPERSON**