

# Application Assessment Panel Minutes

**Tuesday 23 December 2008**

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# Application Assessment Panel Minutes

**Minutes of the Meeting held on  
Tuesday 23 December 2008 at 3.00pm**

Present: Application Assessment Panel:

A Coker (Director – Planning & Development) (Chair)  
C Bluett (Manager – Strategic Planning)  
C Jenner (Acting Manager – Compliance)

Staff: D Barber (Assessment Officer)  
S O'Connor (Secretary – Administration)  
E Smith (Acting Team Leader)  
B Thomas (Assessment Officer)

Apologies: Apologies were received and accepted from  
T Tuxford (Manager – Compliance)

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## **Late Correspondence**

Late correspondence was submitted to the Panel in relation to Items: D4

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## **Declarations of Interest**

Nil

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**Items Decided by the Panel using its delegated authority (Items D1 to D4)**

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**Item No:** D1 Delegated to the Panel

**Subject:** **Confirmation of Minutes of meeting held on 16 December 2008**

**Author:** Marie Kelly, Secretary – Administration

**File No:** See Application Assessment Panel Minutes

**Reason for Report:** The Minutes of the Meeting of Tuesday 16 December 2008 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Note:** Mr Kostic, the owner of 3 Latimer Road, Bellevue Hill, addressed the Panel in relation to the minutes relating to Item No. D4 of Application Assessment Panel meeting dated 16 December 2008.

**(Bluett/Jenner)**

**Resolved:**

That the Minutes of the Application Assessment Panel Meeting of 16 December 2008 be taken as read and confirmed.

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**D2 DA701/2006 Part 3 – 48 Coolong Road, Vacluse – Section 96 Application Proposed modification removal of 8 trees & replacement with 4 trees of more appropriate native species (insertion of Condition No. A.7, modification to Condition Nos B.3, E.8 & H.2) – 22/8/2008**

**(Bluett/Jenner)**

**Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

THAT Council, as the consent authority, modify development consent to Development Application No. 701/2006 for work on land at 48 Coolong Road Vacluse, in the following manner:

**The addition of the following Condition:**

**A.7 Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "Approved Plans" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
Revised Planting plan for S96	Landscape Plan	Tony Ward	August 2008

**Note:** These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A6 (Autotext AA6)

### The deletion of Condition B.3 and replacement of that clause with the following:

#### B.3 Establishment of Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements;

a) Tree Protection Zone areas

Council Reference No:	Species	Location	Radius from Trunk (Metres)*
1	Coast Banksia ( <i>Banksia integrifolia</i> )	North-west of existing driveway to Lot 6 (eastern allotment) in road reserve	5.5m
2	Sydney Red Gum ( <i>Angophora costata</i> )	Centre of road reserve	4m
2a	Jacaranda ( <i>Jacaranda mimosifolia</i> )	Western most tree in road reserve	2m
23	Golden Cypress ( <i>Cupressus macrocarpa</i> 'Aurea')	Adjacent western corner of existing tennis court	7.0m
24	Canary Island Palm ( <i>Phoenix canariensis</i> )	In southern corner of property, adjacent eastern boundary	5.0m
25	Row of 13 x Bhutan Cypress ( <i>Cupressus torulosa</i> )	Adjacent eastern boundary of site	3.0m

**\*NB:** Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing is to be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways and footpaths, is protected.

- b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- d) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- e) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- f) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction. Standard Condition: B5

**The deletion of Condition E.8 and replacement of that clause with the following:****E.8 Tree Preservation & Approved Landscaping Works**

All landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees must be retained:

Council Reference No:	Species	Location	Dimension (Metres)
1	Coast Banksia ( <i>Banksia integrifolia</i> )	North-west of existing driveway to Lot 6 (eastern allotment) in road reserve.	H: 9m W: 8m Ø: 0.45m
2	Sydney Red Gum ( <i>Angophora costata</i> )	Centre of road reserve.	H: 8m W: 7m Ø: 0.35m
2a	Jacaranda ( <i>Jacaranda mimosifolia</i> )	Western most tree in road reserve.	H: 5m W: 4m Ø: 0.2m
12	Cheese Tree ( <i>Glochidion ferdinandi</i> )	Adjacent eastern boundary.	H: 6m W: 8m Ø: 0.2m & 2x0.17m
24	Canary Island Palm ( <i>Phoenix canariensis</i> )	In southern corner of property, adjacent eastern boundary.	H: 8m W: 8m Ø: 0.6m
25	Row of 13 x Bhutan Cypress ( <i>Cupressus torulosa</i> )	Adjacent eastern boundary of site.	H: 9m W: 2m Ø: 0.2m

**Note:** The tree trees required to be retained should appear coloured green on the construction certificate plans

b) The following trees must be transplanted and successfully established in the location(s) indicated on the approved landscape plan:

Council Reference No:	Species	Location	Dimension (Metres)
18	Frangipani ( <i>Plumeria acutifolia</i> )	Adjacent northern corner of existing dwelling.	H: 4m W: 6m Ø: 0.28m

**Note:** The tree trees required to be retained should appear coloured yellow on the construction certificate plans.

c) The following trees may be removed:

Council Reference No:	Species	Location	Dimension (Metres)
3	American Arbovitae ( <i>Thuja occidentalis</i> )	Adjacent northern (front) boundary.	H: 5m W: 5m Ø: 0.18m & 0.2m
4	Bhutan Cypress ( <i>Cupressus torulosa</i> )	Adjacent northern (front) boundary.	H: 10m W: 3m Ø: 0.24m
5	Bhutan Cypress ( <i>Cupressus torulosa</i> )	Adjacent northern (front) boundary.	H: 9m W: 3m Ø: 0.18m
6	Bhutan Cypress ( <i>Cupressus torulosa</i> )	Adjacent northern (front) boundary.	H: 9m W: 3m Ø: 0.2m
7	Bhutan Cypress ( <i>Cupressus torulosa</i> )	Adjacent northern (front) boundary.	H: 9m W: 3m Ø: 0.2m
8	Bhutan Cypress ( <i>Cupressus torulosa</i> )	In eastern corner, adjacent northern (front) boundary.	H: 8m W: 3m Ø: 0.18m
9	Bhutan Cypress ( <i>Cupressus torulosa</i> )	In eastern corner, adjacent northern (front) boundary.	H: 8m W: 3m Ø: 0.18m
10	Lemon –scented Tea Tree ( <i>Leptospermum petersonii</i> )	In eastern corner, adjacent northern (front) boundary.	H: 7m W: 7m Ø: 0.35m
11	Bangalow Palm ( <i>Archontophoenix cumminghamii</i> )	Adjacent eastern corner of existing tennis court.	H: 5m W: 3m Ø: 2x0.14m
13	Bangalow Palm ( <i>Archontophoenix cumminghamii</i> )	Adjacent northern boundary of existing tennis court.	H: 5m W: 2m Ø: 0.12m
14	Bangalow Palm ( <i>Archontophoenix cumminghamii</i> )	Adjacent northern boundary of existing tennis court.	H: 5m W: 4m Ø: 3x0.16, 0.14 & 0.12m
15	Bougainvillea spp. ( <i>Bougainvillea spp.</i> )	Adjacent northern boundary of existing tennis court.	H: 5m W: 5m Ø: 0.16 & 0.1m
16	Bangalow Palm ( <i>Archontophoenix cumminghamii</i> )	Adjacent northern boundary of existing tennis court.	H: 6m W: 4m Ø: 3x0.17m
17	Italian Cypress ( <i>Cupressus sempervirens</i> )	Adjacent northern corner of existing tennis court.	H: 11m W: 4m Ø: 0.35m
18a	Row of 9x Golden Brunings Cypress ( <i>Cupressus macrocarpa</i> 'Brunniana Aurea')	Adjacent western boundary of site.	H: 5m W: 3m Ø: 0.1m
19	Cocos Palm ( <i>Syagrus romanzoffianum</i> )	Adjacent western corner of site.	H: 10m W: 6m Ø: 0.24m
20	Cocos Palm ( <i>Syagrus romanzoffianum</i> )	Adjacent western corner of site.	H: 11m W: 6m Ø: 0.3m
21	Cocos Palm ( <i>Syagrus romanzoffianum</i> )	Adjacent western corner of site.	H: 7m W: 6m Ø: 0.2m

Council Reference No:	Species	Location	Dimension (Metres)
22	Arfican Olive ( <i>Olea africana</i> )	Adjacent southern corner of exiting swimming pool.	H: 4m W: 6m Ø: 2x0.28m
23	Golden Cypress ( <i>Cupressus macrocarpa</i> 'Aurea')	Adjacent western corner of existing tennis court.	H: 7m W: 7m Ø: 0.55m
24a	Row of 9x Hibiscus ( <i>Hibiscus spp.</i> )	Adjacent southern (rear) boundary of site.	H: 6m W: 5m Ø: x0.1m

**Note:** The tree trees that may be removed should appear coloured red on the construction certificate plans.

### Replacement trees which must be planted

The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area. Areas for future planting must be plotted on the submitted landscape or architectural plans and be protected from damage, especially soil compaction and contamination from construction activity by erecting a barrier or implementing ground protection. Where ground protection during construction activity is not implemented, remediation measures prior to planting such as soil ripping or subsoil aeration must be employed.

Any replacement plant is to be maintained in a healthy and vigorous condition until it attains a height of 5 metres or a spread of 3 metres, whereby it will be protected by Council's Tree Preservation Order. If the replacement plant is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting Location	Container Size or Size of Tree (@ time of planting)	Minimum Dimensions at Maturity
3 x <i>Angophora costata</i> Sydney Red Gum	As per the submitted Tony Ward landscape plan dated August 2008	As per the submitted Tony Ward landscape plan dated August 2008	As per the submitted Tony Ward landscape plan dated August 2008
1 x <i>Acmena smithii</i> Lillypilly	As per the submitted Tony Ward landscape plan dated August 2008	As per the submitted Tony Ward landscape plan dated August 2008	As per the submitted Tony Ward landscape plan dated August 2008

All replacement trees are to be NATSPEC grown.

Standard Condition: E9

### The deletion of Condition H.2 and replacement of that clause with the following:

#### H.2 Landscaping

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan, subject to the modifications set out in the Statement of Environmental Effects by Tzannes Associates dated August 2008. The *principal contractor* or *owner* must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

**Note:** This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.  
Standard Condition: H9

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**D3 DA551/2008 – 698-704 Old South Head Road, Rose Bay – Use of shop 1 as an Indian restaurant including new fitout & seating – 1/9/2008**

**(Bluett/Jenner)**

**Resolved:**

THAT the Council, defer Development Application No. 551/2008 for use of Shop 1 as a restaurant including a new fitout and seating on land at 698-704 Old South Head Road, Rose Bay, to a future Application Assessment Panel meeting for the following reasons:

- To enable the applicant to provide details of the mechanical ventilation for the proposed kitchen and those details to be considered by the Council's Environmental Health Officer.
- To enable Council's Property Officer to consider the proposed footpath restaurant seating.

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**D4 DA209/2005 Part 2 – 3/8 Wolseley Road, Point Piper – Section 96 Application – Proposed modification raise retaining wall by 400mm – 29/8/2008**

**Note:** Late correspondence was tabled by B & A Howarth (2 pieces).

**Note:** Mr & Mrs McKillop the applicants, addressed the Panel.

**Note:** The Panel amended Condition No. 35 (Height of Retaining wall).

**(Jenner/Bluett)**

**Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

THAT Council, as the consent authority, modify development consent to Development Application No. 209/2005 part 2 for alterations and additions including retaining wall on land at 8 Wolseley Road Point Piper, in the following manner:

**The addition of the following conditions:**

**1.a Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "Approved Plans" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
2005-28/1A 2005-28/2B 2005-28/3B 2005-28/4A 2005-28/5B 2005-28/6B 2005-28/7A	Architectural Plans	Drawtech Group Pty Limited	Stamped Amended and Received 8/10/08

**Note:** These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)  
Standard Condition: A6

This consent relates to the work, shown in colour, on plans numbered 2005-28/1A, 2005-28/2B, 2005-28/3B, 2005-28/4A, 2005-28/5B, 2005-28/6B and 2005-28/7A, dated 27/2/06, drawn by Drawtech Group Pty Limited, all of which carry a Council stamp “**Approved DA Plans**” and the signature of a Council officer, except where amended by the following conditions:

### 33. Structural Adequacy of Existing Supporting Structures

A certificate from a *professional engineer* (Structural Engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the *Construction Certificate* application.

**Note:** This condition is imposed to ensure that the existing structure structural is able to support the additional loads proposed.  
Standard Condition: C35

### 34. Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the Regulation, must include detailed *professional engineering* plans and/or specifications for all structural, electrical, hydraulic, hydro-geological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

**Note:** This does not affect the right of the developer to seek staged Construction Certificates  
Standard Condition: C36

### 35. Height of Retaining wall

The retaining wall at the rear (west) and side (northern) boundaries shall not exceed a maximum height of RL20.40. This condition is imposed to ensure the retaining wall does not exceed a maximum height of RL20.40 and does not create additional bulk and scale.

There being no further business the meeting concluded at 3.55 pm.

*We certify that the pages numbered 1 to 11 inclusive are the Minutes of the Application Assessment Panel Meeting held on 23 December 2008 and confirmed by the Application Assessment Panel on 13 January 2009 as correct.*

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**Chairperson**

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**Secretary**