

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 10TH SEPTEMBER, 2002 AT 6:51 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward)

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis
Central Ward	-	Crs C. Bastic, A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Acting Manager Environmental Planning	Ms. K. Armstrong.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Manager Communications	Ms. D. Brien.

1. APOLOGY.

An apology was received from Cr Seng.

RESOLVED: (Schick/Procopiadis) that the apology be received and accepted and leave of absence be granted to Cr Seng from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 10th September, 2002.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 13TH AUGUST, 2002.

H58 **RESOLUTION:** *(Andrews/Schick)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 13th August, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (Andrews/Schick) that the meeting be adjourned at 6.53 p.m. and be further adjourned at 8.27 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

5.2 239 CLOVELLY RD CLOVELLY.

The Applicant Ms Bissera Dikova 239 Clovelly Road, Clovelly.

5.3 47-51 PERRY STREET, MATRAVILLE.

The Objector Mr Terry Litton 61 Perry Street, Matraville.

The Applicant Mr Tony Moody 17 Woonah St, Little Bay.

5.4 17 HUGHES AVENUE, MAROUBRA.

The Objector Ms Maree Jones 124 Broome Street Maroubra.

The Applicant Mr Mark Boatswain 17 Hughes Avenue, Maroubra.

5.5 1609 ANZAC PARADE LA PEROUSE.

The Objector Mr Charles Abela 1587 Anzac Parade, La Perouse

The Applicant Mr Rick Keayes 50 Malcolm Street, Erskenville.

5.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 63/2002 0 2 - 4 FRANCES STREET, RANDWICK.

The Objector Ms Jennifer Hill 61-89 Buckingham Street, Surry Hills.

The Applicant Mr Grahame Brooks 71 York Street, Sydney.

The meeting was resumed at 9.02 p.m.

4. MAYORAL MINUTES.

Nil.

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 19 BOND STREET, MAROUBRA. (D/0524/2002)

H59 **RESOLUTION:** *(Andrews/Procopiadis) that:*

A. *Council as the responsible authority grant its development consent under Section 80*

and 80 (A) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 524/02 for alterations and additions to an existing semi-detached dwelling house at 19 Bond Street, Maroubra.

1. *The development must be implemented substantially in accordance with the plans numbered 51/02, dated May 02 and Site Analysis Plan and received by Council on 3 June 2002 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 satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

4. *Surface water/stormwater must be drained and discharged to the street gutter or a suitable absorption pit and details are to be included in the **construction certificate details** for the development.*

*Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment **prior to commencement of works.***

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

5. *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.*
6. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

7. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to a construction certificate being issued for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

8. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
9. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
10. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
11. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
12. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

13. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

14. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations

15. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*

16. *Building materials, sand, soil, waste materials or construction equipment 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 at all times.*

17. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

18. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

MOTION: (Andrews/Procopiadis) SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 239 CLOVELLY RD, CLOVELLY. (D/0285/2002)

H60 **RESOLUTION: (Tracey/Procopiadis) that:**

A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 285/02 for New double garage with attic storage at 239 Clovelly Rd Clovelly subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans unnumbered, dated 2/4/02 and received by Council on 4/4/02, 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 satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. The colours, materials and finishes of the external surfaces to the garage are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to commencement of any building works.***

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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.
4. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

5. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

6. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to a **construction certificate** being issued for the development, certifying the structural adequacy of the existing retaining wall to support the garage.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

7. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
8. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*

9. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
10. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
11. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

12. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***

(a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.

13. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
14. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations

15. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
16. *Building materials, sand, soil, waste materials or construction equipment 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 at all times.

17. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

SECURITY DEPOSIT CONDITIONS

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

18. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$700.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

Traffic conditions/Civil Works Conditions

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

19. *The applicant must meet the full cost for Council or a Council approved contractor*
20. *Construct a concrete vehicular crossing and layback with concrete gutter at the kerb line opposite the vehicular entrance to the site, in Susan Lane. This shall include any necessary roadworks.*
21. *Replace any redundant vehicular crossing previously serving the site in Barry Street, with kerb and gutter to Council's specification.*
22. *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.*
23. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

24. *A pedestrian safety mirror be installed at the intersection of Barry Street and Susan Lane at the applicant's expense. Details of the mirror and exact location to be determined by the Director Assets and Infrastructure Services.*

Alignment Level Conditions

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

25. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:*

- ***60mm above the edge of the asphalt road at all points opposite the asphalt road, along the full site frontage, in Susan Lane.***

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0881.

The design alignment level at the property boundary must be strictly adhered to.

26. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway must be indicated on the building plans for the construction certificate.*
27. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$66.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

The following conditions are applied to provide adequate consideration for service authority assets:

28. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
29. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Advisory Conditions

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: (Tracey/Procopiadis) SEE RESOLUTION.

5.3 DEVELOPMENT APPLICATION REPORT - 47-51 PERRY STREET, MATRAVILLE. (D/0327/2002)

H61 **RESOLUTION: (Matthews/White)** that Council as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 402/02 for permission to use the premises as a tyre warehouse and fitting centre at 47-53 Perry Street Matraville for the following reasons:

- (a) *The site is unsuitable for the proposed development as it does not contain sufficient area for the safe manoeuvring of large vehicles;*
- (b) *Large vehicles are unable to exit the site in a forward direction resulting in potential pedestrian and vehicular conflict; and*
- (c) *The proposed use will adversely affect the amenity of neighbouring residential properties in terms of noise, traffic and parking.*

MOTION: (White/Matthews) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 17 HUGHES AVENUE, MAROUBRA. (D/0743/2001)

H62 **RESOLUTION: (White/Bastic)** that Council as the consent authority, grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to delete condition 5 of Development Consent No. 743/01 for permission to carry out alterations and additions to the dwelling at 17 Hughes Avenue Maroubra.

MOTION: (White/Bastic) SEE RESOLUTION.

A division was called for by Crs Matthews and Matson. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matthews
Cr Bastic	Cr Matson
Cr Daley	Cr Notley-Smith
Cr Procopiadis	Cr Whitehead
Cr Schick	
His Worship the Mayor, Cr D. Sullivan	
Cr Tracey	
Cr White	

5.5 DEVELOPMENT APPLICATION REPORT - 1609 ANZAC PARADE, LA PEROUSE. (D/0142/2002)

(The meeting was adjourned at 9.20 p.m. and was resumed at 9.25 p.m. during discussion on this item.)

H63 **RESOLUTION:** (*White/His Worship the Mayor, Cr D. Sullivan*) 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.142/02 for permission to rectify the existing maritime deck and install balustrade to provide 24 tables and 84 chairs to provide for an area of outdoor dining at "Pete's Boatshed" 1609 Anzac Parade La Perouse subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans numbered 0025, dated March 2001, and received by Council on the 22nd February 2002, 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 satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The colours, materials and finishes of the external surfaces to the deck are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the street scape.*

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the proposed development.

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

3. *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 use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

4. *No deliveries are to occur between the following hours;*
8.00pm to 7.00am Weekdays
8.00pm to 8.00am Weekends and Public Holidays

5. *The hours of operation are limited to the following:*

10.00a.m to 5.00p.m Monday - Friday,
9.00a.m to 6.00pm Saturday and Sunday

Daylight Saving Hours:

10.00am to 5.00pm Monday - Thursday

9.00am to 10.30pm Friday, Saturday and Sunday

The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:

- 6 *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Health and Building Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development, the storage, collection recycling & disposal of waste and the on-going management of waste.

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 *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
- 8 *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

The following conditions are applied to ensure compliance with the Food Act

- 9 *The premises is to be designed and constructed in accordance with the Council's Food Premises Code and the Food Safety Standards and details of compliance are to be included in the plans and specification for the **construction certificate** to the satisfaction of the certifying authority.*
- 10 *Council is to be notified upon completion or work and prior to occupancy, to enable the premises to be inspected by Council's Environmental Health Officer. The premises must be registered with the Council as a food premises (on an annual basis) **prior to the issuing of an occupation certificate.***
- 11 *The design and construction of food premises must comply with the following requirements, as applicable: -*
- The floors of kitchens, food preparation areas and the like are to be constructed of materials, which are impervious, non-slip and non-abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. Additionally, floor materials (including coving) within these areas are to be of a light colour. A floor waste is to be*

installed in the cool room area so as to prevent water pollution.

- *The intersection of walls with floor and plinths is to be coved, having a minimum radius of 25mm.*
- *Walls of the kitchen preparation areas and the like are to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.*
- *Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *Approved wash hand basins (minimum capacity 5 litres) being provided in convenient positions within the production and packaging area. Wash hand basins are to be provided with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device. Hand washbasins must be adequately signed so as to ensure that the basin is only used for the washing of hands, arms and face.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*

- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius is to be readily accessible to refrigerators, cool rooms, other cooling appliances and bain maries or other heated food storage/display appliances*

12 *The outside dining area must be kept in a clean condition at all times.*

13 *There should be no littering (in particular of cigarette butts) in the outdoor dining area.*

The following conditions are applied to provide access and facilities for people with disabilities:

14 *Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of the Building Code of Australia.*

The following conditions are applied to ensure compliance with Councils Code in relation to outdoor dining areas

15 *The Licensee must comply with the Department of Land & Water Conservation's Policy on "Food & Beverage Outlets on Crown Reserves" Policy Circular No 2001/03 and any other requirement/directive of the Department that relates to this application.*

16 *The applicant shall meet all costs associated with upgrading the deck to provide outdoor eating area which includes:*

- Construction of a timber balustrade or similar along the deck edge.*
- Any structural work to the deck or it's footings and required by the applicant's qualified drainage engineer*

17 *Prior to operation of the proposed outdoor dining area the applicant/licensee shall enter into a formal license agreement with Council covering the terms and conditions of the outdoors deck dining. The applicant is advised to contact Council's Asset Compliance Officer, (9399-0899), regarding Council's requirements for the formal license agreement. The formal license agreement shall not extend pass the expiry date for the lease between the actual Boatshed Café building and the Crowns Land Dept (11th December 2007).*

18 *Prior to Council issuing a formal license agreement with the applicant/licensee covering the terms and conditions of the outdoors deck dining the applicant shall submit details to Council;*

- Showing the location of the proposed garbage area and its ability to contain 4 x 240 litre garbage bins.*
- The garbage area being provided with a tap and hose and the floor being graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

- c) *Submit to Council a qualified Structural Engineer's report stating all structural upgrades/requirements for the decking area have been completed to his/her satisfaction.*
- 19 *The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.*
- NOTES:*
- a) *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.*
- b) *The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first given the Council ten (10) days prior written notice.*
- c) *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council*
- 20 *The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.*
- 21 *The style and colour of the furniture to be used in the outdoors dining area shall be in accordance with the Development Control Plan "Restaurants on Public Road Footways, Airspace Above Roads and Public Land". No advertising or other structures shall be installed without the prior consent of Council. Design details of the proposed furniture shall be submitted to Council for approval, and approved, prior to the execution of a formal license agreement between Council and the Licensee.*
- 22 *The Licensee shall meet all other requirements of Council's Development Control Plan "Restaurants on Public Road Footways, Airspace Above Roads and Public Land".*
- 23 *The outdoors dining area operator shall ensure that the decking area is maintained free of grease and other foodstuffs at all times.*
- 24 *The outdoors dining area operator shall, during the term of the agreement with Council, abide with any current of future Council Policy, Resolution or directive relative to the consumption of alcohol in public spaces.*
- 25 *The Licensee shall abide with any directive given by any utility authority in relation to access requirement to any utility within the proposed lease area.*

ADVISORY MATTERS:

A1 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) *Part D3 - Access for people with disabilities*
- b) *Part F2 - Sanitary and other facilities*
- c) *Suitable balustrade to deck surrounds*

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate. The applicant is also advised that compliance with these advisory matters may require the lodgement of a Section 96 application to modify the consent.

MOTION: (White/His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matthews
Cr Bastic	Cr Matson
Cr Daley	Cr Notley-Smith
Cr Procopiadis	
Cr Schick	
His Worship the Mayor, Cr D. Sullivan	
Cr Tracey	
Cr White	
Cr Whitehead	

MOTION: (White/His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

**5.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
63/2002 - 2-4 FRANCES STREET, RANDWICK (D/1230/2001)**

H64 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Bastic) that:**

- A. *Council grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1230/2001 for Conversion of existing two dwellings to 8 apartments and construction of a three storey plus basement parking multi unit housing development of 14 apartments and parking for 28 vehicles plus associated strata subdivision at 2 - 4 Frances Street, Randwick subject to the following conditions:-*

Deferred Commencement Conditions

The consent is not to operate until the following material has been submitted to and approved by the Acting Director Planning and Environment:

1. Details of External Colours, Material and Textures

A schedule, sample board and elevation drawings indicating the proposed colours, materials and textures of the external surfaces of the proposed building and front fencing. The colours, materials and textures are to be compatible with the surrounding area, incorporating natural, subdued colours and materials, which minimise solar glare and reflectivity.

Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.

2. Investigations on the feasibility of retaining the existing brick driveway paving are to be carried out in order to improve the presentation of the existing buildings to the street. Any replacement paving is to match existing brick driveway paving as closely as possible. Details of paving shall be to be submitted to and approved by Council's Director of Planning and Environment, 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. Additional landscaping is to be provided to assist in the presentation of the proposed development. Details of additional landscaping shall be to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

4. The proposed development must provide a minimum of 50% of the total site area as landscaped area. (Note: the front porch areas of units 1 & 3 shall not be included in the calculation of landscaped areas). Documentary evidence of compliance, prepared by a registered surveyor is required to be submitted to the Council.

Evidence required to satisfy the above conditions must be submitted to Council within 3 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Amendment Regulation 1998, or the consent will lapse.

Development Consent Conditions

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

1. The development must be implemented substantially in accordance with the plans numbered DA01, DA02 & DA05 issue G, DA03 issue H, DA04 issue I, DA06 & DA08 issue F, DA07 issue E and DA12 issue B, dated Sept, 2001 and submitted to Council by 10 July 2002, 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 satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The external colours, materials and finishes of the proposal shall be in accordance with the details and plans submitted to and approved by the Director of Planning and Environment pursuant to the deferred commencement condition.*
3. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
4. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
5. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
6. *The enclosure of balconies is prohibited by this consent.*
7. *Power supply and telecommunications cabling to the development shall be underground*
8. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
9. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
10. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.
11. *Visitor spaces within the basement level are to be clearly marked, are not to be reallocated to units and must be available at all times for visitor parking. Vehicular access to the basement car park shall be readily accessible to visitors at all times. Where a security gate is provided as suitable intercom shall be installed adjacent to*

the vehicular entrance together with appropriate signage to provide access to the visitor spaces.

The following conditions are applied to provide adequate protection for the heritage significance of the site:

12. *A Schedule of Conservation Works for the existing buildings at nos.2 and 4 Frances Street shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director of Planning.

13. *An archival recording of the property shall be prepared and submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
14. *The original openings around the entry stairs, which are to be blocked up, should be detailed in such a way as retain evidence of their position. Details of treatment of original doorway openings is submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development*
15. *The proposed security gate and covered pergola are to be deleted. The pedestrian entry is to be relocated to relate to the location of existing piers, either directly beside a pair, or centred between them. Details of the pedestrian entry are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

16. *The proposed 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 use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:

17. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

18. *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.*
19. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*
20. *Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):*
- has been informed in writing of the licensee's name and contractor number; and*
 - is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- has been informed of the person's name and owner-builder permit number, or*
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

21. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

22. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, veranda's, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site*

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works**.*

The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

23. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act, 1989 and Regulations.

24. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works**.*

25. *Prior to the commencement of any building works, 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 and Environmental Planning & Assessment Regulation 2000.*
26. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
27. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
28. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
29. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
 30. *Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

31. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development*

consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

32. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
 - a) *car parking and vehicular access*
 - b) *landscaping*
 - c) *stormwater drainage*
 - d) *external finishes and materials*
33. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
34. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
 - (a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - (b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
35. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
36. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
37. *Building materials, sand, soil, waste materials or construction equipment 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 at all times.*
38. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under*

Council's Local Approvals Policy.

39. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
40. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works.** The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

41. *During construction stages, 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 the NSW Department of Housing.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

42. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location, which may lead to the discharge of materials into the storm water drainage system.

43. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

44. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

45. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*

46. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

47. *The building is required to be provided with a smoke alarm system complying with*

Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

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

48. *The following security deposits requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

49. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$2000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

50. *The applicant must meet the full cost for Council or a Council approved contractor to:*

a) *Reconstruct the concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

b) *Reconstruct the existing vehicular crossings with 5.0 metre wide concrete heavy duty vehicular crossings and laybacks at kerb opposite the two vehicular entrances to the site.*

c) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

d) *Re-construct a kerb and gutter for the full site frontage except opposite the*

vehicular entrance and exit points.

- e) *Carry out a full depth, 1.5 metres wide, road construction in front of the kerb and gutter along the full site frontage.*
51. *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.*
52. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
53. *All walls along the front alignment that are adjacent to vehicular crossings should be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition. Note that any alterations to the front stone fence will need to be assessed and designed by a heritage architect.*
54. *A work zone is to be provided to Frances St and details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 12 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.*
55. *The two vehicular driveways that will service the below ground carparking areas should be 5.0 metres wide for the first 5.0 metres within the development site and located at least 0.5 metres clear of the side property boundaries.*
56. *The internal driveway level, within the first 5.0 metres, must be a minimum of 100mm above Council's issued alignment levels.*

Note that a suitable change in the gradient to allow for satisfactory vehicular access (i.e. 1 in 10 maximum change of gradient every 1.4 metres or alternatively 1 in 16 over 1.0 metres).

A longitudinal section of the driveway must be provided with the construction certificate plans, at a scale showing dimensions, gradients and reduced levels along the extremities and the centreline of the driveway, detailing compliance with Council's issued alignment levels and the maximum permissible driveway gradients.

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

57. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be as follows:*

50mm above the top of the kerb at all points opposite the kerb, along the full site frontage. (note that the alignment levels adjacent to the eastern driveway may be required to be varied to match the existing Council footpath level at the eastern side property boundary)

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.

58. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
59. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$496.00 calculated at \$16.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

The following conditions are applied to provide adequate consideration for service authority assets:

60. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
61. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
62. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if a electricity substation will be required for the development.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

63. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
64. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

Note that prior to the stormwater discharging to the kerb and gutter the stormwater must also be piped to a 5 square metre, (base area) absorption trench with an overflow pipe drained to the kerb and gutter. The absorption trench must be a minimum of 2.1 metres from the adjacent common property boundaries.

65. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
66. *The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*
67. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
68. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
69. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

70. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*
71. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*

- a) location
- b) pipe diameter
- c) gradient
- d) pipe material i.e. PVC or EW etc
- e) orifice size (if applicable)

72. A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system/absorption system. The sediment/silt arrester pit shall be constructed with:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

Note: *Sketch details of a standard sediment/silt arrester pit can be obtained from Council’s Drainage Engineer.*

73. Two covered car washing bays shall be provided for this development.

- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.
- b) The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.
- c) The car washing bay/s must be constructed with a minimum 20mm bund around

the perimeter of the car washing bays (or equivalent)

d) A water tap shall be located adjacent to the car washing bays.

74. *As the above site may be present within a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

a) Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.

b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

75. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*

76. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

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

77. *The garbage storage area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

78. *The garbage room areas will have to be designed so as to be able to contain a total of 24 x 240 litre bins (12 garbage bins & 12 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*

79. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

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

80. *A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of any future plan of subdivision or strata subdivision for this property. Such restriction and positive covenant shall*

relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

- 81. The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*
- 82. The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*
- 83. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
- 84. Prior to release of the Plan of Strata Subdivision the applicant shall provide Council with a subdivider/developer certificate for the proposed lots. The certificate is obtained from Sydney Water.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

- 85. The landscaped areas shown on the plan DA03 dated September 2001, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by the Director Planning and Community Development in accordance with Section 80A(2) of the EP&A Act, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:
 - a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.**

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. The landscape plan shall show a minimum number of 8 x 100 litre broad canopied trees (not palms) suitably located along the southwestern boundary of the site. The trees selected shall be of a species that attain a minimum height of 4 metres at maturity.*

The landscape plan shall show a minimum number of 8 x 100 litre broad canopied trees (not palms) suitably located along the southeastern boundary of the site. The trees selected shall be of a species that attain a minimum height of 4 metres at maturity.

Alternatively, the landscape plan shall show the retention of the existing Cupressocyparis leylandii (Leyland Cypress) hedge located along the southeastern boundary of the site.

- h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- i. Location of easements within the site and upon adjacent sites (if any).*

The landscaping shall be installed in accordance with the approved documentation prior to the issue of an occupation certificate and shall be maintained in accordance with those plans.

- 86. In order to prevent the encroachment of motor vehicles into the landscaped areas a*

150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of the Occupation Certificate.

87. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

88. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of the Occupation Certificate.*

89. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

90. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, an Accredited Principal Certifying Authority, prior to the issue of the Construction Certificate.

91. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if an electricity substation will be required for the development.*

92. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

Tree Management

93. *Approval is granted for the removal of the following trees subject to the planting of 3 x 200 litre broad canopied replacement trees (not palms) along the northwestern boundary of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- a. *One specimen of Populus nigra 'Italica' (Lombardy Poplar) located along the western boundary of the site (within no.2 Frances Street).*
 - b. *One specimen of Populus deltoides (American Poplar) located towards the northwestern boundary of the site (within no.2 Francis Street).*
94. *Approval is granted for the removal of the following trees subject to the planting of 2 x 800 litre broad canopied replacement trees (not palms) along the northwestern boundary of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a. *One specimen of Populus deltoides (American Poplar) located along the western boundary of the site (within no.2 Frances Street), close to the existing garage.*
 - b. *One specimen of Jacaranda mimosifolia (Jacaranda Tree) located towards the western boundary of the site (within no.2 Francis Street).*
95. *Approval is granted for the removal of the following tree subject to the planting of 2 x 400 litre broad canopied replacement trees (not palms) along the northern boundary of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a. *One specimen of Acer negundo (Box Elder) located along the western boundary of no.4 Francis Street.*
96. *Approval is granted for the removal of the following trees subject to the planting of 1 x 200 litre broad canopied replacement tree (not palm) along the northeastern boundary of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a. *Two specimens of Schefflera actinophylla (Umbrella Tree) located along the eastern boundary of the site (within no.2 Francis Street).*
97. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

Tree Protection Measures

98. *In order to ensure the retention of the two Populus nigra 'Italica' (Lombardy Poplar) and three Cinnamomum camphora (Camphor laurel) located along the eastern boundary of the site (within no.4 Francis Street) and the Brachychiton acerifolius (Illawarra Flame Tree) located towards the south western boundary of site (within no.2 Frances Street) in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of*

the tree canopies clearly shown on all drawings.

- b. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- 99. The applicant shall be required to engage an arborist and structural engineer to provide details of the proposed driveways showing a suitable method to minimise damage to the trees root systems. Such details shall be shown on the detailed engineering documentation and shall be submitted to, and approved by a certifying authority or, prior to the issue of a construction certificate.*
- 100. In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda Tree) and the Araucaria cunninghamii (Hoop Pine) located along the north eastern boundary of the site (within no.4 Francis Street) and the Corymbia citriodora (Lemon Scented Gum) located at the rear of no.4 Francis Street in good health, the following measures are to be undertaken:*

 - a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
 - c. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 1.5 metres from the outside edge of the tree trunks.*

A foundation wall should be put in place before any excavation commences by using a screw pole on a pier or other suitable methods. Details of the proposed method shall be submitted to, and approved by a certifying authority prior to the issue of a construction certificate. If any excavation takes place before the area is stabilised, the soil from the Protection Zones will fall into the trench. This will result in the loss of root material in the Tree Protection Zones and cause possible loss of soil and destabilise the trees.
 - d. The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.5 metres from the outside edge of the tree trunks.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.
 - e. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the*

area, no stockpiling of soil or rubble, or any works listed in Point b.

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- f. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- g. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- h. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- i. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

101. In order to ensure the retention of the Lophostemon confertus (Brush Box) located towards the front of no.2 Francis Street, along Council's nature strip, the Lophostemon confertus (Brush Box) located towards the front of no.4 Francis Street, along Council's nature strip and the Lophostemon confertus (Brush Box) located west of no.2 Francis Street, along Council's nature strip in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- j. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 2 metres from the outside edge of the tree trunks.*
- k. The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.5 metres from the outside edge of the tree trunk.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- l. Within this zone there is to be no storage of materials or machinery or site*

office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- m. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- n. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- o. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- p. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- q. A refundable deposit in the form of cash, cheque or bank guarantee of \$43,900.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
1	<i>Brachychiton sp. (Illawarra Flame Tree)</i>	\$3,000.00
1	<i>Jacaranda mimosifolia (Jacaranda Tree)</i>	\$5,500.00
1	<i>Araucaria cunninghamii (Hoop Pine)</i>	\$6,100.00
1	<i>Corymbia citriodora (Lemon Scented Gum)</i>	\$6,100.00
2	<i>Populus nigra 'Italica' (Lombardy Poplar)</i>	\$3,100.00
3	<i>Cinnamomum camphora (Camphor laurel)</i>	\$13,500.00
3	<i>Lophostemon confertus (Brush Box)</i>	\$6,600.00
	TOTAL	\$43,900.00

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.

Any contravention of Council's conditions relating to the trees at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

102. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$23,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
 - c. *In order to organise for a final inspection for the Occupation Certificate or for the release of the security deposit, the applicant shall contact the Town Planning Department to advise that the site is ready to be inspected. Town Planning will then organise for a final inspection to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

The following condition/s are applied to satisfy the increased demand for public amenities and public services:

103. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
- a) *for the provision or improvement of open space* *\$20,490*
 - b) *for the provision or improvement of community facilities* *\$9,059*
 - c) *Administration fee* *\$425*

The contribution must be paid in cash or by bank cheque prior to a construction certificate being issued for the proposed development, together with payment of the

required Section 94 Administration Fee of \$425.00. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

Advisory Conditions

- A1 *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.*
- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) Part B1 - Structural provisions*
- b) Part D1 - Provisions for escape*
- c) Clause D1.4 - Exit travel distances*
- d) Part E2 - Smoke Hazard Management*
- e) Part E3 - Lift Installations*
- f) Part E4 - Emergency lighting, exit signs and warning systems*
- g) Part F5 - Sound Transmission and Insulation*

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

MOTION: (His Worship the Mayor, Cr D. Sullivan/Bastic) SEE RESOLUTION.

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Cr Andrews	Cr Backes
Cr Bastic	Cr Greenwood
Cr Daley	Cr Matson
Cr Matthews	Cr Notley-Smith
Cr Procopiadis	Cr Whitehead
Cr Schick	
His Worship the Mayor, Cr D. Sullivan	
Cr Tracey	
Cr White	

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 62/2002 - DELEGATION OF CERTAIN HERITAGE COUNCIL FUNCTIONS TO LOCAL COUNCILS AND HERITAGE ACT AMENDMENTS. (98/S/0282)

H65 **RESOLUTION:** (*Andrews/Procopiadis*) that Council note the Director Planning & Community Development's Report 62/2002 and that Council endorses the delegation of the Heritage Council functions to the General Manager as outlined in the report.

MOTION: (*Andrews/Procopiadis*) SEE RESOLUTION.

7. GENERAL BUSINESS.

Nil.

8. MOTIONS PURSUANT TO NOTICE.

Nil.

9. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.25 p.m.

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CHAIRPERSON