

**EXTRAORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 25TH JUNE, 2002 AT 6.07 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Deputy Mayor)

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, T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Acting Director Asset & Infrastructure Services	Mr. T. McCarthy.
Acting Director Planning & Environment	Ms. S. Truuvert.
Director Governance, Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Acting Communications Manager	Ms. L. Fragiacom.
Manager Performance Improvement	Ms. K. Walshaw.
Manager Development Assessment	Mr. K. Kyriacou.
Manager Strategic Planning	Ms. K. Armstrong.

1. COUNCIL PRAYER.

The Council Prayer was read by His Worship the Mayor, Cr D. Sullivan.

2. APOLOGIES.

Nil.

3. MINUTES.

Nil.

RESOLVED: (Andrews/Backes) that the meeting be adjourned at 6.08 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Paul Garland, Abbottsford Street, Kensington on Item 6.1, Director Planning & Environment's Report 37/2002 - Kensington Town Centre Draft Development Control Plan - Review of Controls for the Doncaster Plaza and Lorne Avenue Sites and Update.

2. Mr Chris Alexandrou, 18 Cottenham Avenue, Kensington on Item 6.1, Director Planning & Environment's Report 37/2002 - Kensington Town Centre Draft Development Control Plan - Review of Controls for the Doncaster Plaza and Lorne Avenue Sites and Update.
3. Ms Louise Ryan, 63 Dangar Street, Randwick on Item 6.2, Director Planning & Environment's Report 38/2002 – Wentworth Street Master Plan.
4. Mr Andrew Cochrane, 67 Dangar Street, Randwick on Item 6.2, Director Planning & Environment's Report 38/2002 – Wentworth Street Master Plan.
5. Mr Ian Cady, 97 Pacific Highway, North Sydney on Item 6.2, Director Planning & Environment's Report 38/2002 – Wentworth Street Master Plan.

RESOLVED: (Andrews/Bastic) that the meeting be further adjourned at 6.26 p.m.

RESOLVED: (Daley/Bastic) that the meeting be resumed at 6.27 p.m.

5. MAYORAL MINUTES.

Nil.

6. DIRECTOR PLANNING & ENVIRONMENT REPORTS.

6.1 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 37/2002 - KENSINGTON TOWN CENTRE DRAFT DEVELOPMENT CONTROL PLAN - REVIEW OF CONTROLS FOR THE DONCASTER PLAZA AND LORNE AVENUE SITES AND UPDATE. (98/S/3849)

131 **RESOLUTION: (Bastic/Daley)** that Council:

- (a) *Endorse the proposed revisions to Part 4.1 in the draft DCP for the Doncaster Plaza site;*
- (b) *Endorse the proposed revisions to Part 4.2 in the draft DCP for the Lorne Avenue site;*
- (c) *Agree that the draft DCP considered by Council on 26 February 2002 be amended to include these and the general revisions to Part 4 of the draft DCP;*
- (d) *Agree that the draft LEP (Amendment No. 27) and draft DCP, when further amended, be re-exhibited in accordance with the requirements of the Environmental Planning and Assessment (EPA) Act 1979 and EPA Regulation 2000; and*
- (e) *Note that the amended draft LEP and draft DCP will be forwarded to Council prior to any re-exhibition.*

PROCEDURAL MOTION: (Matson/Greenwood) that the matter be deferred for the following reasons:

- (a) a Class 4 application has been lodged with the Court;

- (b) Council should consider the alternate report put in by the resident representative on the Peer Review Group;
- (c) Council should revisit the Jackson Teece Chestman and Willis Report and the Peter Annan and Associates Reports on the Kensington Town Centre;
- (d) the Department of Land and Water Conservation be asked for its view of the water situation in the Botany Sands area and which is part of the Kensington Town Centre area; and
- (e) to allow for a further report to be brought back to Council after residents have had time to reconsider the matter as a whole and to incorporate the views of the local community into the DCP. **LOST.**

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

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

(Cr Matson requested that his name be recorded as opposed to the resolution.)

RESOLVED: (Daley/Backes) that the meeting be further adjourned at 7.02 p.m.

The meeting was resumed at 7.18 p.m by His Worship the Mayor, Cr D. Sullivan.

6.2 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 38/2002 - WENTWORTH STREET MASTER PLAN. (98/S/4475)

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

- A. *Council adopt the Master Plan for Lot 2 in DP 218688 68-76 Wentworth Street, Randwick subject to the following variations and/or requirements:*
 - 1. *The building height and envelope for Building A shall be in accordance with the plans received by Council on 20 June 2002;*
 - 2. *The sections of buildings A & B which front Tramway Lane and Dangar Street comply with the height restrictions for 2 (a) zones;*
 - 3. *The northern section of Building A shall have a maximum external wall height of 7m and maximum overall height of 9.5m as required in a 2 (a) zone and shall be as measured from the existing ground level along the boundary of Tramway Lane;*

4. *The ground floor level of the western section of Building A shall not exceed RL 47.5 and the maximum overall height shall not exceed RL56;*
5. *The western wall of the basement carparking level of Building A shall not protrude more than a maximum of 500mm above finished ground level;*
6. *Building B being reduced in length by at least 3 metres to increase the setback between Buildings A and B and to reduce the overall wall and building height of the western elevation;*
7. *The 2 storey sections of Building B complying with the requirements for external wall heights and overall building heights as outlined in Randwick LEP 1998 for a residential 2(b) zone;*
8. *The 3 storey sections of Buildings B and C complying with the requirements for external wall heights and overall building heights as outlined in Randwick LEP 1998 for a residential 2(c) zone;*
9. *The setback of Building C to the boundary of the adjoining townhouse development to the west shall be increased from 6m to 8m;*
10. *The front fences on Dangar Street being limited in height to 1.2 metres so as to be consistent in height with the existing character of the street. All other front fences to be limited to a maximum height of 1.8m and designed so that the upper two-thirds are at least 75 per cent open so as to avoid the effect of a 'walled estate' and 'gated community';*
11. *The driveway to Building C being located in a manner, which reduces the need for removal of mature trees on the King Street frontage;*
12. *The principal open space area between buildings B and C must be accessible to all residents;*
13. *Evergreen planting shall be included in the landscaping along the Tramway Lane frontage and a landscape plan, as part of the development application, be prepared in consultation with the residents;*
14. *The compliance with the objectives and performance requirements of Council's Multi-unit Housing DCP;*
15. *Three (3) hours solar access to the ground level areas of the adjoining townhouse development on the corner of King and Dangar Streets shall be maintained throughout the year.*
16. *At least 80% of dwelling units are to be cross ventilated and are to receive at least 3 hrs of directly solar access on 21 June.*
17. *The design of the buildings is to incorporate articulation, modulation, fenestration and external detailing in the facades addressing street frontages and the common open space areas within the site, so as to reduce the apparent bulk of the buildings, provide visual interest, and encourage casual surveillance of public areas.*

18. *Car parking is to be provided on site in accordance with Council's DCP - Parking. (Advisory note - tandem parking and layouts with parallel parking on the opposite side of an aisle from angled parking are not supported).*
 19. *A detailed flora and fauna survey and management plan including all vegetation and fauna to be removed or disturbed directly/indirectly. The plan should include methods of protecting and regenerating any significant vegetation and fauna during construction and ongoing management and maintenance. Methods for protecting primary and critical root zones during works, and proposed landscape treatments should be specified.*
 20. *Subdivision does not form part of the adopted master plan and any proposed subdivision will require an amended master plan.*
 21. *At development application stage, a site model be lodged with the plans;*
 22. *A traffic management plan be submitted as part of the development application process, to be examined by the Randwick Traffic Committee in respect to traffic calming measures in both Wentworth and Dangar Streets;*
- B. The applicant is to provide an amended Master Plan document, incorporating the variations listed above, prior to lodgement of any development application. The required changes to the Master Plan shall include new and reworded principles, revised diagrams, and reworked development concepts to the appropriate sections in the Master Plan.*
- C. That Council resolve to prepare a draft local environmental plan to give effect to the master plan provisions and remove any zoning anomaly arising from the adoption of the draft master plan.*
- D. That Council advise the applicant that the option of keeping pergolas within the roof articulation zone shall be reviewed at development application stage and that the proposed maximum roof heights detailed in the Master Plan will not be varied.*
- E. The Mayor confer with the University and the developers with a view to keeping the tennis courts operational up to the commencement of building works.*

MOTION: (Tracey/Procopiadis) SEE RESOLUTION.

AMENDMENT: (Matthews/Greenwood) that a 2(b) zoning be applicable over the site.
LOST.

FURTHER AMENDMENT: (Matthews/Greenwood) that the tennis courts be retained.
LOST.

**6.3 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 39/2002 - 450-458
ANZAC PARADE, KINGSFORD. (D/1206/2001)**

(A rescission motion was submitted on this item AFTER the close of the meeting and will be dealt at the Health, Building and Planning Committee meeting on 9th July, 2002.)

(Clr Schick left the Chamber at this stage of the meeting.)

- A. Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 33 of the Randwick Local Environmental Plan 1998 (relating to building height) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the NSW Department of Urban Affairs and Planning be advised accordingly.
- B. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/1206/2001 for demolition of existing building and erection of an 8 storey mixed commercial and residential building at 450-458 Anzac Parade, Kingsford 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 Director of Planning and Environment:

- 1. Advice from the Federal Airports Corporation, and/or any other relevant body, that no objection is raised, and approval is given, to the building height of the proposed development.*
- 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.*

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.

- 3. The applicant is to engage an EPA Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended use and the potential for groundwater contamination and migration. A satisfactory site audit report and site audit statement is to be submitted to and accepted by Council, which confirms that the site is or will be suitable for its intended use after implementation of a remedial action plan.*

The owner of the site must comply with all additional conditions, which may be imposed or recommended by the EPA accredited auditor, as may be listed in the site audit statement, as a result of the assessment of contamination, and written confirmation is to be obtained from the owner of the site accordingly.

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:

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA 00 to DA 07 dated December 2001 and received by Council on 18 December 2001, and amended plans numbered DA 01 Revision B received by Council on 28 March 2002, DA 02 to DA06, and DA 09, Revision C, received by Council on 20 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:*
2. *The external colours, materials and finishes of the proposed development and the landscaping 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. *Five car spaces shall be allocated for residential visitor carparking and twenty carspaces shall be allocated for commercial carparking.*
4. *Car parking spaces marked Nos. 10, 14, 15 and 16 shall be designated for small cars only with appropriate signage to indicate this.*
5. *Amended plans indicating the installation of environmentally acceptable and aesthetically pleasing sun shading devices to the north-facing windows on the north elevation of the proposed development 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*
6. *A new development application shall be submitted for the strata sub-division of the proposed development*
7. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***
9. *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.

10. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
11. *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.*
12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *The enclosure of balconies is prohibited by this consent.*
14. *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.

15. *Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.*
16. *The proposed commercial suites shall only be used for commercial purposes.*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

17. *All works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
18. *A copy of the Validation Report shall be submitted to Council upon completion of the remedial works and prior to commencing building work. This report shall be prepared with reference to the NSW Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:*
 - *Description and documentation of all works performed.*
 - *Results of validation testing and monitoring.*
 - *Validation results of any imported fill onto the site.*
 - *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
 - *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*
19. *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997. Within one (1) month from the completion of remediation works a Site Audit Statement (SAS) together with a Summary Site Audit Report*

(SSAR) in the format defined by the Contaminated Land Management Regulation 1998 shall be furnished to Council.

OCCUPATIONAL HEALTH AND SAFETY

The following conditions are applied to ensure adequate environmental protection.

20. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*

SECTION 94 CONTRIBUTION

The following group of conditions have been applied to ensure that adequate provisions are made for Section 94 Contributions:

21. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$43,114.42. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
22. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$19,063.48. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
23. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

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:

24. *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.

25. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted with the construction certificate application, which demonstrates that the development will comply with AS/NZS 2107:2000 Acoustics-Recommended design sound levels and reverberation times for building interiors, in relation to the door and window openings to the residential units.*

A report is also to be provided to the principal certifying authority (and the Council, if it is not the PCA) upon completion, which confirms compliance with AS/NZS2107:2000 and the relevant requirements of the Protection of the Environment Operations Act 1997 & conditions of development consent.

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

26. *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.*
27. *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:

28. *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**.*

29. *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 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:

30. *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.

31. *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**.*

32. *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.*

33. *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.*

34. *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.

35. *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.*

36. *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.*

37. *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.

38. *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.*

39. *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*

40. *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.

41. *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.*
42. *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.*
43. *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.*
44. *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.*
45. *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.*
46. *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".*
47. *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.

48. *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.

49. *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 stormwater drainage system.

50. *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.*

51. *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.

52. *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.*
53. *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 provide access and facilities for people with disabilities:

54. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

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

55. *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.*

Security Deposit Conditions

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

56. *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
- b) \$2000.00 - Vehicular crossing 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.

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.

Traffic conditions/Civil Works Conditions

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

- 57. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- 58. *Construct full width heavy duty vehicular crossings in Middle Lane opposite the vehicular entry/exit points for the site and the proposed Loading Dock.*
- 59. *Construct kerb and gutter for the full site frontage except opposite the vehicular entry and exit points.*
- 60. *Carry out a full depth, minimum 3.0 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
- 61. *Construct a footpath along the full Middle Lane site frontage, except opposite the vehicular entry and exit points. Any footpath construction works shall use materials that are in accordance with Council's Urban Design Guidelines for Kingsford.*
- 62. *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.*
- 63. *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.*
- 64. *All walls adjacent to the vehicular exit should be splayed 1.5 metres by 1.5 metres, and/or lowered to a maximum height of 600mm above the internal driveway and/or*

suitably setback from the street alignment such that the driver of an exiting vehicle stopped two metres behind the boundary line could observe pedestrians up to two metres away from the exit crossing. Details are to be submitted to the Certifying Authority prior to release of the construction certificate showing compliance with this condition. As an alternative to the above the applicant would be required to submit for approval, and have approved by the Certifying Authority, a traffic management plan aimed at minimising the potential for vehicle/pedestrian conflict at the exit driveway. The traffic management plan would need to be approved prior to release of the construction certificate and the applicant would be required to meet all costs associated with implementation of the plan including installation of any traffic/pedestrian control devices.

65. *A work zone is to be provided, (at full cost to the applicant), at a suitable location along the site frontage. The applicant shall contact Council's Traffic Engineer to determine the preferred location for the work zone prior to lodgement of a construction certificate application. The work zone shall have a minimum length of 12 metres, and all fees must be paid to Council at least four (4) weeks prior to the commencement of building works.*
66. *The applicant shall install a traffic control system to be used for vehicles entering/exiting the circular access ramp. Prior to release of the construction certificate the applicant shall submit for approval, and have approved by the Certifying Authority, full design and location details for the traffic control system. This condition is required because the width of the circular access ramps does not comply with the requirements of AS 2890.1 – 1993 for two-way traffic on curved circulation roadways and ramps.*
67. *Prior to the issuing of a construction certificate the applicant shall submit to the Certifying Authority for approval, and have approved, longitudinal sections along the extremities and the centreline of each internal driveway/access ramp at a scale of 1:20. Each section shall indicate compliance with Council's issued alignment levels. Vehicular access driveways are to be designed in general accordance with Council's Development Control Plan – Parking and the relevant sections of AS 2890.1-1993.*
68. *Prior to the issuing of an occupation certificate the applicant shall dedicate a strip of land 1.2 metres wide along the Middle Lane site frontage for road widening of Middle Lane.*
69. *The applicant shall meet the full cost for "No Standing" restrictions to be installed in Middle Lane along the full Middle Lane site frontage.*
70. *All security roller shutters are to be suitably located such that operation of the shutters, or any keypads associated with the shutters, will not impact on the through movement of traffic within Middle Lane, (i.e vehicles queuing whilst waiting for shutters to open should not impede through vehicle movements).*

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

71. *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, are as follows:*

Anzac Parade: match the back of the existing footpath along the full Anzac Parade site frontage.

Middle Lane: 75mm above the centreline of Middle Lane at all points opposite.

72. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$564.00 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.*
73. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath 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.*

Service Authority Conditions

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

74. *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.*
75. *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.*
76. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*

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 an electricity substation will be required for the development.

Drainage Conditions

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

77. *The minimum ground floor level shall be constructed at RL 26.12. This condition has been imposed to help reduce the possibility of stormwater inundating the proposed ground floor level during a major storm event.*
78. *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 issued, 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 (ie. 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.*
79. *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 have to be a minimum of 2.0 metres below the base of the tank.

80. *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.*
81. *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.*
82. *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.

83. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
84. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
85. *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).

86. *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.*

87. *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 ie PVC or EW etc*
 - e) orifice size (if applicable)*
88. *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.*
89. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
90. *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.*

91. *A covered car-washing bay shall be provided for this development.*
- a) *The car-washing bay 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 bay must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car-washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*
 - d) *A water tap shall be located adjacent to the car-washing bay.*
92. *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.*
93. *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 and/or Geotechnical Engineer shall certify that the tanking & waterproofing 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).*

Landscape Conditions

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

94. *Prior to the issuing of a construction certificate the applicant shall submit for approval, and have approved by the Certifying Authority, detailed landscape plans, drawings and specifications for the development. The landscape plans, 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 tree/s 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. 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.*
- 95. 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.

- 96. A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$10,000.00 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.*

Waste Management Conditions

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

97. *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 number of bins to be provided for the commercial component of the development can be calculated based on 1 x 240 litre garbage bin per 2 units and 1 x 240 litre recycle garbage bin per 2 units. Waste collection for the commercial component of the development would need to be separate to the residential component.*

A ADVISORY MATTERS:

1. *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) | <i>Part B1</i> | - | <i>Structural provisions</i> |
| b) | <i>Part C1</i> | - | <i>Fire resistance and stability</i> |
| c) | <i>Clause D1.4</i> | - | <i>Exit travel distances</i> |
| d) | <i>Part D3</i> | - | <i>Access for people with disabilities</i> |
| e) | <i>Part E1</i> | - | <i>Fire fighting equipment</i> |
| f) | <i>Part E2</i> | - | <i>Smoke Hazard Management</i> |
| g) | <i>Part E3</i> | - | <i>Lift Installations</i> |
| h) | <i>Part E4</i> | - | <i>Emergency lighting, exit signs and warning systems</i> |
| i) | <i>Part F5</i> | - | <i>Sound Transmission and Insulation</i> |

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.

2. *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.*
3. *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 and 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.

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

(Crs Greenwood, Matson and Whitehead requested that their names be recorded as opposed to the resolution.)

7. CONFIDENTIAL REPORTS.

(Councillor Schick returned to the Chamber at this stage of the meeting.)

Nil.

8. COMMITTEE-OF-THE-WHOLE.

Nil.

9. REPORT OF THE COMMITTEE-OF-THE-WHOLE.

Nil.

10. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 8.13 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 23RD JULY, 2002.

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CHAIRPERSON