



5th September, 2003

EXTRAORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT AN EXTRAORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 9TH SEPTEMBER 2003 AT 6:15 P.M.

- 1 Apologies**
- 2 Addresses to the Council by the Public**
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- 4 Director Governance Management & Information Services' Report**
 - 4.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 24/2003 - SSROC TENDER FOR HARDWARE. 2
- 5 Motion Pursuant to Notice**
 - 5.1 Notice Of Rescission Motion By Councillors Whitehead, Matson & Greenwood – Ordinary Council Meeting, Tuesday, 26th August, 2003 – Item 9.3 Acting Director Planning & Community Development's Report 63/2003 - 214-238 Anzac Parade And 14 Darling Street, Kensington. 7
- 6 Confidential Reports**
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- 8 Report of the Committee-of-the-Whole**
- 9 Notice of Rescission Motions**

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GENERAL MANAGER

Director Governance, Management & Information Services' Report 24/2003



SUBJECT:	SSROC TENDER FOR HARDWARE
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DATE:	4 September, 2003	FILE NO:	98/S/4881 Pt 1
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REPORT BY: DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES

INTRODUCTION:

The Southern Sydney Regional Organisation of Councils (SSROC) has called tenders for the supply of Hardware for a three-year period with two one-year options to extend for the 11 member councils and Burwood Council. Tenders closed on 6 May 2003.

ISSUES:

A SSROC Supply Management Group (SMG) panel, consisting of staff from Marrickville, Hurstville and Randwick councils evaluated the tender proposals and recommended:

“SMG recommend to member councils, SSROC Executive Office and Burwood Council that they accept the tender submitted by Bakers Construction (The Blackwoods Group) for a period of three years commencing 1 July 2003 with two by one year options to extend the agreement.”

SMG subsequently endorsed the recommendation.

Copy of the report and the tender panel’s evaluation, scores and cost evaluation are attached for the Council’s consideration.

CONCLUSION:

The recommendation of the SSROC Supply Management Group (SMG) selection panel is supported. Bakers Construction has submitted the best offer to SSROC and Randwick City Council.

RECOMMENDATION:

1. That Council accept the tender submitted from Bakers Construction for the supply of Hardware as recommended by SSROC SMG;

- 2 The General Manager, or delegated representative, be authorised to enter into an agreement for a period no greater than three years, with the option of extending the agreement period for a further two years in 12 month in periods; and
- 3 The unsuccessful tenderers be notified of the tender results.

ATTACHMENT/S:

1. SSROC report to participating Councils dated 19 June 2003
2. Tender Scores and Weighting, and (under separate cover)
3. Cost Evaluation. (under separate cover)

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MARK HUMMERSTON
DIRECTOR GOVERNANCE,
MANAGEMENT & INFORMATION
SERVICES

Tender for Provision of General Hardware Products

Report to participating Councils

19 June 2003

1. Introduction

Southern Sydney Regional Organisation of Councils (SSROC) currently has an agreement in place for the Provision of Hardware Products that was extended from 30 November 2002 until 31 May 2003.

As part of its annual works program, the SSROC Supply Management Group (SMG) invited tenders / quotations for the provision of hardware products.

The tender/quotation on behalf of the 11 Member Councils and Burwood Council was called for a period of three years with two by one year options to extend the agreement, subject to negotiation by SSROC on behalf of participating councils and the successful tenderer.

The purpose of this tender is to select a supplier who can provide for the reliable, safe and cost-effective supply of General Hardware Products.

The expenditure for the provision of Hardware products is approximately \$1,250,000 annually.

2. Tender

SSROC appointed a tender panel comprising representatives from a range of participating councils:

- Alan Higgins - Supply Coordinator, Marrickville Council,
- Phil Crutchley - Manager, Supply & Risk Management, Hurstville City Council,
- Don Mann - Purchasing & Supply Coordinator, Randwick City Council,

The tender panel produced a tender document, complete with specifications, and advertised the tender in the Sydney Morning Herald on 1 April 2003. The tender documents were made available from Marrickville Council free of charge, seven sets were provided electronically to various companies.

3. TENDER CLOSE AND EVALUATION.

3.1 Tenders closed at Marrickville Council at 2.00 pm Tuesday 29 April 2003.

3.2 Weighting and Selection Criteria

The panel met one hour before tender close to discuss and agree on the weighting for of the criteria.

The agreed weightings were:

Criteria	Weightings
Proven track record	10%
Competitive pricing and price basis	20%
Ability and capacity to service the contract	15%
Delivery and performance standards	10%
Reporting	5%
Product availability	10%
Environmental considerations	10%
Completeness of tender submission	5%
Occupational health & safety requirements	5%
Quality of products/certification to the required standards	10%

The tender panel agreed on a series of questions and bands to ensure objective justification for arriving at the score. A copy of the tender panel's evaluation and scores are at Attachment 1.

4. TENDER SUBMISSION

Summary of Tender Submission

Submissions received with final assessment score:

Number	Company	Total Score
1	Confast	Not assessed
2	Bakers Construction (The Blackwoods Group)	85.5
3	Express Industrial Supplies	80

Confast

Their proposal was non-conforming as an electronic price list of items was not supplied and did not fulfil essential mandatory requirements; therefore their submission was not assessed.

Bakers Construction (The Blackwoods Group)

Achieved the highest score overall, offered the lowest prices for hardware products (2.5% less than DPWS contract);

Currently holds the contract with Western Sydney Regional Organisation of Councils and SSROC for the provision of hardware products.

Will provide a rebate of 2.5% on hardware products with the exception of metals and paper products.

A penalty clause will apply to ensure that 95% next day delivery of goods is achieved for Class 'A' items and 92% of Class B items. If the monthly rate falls below that figure for any council on Class 'A' and or 'B' items then a one percent rebate for that council's monthly total spend will be included in the annual rebate to SSROC.

Express Industrial Supplies

Express Industrial Supplies is the NSW member of the Industrial Supplies Group and the tender they have submitted is impressive and they were very capable in all areas of selection criteria. Express Industrial indicated that their backorder system in most cases would mean delivery next day for items not on the shelf. Representatives from the tender panel visited their premises at Padstow and considered that Express possibly could service the region. Express Industrial Supplies did not score as high as Bakers Construction in three areas of the set criteria:

- The ability & capacity to serve the SSROC region
- Competitive pricing arrangements
- Quality of products/certification to the required standards

Conclusion

Evaluation of Tenderers against the specified evaluation criteria indicates that Bakers Construction (The Blackwoods Group) have submitted the most superior tender representing the best value to councils.

Recommendation:

SMG recommend to member councils, SSROC Executive Office and Burwood Council that they accept the tender submitted by Bakers Construction (The Blackwoods Group) for a period of three years commencing 1 July 2003 with two by one year options to extend the agreement.

Alan Higgins	Marrickville Council
Phil Crutchley	Hurstville City Council
Don Mann	Randwick City Council

Attachments:

1. Evaluation Weightings and Scores
2. Pricing Schedule
3. Criteria Assessment

MOTION PURSUANT TO NOTICE

5.1 Notice of Rescission Motion by Councillors Whitehead, Matson & Greenwood – Ordinary Council Meeting, Tuesday, 26th August 2003 – Item 9.3 - Acting Director Planning & Community Development's Report 63/2003 - 214-238 Anzac Parade And 14 Darling Street, Kensington. (D/0195/2003)

That the resolution passed at the Ordinary Council Meeting held on Tuesday, 26th August, 2003, reading as follows:-

- “A. that Council assume the concurrence of the Director of Urban Affairs and Planning to vary the provisions of Clause 42B(4a) of the Randwick Local Environmental Plan 1998 (as amended) relating to Construction of a new mixed use development comprising ground floor retail/commercial (4 units) with five (5) storeys of residential apartments above (67 units) and car parking provided at ground and basement level under State Environmental Planning Policy No. 1

AND

- 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. 195/2003 for Construction of a new mixed use development comprising ground floor retail/commercial (4 units) with five (5) storeys of residential apartments above (67 units) and car parking provided at ground and basement level at 214-238 Anzac Parade and 14 Darling Street, Kensington 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 Planning and Environment:

1. Advice from the NSW Roads and Traffic Authority (RTA) that no objection is raised to the proposed elevation of the footpath along Anzac Parade required to protect the development from flooding. All requirements from the RTA are to be incorporated as part of the development approval. In the event that the RTA does not agree to the elevated footpath being provided along the Anzac Parade site frontage, the applicant is to submit suitably modified details of the proposal demonstrating that all new habitable and storage areas are suitably waterproofed up to 300mm above the 1 in 100 year flood level and that a high point is provided along the full width of any access point to the basement level that is at least 150mm above the 1 in 100 year flood level. Any proposal is to demonstrate compliance with the Council's standards for disabled access.
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), including the tinted glazing proposed, are to be submitted to and approved by Council's Director of Planning and Community Development.

3. Shading devices are to be provided to the northern elevation within the site boundaries. Details of the proposed sunshading are to be submitted to and approved by Council's Director of Planning and Community Development.
4. The recess provided to the Darling Street elevation is to be increased from 200mm to 600mm to ensure adequate articulation and modelling of this façade. Details of the increased recess are to be submitted to and approved by Council's Director of Planning and Community Development.
5. A report detailing the proposed method of excavation and dewatering shall be submitted to Council for approval prior to the consent becoming operational. The report shall be in general accordance with the recommendations made in the Hydro Geotechnical report by DF Dickson & Associates Pty Ltd dated 10 March 2003, and shall be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must include but not limited to:
 - The proposed method of shoring/piling and dewatering
 - The zone of influence of any possible settlement
 - The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)
 - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and requirements of the DSNR are satisfied.
 - The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)
 - The location of all pumping equipment in relation to the property boundaries
 - The proposed method of noise attenuation for all pumping equipment i.e.; so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential dwelling and not to be audible at all between the hours of 10pm and 7am within any residential dwelling
 - A statement from suitably qualified and experienced Geotechnical and Hydrological Engineers, with the concurrence of a Structural Engineer, that there will be no detrimental settlement to adjoining or nearby buildings using the chosen method of excavation/dewatering.

6. Prior to the consent becoming operational, the applicant shall submit an amended flood study (prepared by a suitably qualified hydraulic engineer and reviewed by a Council approved independent consultant), which determines the flood levels in the vicinity of the development site with the proposed elevated footpath being constructed along the Anzac Parade site frontage (as shown on drawing DA02, Issue B, by KannFinch Group, dated 10/3/2003). The amended flood study shall specify the ground floor levels (and driveway high point) required along both the Darling Street and Anzac Parade site frontages to ensure that the proposed development will not be adversely affected by flooding.

Should the required floor levels (and driveway high point) be higher than those specified in the flood study by Toby Fiander and Associates dated 3 June 2003, amended plans showing the floor levels (and driveway high point) being raised to the required new levels shall be submitted to Council for approval.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

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 Issue D of the plans numbered DA01, DA02, Issue C of the plans numbered DA03-DA17 dated 10.06.03 in the amendments box., drawn by Kann Finch Group and stamped received by Council on 12/06/03, and Revision 02A of the landscape plans LA01 and LA02 dated 28.02.03 in the amendments box, drawn by Taylor Brammer and stamped received by Council on 12 March 2003, 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 development will require a Water Licence under the Water Act, 1912. The applicant is to apply for a water licence directly to the Department of Sustainable Resources in accordance with the general terms of approval provided at Attachment B.
3. An additional accessible parking space is to be provided at Basement 1 level. This condition is imposed to ensure compliance with Council's DCPs in this regard and provide adequate parking for the accessible units proposed. Details are to be included in the Construction Certificate application.

4. The building must be wholly constructed within the site boundaries, with the exception of the proposed awning and any approved seating podium which may extend into Council's footpath reserve and airspace as indicated on the approved plans. Details required by this condition are to be included with the Construction Certificate application.
5. Secured access is to be provided to the residential lobbies of the development and all carparking levels. An intercom system is to be provided at the entry to the carpark and at the entrance to all residential lobbies, allowing for communication between residents and visitors to the development. This condition is imposed to secure access to private areas of the development for the safety of residents.
6. The additional landscaping details required by Condition 141 are to include the proposed external lighting schemes throughout the development. The landscape plan is to incorporate current Crime Prevention through Environmental Design (CPTED) principles and is to be duly certified by a qualified CPTED practitioner. This condition is imposed to ensure the safety of residents and visitors to the development. Details required by this condition are to be submitted to and approved by Council's Director of Planning & Environment, prior to a construction certificate being issued for the proposed development.
7. A separate Development Application is required to be submitted to and approved by Council with regard to proposed usage of the four retail/commercial tenancies proposed prior to occupancy. A separate application and licence application will also be required for any proposed footpath dining associated with these tenancies.
8. Car Parking is to be allocated as follows:

Item	<i>Basement Level</i>
Residential	
1 b/r	23 spaces (including 1 accessible space)
2 b/r	40 spaces (19 car stackers + 1 stacked space)
3 b/r	14 spaces (7 car stackers)
Visitor	Nil
Item	Ground Level
Residential	
1 b/r	3 (including 2 accessible spaces)
Visitor	13 spaces (plus 4 loading bay spaces at night to be signposted), including 2 accessible spaces and 6 carwash bays.
Commercial/ Retail	4 spaces (2x tandem provision)

Details of this allocation are to be provided on the plans submitted with the Construction Certificate application. The four car spaces that comprise the

daytime loading bay are to be appropriately signposted to allow for visitor parking from 6pm to 6am, 7 days. Details are to be provided on the Construction Certificate application. This condition is imposed to ensure appropriate allocation of car parking spaces within the development.

9. A separate approval must be sought from Sydney Airports Corporation Ltd (SACL) for any temporary structure and/or equipment planned to be used during the construction.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity (51.655 metres above AHD) and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

SACL advises that approval to operate construction equipment (ie: cranes) should be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- the swing circle of any temporary structure/ equipment used during construction;
- the maximum height, relative to Australian Height Datum (AHD) of any temporary structure or equipment (ie. construction cranes), intended to be used in the erection of the proposed structure;
- the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to the Sydney Airports Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact Ms Lynne Barrington on (02) 9667 9217.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). Protection of airspace is the policy of SACL, therefore any controlled activity penetrating the prescribed airspace and having been assessed by CASA as a hazardous object, will not be recommended for approval by SACL.

10. The applicant is advised that removal of groundwater from the site may

require a licence from the Environmental Protection Authority (EPA) for discharge of this water. The applicant is to provide evidence that advice has been sought from the EPA with the Construction Certificate application.

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

11. 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
\$111,158.42
 - b) for the provision or improvement of community facilities
\$ 49,149.48
 - c) for townscape improvements (residential portion)
\$254,376.00
 - d) for townscape improvements (commercial portion)
\$ 19,092.00
 - e) for car parking (in lieu of on-site provision of seven (7) spaces) \$ 83,741
 - f) Administration fee \$425.00
\$ 425.00

The contribution must be paid in cash or by bank cheque **prior to a construction**

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.

12. This approval does not extend to strata subdivision of the completed building. A separate application must be lodged for strata approval.

The following conditions are imposed to promote ecologically sustainable development and energy efficiency:

13. 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 noted in the construction certificate plans or specifications.
14. External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.

Details of compliance with the requirements for insulation are to be included in the construction certificate application.

15. Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.
16. The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.
17. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.

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

18. The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use; Health based investigation Level NEHF D criteria. A Site Audit Statement and Summary Site Audit Report is to be submitted to and accepted by Council, prior to the issuing of a construction certificate, stating that the site is suitable for the intended development and use.

The Site Audit Statement **must be unconditional**, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.

19. The site audit statement shall be developed and prepared in accordance with the following:
 - a) 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.
 - b) All remediation 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 Planning

NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.

- c) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
 - d) Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.
 - e) The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
 - f) Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.
20. All remediation 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 Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
21. Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
 - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - Protection Of the Environment Operations Act 1997 (NSW) and
 - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).
22. The underground storage tanks must be removed in accordance with:

- Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and
- WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with conditions imposed).

In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.

23. Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.
24. Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
25. Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.
26. All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
27. On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager Environmental Health & Building Services.
28. Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
29. All remediation work shall be conducted within the following hours:

Monday – Friday 7am – 5pm

Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays

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:

30. 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.
31. The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.

Details of compliance are to be provided in the plans and specifications for the construction certificate.

32. 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, 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.

33. The use of the commercial tenancies and internal fit-outs shall be subject to a separate development application and consent, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.

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:

34. 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.

The project specific criteria for the mechanical plant noise is (as listed in the acoustical report dated 7 March 2003, prepared by Hyder Consulting) when measured at the nearest affected receiver boundary:

Day (7am –	Evening (6pm-	Night (10pm
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	10pm)	10pm)	- 7am)
Anzac	63	59 LAeq	46
Pde	LAeq	(15	LAeq
	(15	mins)	(15
	mins)		mins)
Darling	53	50 LAeq	44
St	LAeq	(15	LAeq
	(15	mins)	(15
	mins)		mins)

35. The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.
36. A Demolition and Construction noise management plan is to be prepared by a suitably qualified acoustic consultant and be implemented to minimise the impacts of construction noise to nearby premises. The necessary measures identified in the report must be implemented to comply with this report and address any concerns raised. A copy of this plan is to be provided to the Council and the Principal Certifying Authority and a copy is to be kept onsite. Should noise complaints during demolition and construction be received, Council's Authorised Officers may also issue directions to address any reasonable noise concerns.
37. The residential units are to achieve the following internal acoustic amenity criteria:
- a) In naturally ventilated residential units; the repeatable maximum LAeq (1hour should not exceed:
 - 35 dB(A) between 10.00 PM and 7.00 AM in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open
 - b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum LAeq (1hour) should not exceed:
 - 38 dB(A) between 10.00 PM and 7.00 AM in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the Construction Certificate application and written confirmation of compliance

is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, prior to the construction certificate being issued.

Proposed measures, which will alter the appearance of the building from the streetscape, may require the prior development consent from the Council.

38. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's 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:

39. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

40. 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.
41. 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.
42. 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.
43. 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.
44. 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 \$5,000.

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.

45. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

46. 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, including 4-10 Darling Street and 212 Anzac Parade, Kensington

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.

47. 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. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail 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, must be fully complied with and incorporated into the documentation for the construction certificate.

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

48. Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
49. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.
50. A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) prior to occupation of the building, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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:

51. 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.
52. 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.
53. The building works are to be inspected by the Principal Certifying Authority (or

other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

54. 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 supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling 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 and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

55. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:
- preserve and protect the building /s on the adjoining land from damage; and
 - if necessary, underpin and support the building and excavation in an approved manner; and
 - at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to

the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.

56. A 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.
57. 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 and verifying that the building is being constructed 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.
58. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.
59. All building, demolition and associated site 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.
60. The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.
61. Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.
62. A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying **Authority** and

the Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.

Should noise and vibration emissions not comply with the terms and conditions of *consent*, *work must cease forthwith and is not to recommence until details of compliance are submitted to Council.*

63. 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.

64. 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.
65. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

66. 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 and debris at all times.
67. 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.

68. 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".
69. 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.

70. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.

- Revegetation of disturbed areas.

71. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.

72. 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 and erosion 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.

73. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

74. 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.

75. A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and 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.

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

77. 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 prior to commencement of works.

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

78. Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the construction certification.

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

79. 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 smoke detectors located within the stairway, corridors or the like must be interconnected.

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:

80. The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.

Details of compliance are to be provided in the plans and specifications for the construction certificate.

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

81. The following damage deposit requirement is 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) \$5000.00 - 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.

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.

82. 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:

83. The applicant must meet the full cost for Council or a Council approved contractor to carry out civil works along both the Anzac Parade & Darling Street frontages which shall include:

- a) Construction of a heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance/exit point to the site.
- b) Removing the redundant concrete vehicular crossings and laybacks and reinstating the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Reconstructing kerb and gutter for the full site frontages except opposite the vehicular entrance and exit point.
- d) Carrying out minimum 2 metre wide, full depth road construction in front of the reconstructed kerb and gutter along the full site frontages.
- e) Reconstructing the existing Council footpath along both site frontages in accordance with Council's Urban Design Guidelines for Kensington.

Note: This includes construction of an elevated footpath platform, access stairs and ramps along the Anzac Parade site frontage, removal of the existing street tree planting (as required) and the replacement with more suitable species as well as any street furniture required (tree grates, seats, bins etc).

84. 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, 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.

85. 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.
86. The proposed elevated footpath located along the Anzac Parade site frontage shall be set back from the existing kerb line in Anzac Parade a minimum of 3.0 metres, with a minimum 2.5 metres being unimpeded for pedestrian use. The plans submitted for the construction certification shall demonstrate compliance with this requirement.
87. Prior to an occupation certificate being issued for the development, a positive covenant and restriction under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-
 - (i) The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the elevated platform, stairs and ramps located on the public footway along the Anzac Parade site frontage, with all works being undertaken to the satisfaction of Council;
 - (ii) The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the elevated platform, stairs and ramps located on the public footway along the Anzac Parade site frontage. 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 elevated platform, stairs and ramps located on the public footway along the Anzac Parade.
- b. The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving 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 registered proprietors of the Lot(s) burdened to the Council.
- (iii) The registered proprietors of the Lot(s) burdened to pay Council compensation (at an appropriate rate determined by Council) for the use of the public footway prior to the issue of an Occupation Certificate.
 - (iv) No structures to be erected, nor goods to be stored, nor any work carried out in, on or over the public footway other than those approved by Council and the RTA.
 - (v) The positive covenant and restriction shall not be released, varied or modified without the consent of the Council.
 - (vi) The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisers and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.
88. All new walls adjacent to vehicular crossings must 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.
89. The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
90. The driveway and carpark ramps grades are to comply with the requirements of AS 2890.1. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
91. The residential parking spaces on Basement 1 Level shall be separated from the commercial, residential and visitor parking spaces on the Ground Floor Level via a security roller shutter or similar between the two floors. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
92. The commercial and visitor parking spaces on the ground floor level are to be clearly marked and signposted. Retractable bollards (or similar) shall be provided in the residential parking spaces located on the ground floor level.

93. The aisle widths, internal circulation, ramp widths and grades of the carpark are to generally conform to the Roads & Traffic Authority (RTA) guidelines, Australian Standard AS 2980.1 –1993 and Council's Development Control Plan - Parking. Details of compliance are to be shown on the relevant plans and specifications for the construction certificate, and are required to be submitted to and approved by the Council or an accredited certifier, prior to a construction certificate being issued for the proposed development.
94. The applicant shall install a suitable traffic control system to be used for vehicles entering/exiting the proposed ramp linking the Basement 1 Level carpark with the Ground Floor carpark. The traffic control system shall be suitably designed to minimise the potential for vehicular conflict along the ramp. The applicant shall submit full design and location details with the construction certificate application for approval by the certifying authority.
95. A "STOP" sign shall be installed at the vehicular exit point to require exiting vehicles to stop at the building line.
96. The applicant shall meet the full cost for new street signage along the full site frontage in Anzac Parade and Darling Street as required by the RTA and the Randwick Traffic Committee.
97. A work zone is to be provided in Darling Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

It is noted that Council may remove the work zone should it be determined that the zone is being misused.

98. All costs associated with the proposed development (including traffic management measures) shall be borne by the developer.
99. All works on Anzac Parade (including construction of new driveways and removal of redundant driveways) shall be designed and constructed (including traffic control during construction) in accordance with the Australian Standards, Austroads Guide to Traffic Engineering Practice and RTA requirements (for details phone RTA Project Services Manager on 02 8814 2144). Except for driveways, detailed design plans shall be submitted to and approved by the RTA before any road works commence. A plan checking fee will be payable and a performance bond may need to be lodged before RTA's approval issued.
100. To promote the efficient operation of the classified road network, no vehicles associated with the development shall park or stand on Anzac Parade during the construction of the development.
101. Prior to the issuing of a construction certificate, the applicant shall submit to the certifying authority for approval and have approved, full operational details of

the car stackers. This information shall include (but not be limited to) the following:

- Manufacturer specifications (including dimensions) and instructions for operation
- Details of manual operation in the event of power/mechanical failure

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

102. 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, shall be:

Darling Street Frontage – 3.0% above the existing top of kerb levels along the full Darling Street site frontage.

Anzac Parade Frontage –match the proposed elevated section of footpath along the Anzac Parade site frontage. Note: The level of the elevated footpath shall be determined from the required floor levels specified in the amended flood study submitted in accordance with deferred commencement condition 6.

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0924.

103. The design alignment levels (concrete/paved/tiled level) 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.
104. The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3080 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
105. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.
106. The visitor spaces and loading bays are to be readily accessible at all times. This may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.

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

107. 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.

108. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
109. The applicant shall meet the full cost for all above ground power and telecommunication cables located along the Anzac Parade and Darling Street site frontages to be relocated underground. The works shall be in accordance with the relevant service authorities requirements and shall be undertaken prior to any footpath reconstruction works being undertaken along the site frontages. The applicant shall meet the full cost for any redundant poles to be removed.
110. The applicant shall liaise with the relevant public utility service authorities regarding the proposed elevated section of public footpath to ensure that adequate access is provided to any services located under/near the elevated footpath.

Documentary evidence from the relevant public utility authorities confirming that their requirements in relation to the proposed development (including the elevated section of footpath) have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.

111. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.
112. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

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

113. All habitable and storage areas (excluding those within the basement carpark) shall be located at or above the levels specified in the amended flood study submitted in accordance with deferred commencement condition 6, and all access points/openings to the basement carpark shall be suitable protected from flooding up to these same levels. The plans submitted for the construction certificate shall demonstrate compliance with this condition.
114. All doors, walls and windows on the ground floor level along both the Anzac Parade and Darling Street site frontage shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from flood water during the probable maximum flood event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.
115. All components of the fire stairs along the Darling Street site frontage that are located below the required floor levels (as determined in the flood study submitted in accordance with deferred commencement condition 6) shall be constructed from material that will not be adversely affected by flooding. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
116. 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 (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.
117. 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 10 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.

118. All stormwater leaving the site must be discharged by gravity to Council's underground drainage system in Anzac Parade via a new double grated gully pit (constructed by Council or a Council approved contractor at the applicant's expense). Details of the proposed gully pit shall be submitted to Council and the RTA for approval and approved prior to a construction certificate being issued.

Note: Sketch details of a standard double grated gully pit may be obtained from Council's Drainage Engineer (9399 0919)

119. The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no overland escape route be provided for storms greater than the design storm.
120. All stormwater currently draining to the subject site shall be collected and discharged through the site stormwater system.
121. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. 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.

122. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
123. The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.
124. 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).

125. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

126. 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 wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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.

127. A sediment/silt arrester pit must be provided:-
- f) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
 - g) prior to stormwater discharging into any absorption/infiltration 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.

128. A reflux valve shall be provide over the pipe draining from the site into the sediment/silt arrester pit to prevent stormwater from Council's underground drainage system draining back into the subject development site.
129. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
130. 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.
131. Three 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 bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)

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

132. Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
 - h) The location of the detention basin with finished surface levels;
 - i) Finished site contours at 0.2 metre intervals;
 - j) Volume of storage available in the detention areas;
 - k) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - l) The orifice size(s) (if applicable); and
 - m) Details of any pumping systems installed (including wet well volumes).
133. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the

stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.

134. As the proposed basement carpark will intersect the 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 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).
135. The applicant shall obtain a Water License from the Department of Land and Water Conservation prior to the issuing of a construction certificate. The applicant is advised to contact Warren Miller on 9895 7784 regarding this matter.
136. The recommendations made in the Hydro Geotechnical report prepared by D. F. Dickson and Associates Pty Ltd dated 10 March 2003 and any subsequent excavation and dewatering details approved by Council in accordance with deferred commencement condition 5, shall be adopted. The Construction Certificate plans shall demonstrate compliance with this requirement.
137. A dilapidation survey of the surrounding properties shall be undertaken by a suitably qualified person and submitted to the certifying authority and Council (if Council is not the principal certifying authority) prior to the commencement of work on the site.
138. 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:

139. Waste management within the development site, (including sizing and location of bin storage areas and compactor units), shall be carried out in strict compliance with the details and recommendations of the Waste Management Plan submitted with the development application, (i.e. Appendix E – Waste Management Report prepared by J D MacDonald and dated June 2003). The applicant shall demonstrate compliance with all elements of the subject Waste Management Plan prior to the issuing of a construction certificate
140. The garbage storage areas are 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.

141. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council for approval, and have approved by Council's Manager of Waste, a detailed design and specification for the proposed garbage collection chute/s.

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

142. Detailed landscape drawings and specifications, are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). 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 within 6 metres of the common property boundary (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, 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 within 6 metres of the common property boundary 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. 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 3 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.
 - 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 plans.
 - i. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
 - j. Landscaped areas must include an area dedicated to on - site composting.
 - k. Porous paving shall be used in all pathways. Details are to provided with the construction certificate application.
143. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

144. The applicant shall submit a landscape design for the Anzac Parade and Darling Street frontages of the development in accordance with Council's Urban Design Guidelines for Kensington Commercial Centre. The landscape design shall include pavements, seat installations, bins, planter boxes and tree grates as required by Council's Landscape Architect – 9399 0786.

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a

construction certificate for the development.

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property 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 checking 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.

A refundable deposit in the form of cash, cheque or bank guarantee of \$10,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade and Darling Street site frontages.

145. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas within the site as well as to the planter boxes proposed for Council's nature strip along Anzac Parade. 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.

146. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
147. 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.

148. The applicant shall submit a total payment of \$20,315.50 + GST to Council,
- a. Being the cost for Council to remove the three (3) x *Platanus x hybrida* (Plane Trees) and two (2) x *Hibiscus tileaceus* (Linden Tree) street trees (\$1,120.00 + GST), and
 - b. Being the cost for Council to supply and install thirteen (13) x 45 litre

street trees at the completion of all works (\$1,885.00 + GST), and

- c. To compensate Council for the loss of amenity caused by the removal of the street trees (\$17,010.00).

The contribution shall be paid into Fee Code 525 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

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

149. 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 of the subject tree.
150. A refundable deposit in the form of cash, 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 the Principal Certifying Authority.
- 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.

In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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.

ADVISORY

- 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 this consent does not approve any footpath seating areas. Any applications for footpath seating shall be submitted to Council for approval as a separate development application.
- A3. In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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."

Upon the abovementioned Rescission Motion being carried, it is intended to move the following motion:-

"that the development application for 214-239 Anzac Parade and 14 Darling Street be refused because it is non-compliant with the KTC DCP with respect to the number of storeys, set-backs, landscaping provision, parking and in other ways, and is inappropriate neighbour for the contributory building at 212 Anzac Parade."