JOINT REGIONAL PLANNING PANEL
Sydney East

JRPP No	**2011SYE122**
DA Number	**DA No.2011/202**
Local Government Area	**Buwood Council**
Proposed Development	**DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MIXED USE RETAIL, COMMERCIAL AND RESIDENTIAL BUILDING ABOVE BASEMENT CARPARKING**
Street Address	**No's 11, 13 & 15 DEANE STREET AND 18-20 GEORGE STREET, BURWOOD**
Applicant/Owner	Urban Apartments Pty Ltd
Number of Submissions	**5**
Recommendation	**Approval with Conditions**
Report by	**Burwood Council**

LOCATION: Corner of Deane, Mary and George Streets, Burwood
CURRENT ZONING: B4 Mixed Use – Burwood Town Centre LEP 2010
PROPOSED ZONING: B4 Mixed Use – Draft Burwood Comprehensive LEP 2012
DEVELOPMENT COST: $ 24,220,630 (Capital Investment Value)

PROPOSAL

The subject Development Application, as amended, proposes a 20 storey building above ground level for a mixed use retail, commercial and residential development consisting of the following:

- Two and a half levels of basement car parking containing 144 car spaces
- 1 level of retail with 4 tenancies (Lower ground and Upper Ground) = 825 m2
- 3 levels of commercial office space (Levels 1-3)
- 5 levels of commercial office suites (Levels 4-8) producing a total commercial floorspace of 7,519.7 m2
- 10 levels of residential on Levels 9-18 containing 60 apartments (16x1 br, 38x2 br & 6x3 br) producing a total residential floorspace of 4,179.8m2
- Rooftop terrace and plantroom
- Total proposed Floor Space Ratio (FSR) of 6:1 (Commercial FSR of 4:1 with a Residential FSR of 2:1)
- Maximum height of 67.72m.

BACKGROUND

The Joint Regional Planning Panel (JRPP) considered a report on a Development Application (Ref: 2010SYE111) at its meeting on 30 March, 2011 in relation to No's 11, 13 & 15 Deane Street and 20 George Street, Burwood. The site was L shaped and the development proposed at that point in time consisted of a 16 storey mixed use retail, commercial and residential development containing 36 residential units above basement carparking.

Essentially the JRPP resolved to defer the application to enable the applicant to address a number of design elements and obtain confirmation of concurrence from Railcorp. The applicant whilst pursuing the items raised by the Panel managed to achieve consolidation with 18 George Street, Burwood which created a rectangular shaped site thereby removing a number of design obstacles presented by the original L shaped site. Subsequently the applicant lodged a fresh Development Application for the larger site, inclusive of 18 George Street, Burwood, which is the subject of this report to the JRPP and withdrew the original Development Application.

Council engaged the services of GM Urban Design & Architecture Pty Ltd (GMU) to conduct an urban design assessment of the proposed development. GMU identified a number of issues. Subsequently, a meeting was held involving the applicant, Council staff and GMU. Arising from the meeting the applicant stated in order to address the design issues raised they would focus on a slender/ higher building form which would be closer to the maximum height limit of 70m. It is considered that the amended plans respond to all of the items raised by GMU. In this regard it is noted that the current proposal is three levels higher than the proposal reviewed by GMU.

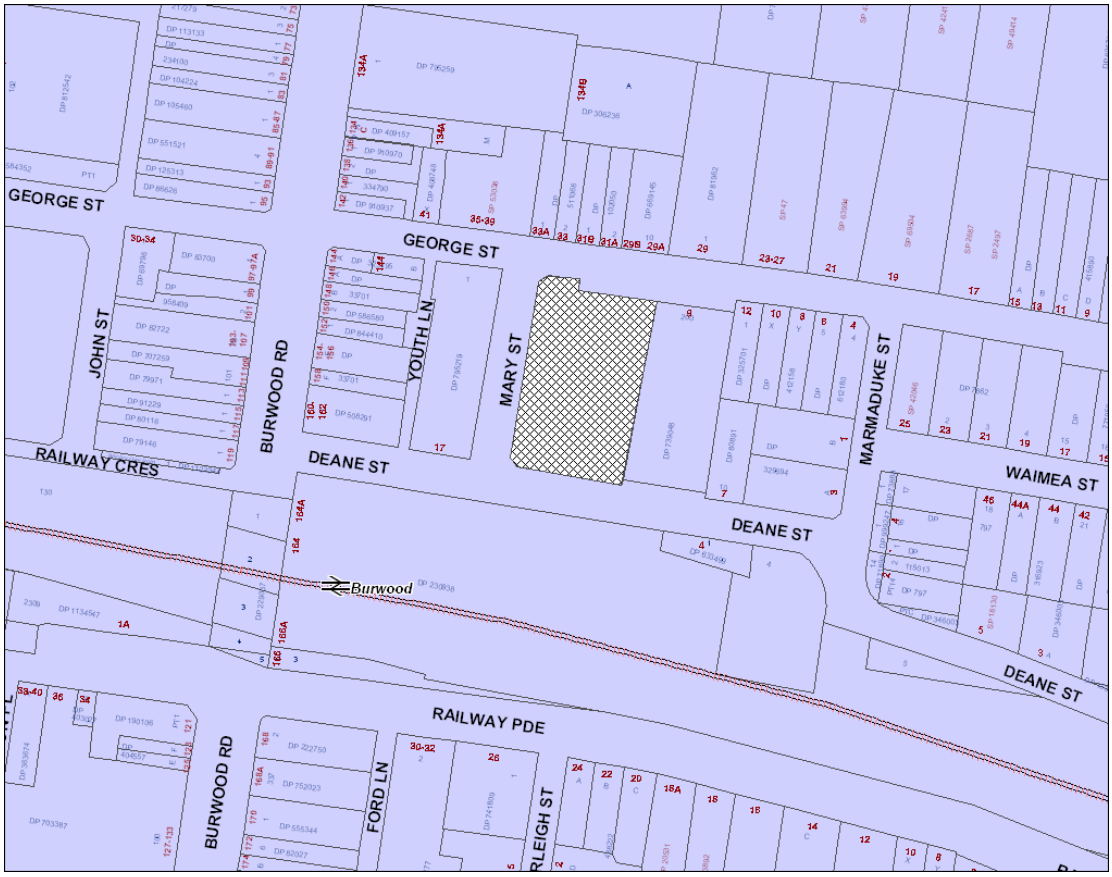
STATUTORY REQUIREMENTS

Heads of Consideration

The application is assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act, 1979, as amended, which includes:

- The provisions of an environmental planning instrument – Burwood Local Environmental Plan (Burwood Town Centre) 2010 (BLEP 2010) and the Draft Burwood Comprehensive LEP 2012,
- SEPP 65 and Residential Flat Design Code (RFDC),
- The provisions of Development Control Plan (DCP) Part No.36 (Burwood Town Centre),
- The impact of the development in relation to:
  - The context and setting of the development
  - The impact on the natural and built environment
  - Shadowing of adjoining properties
  - Traffic and parking impacts
  - Streetscape and urban design issues
  - Crime prevention through environmental design
- The suitability of the site for the development
- The public interest
- Social and economic impacts
- Submissions made under the Act and the Regulations.

Locality



SITE & SURROUNDING AREA

The subject site consists of five allotments each containing an older style two storey Residential Flat Building all of which are proposed to be demolished. Overall the site has an area of 2090m², with approximate frontages of 33.81m to Deane Street, 57.13m to Mary Street and 34.85m to George Street. There is a cross fall of approximately 3.42m from the south eastern corner of the subject site in Deane Street to the low point of the property located at the north western corner of the site at the intersection of George and Mary Streets.

Within the immediate vicinity of the subject site is a mixture of single dwellings, residential flat buildings and commercial buildings. Adjoining the subject site to the east, at No. 9 Deane Street, Burwood is a five storey commercial building which is currently the head office for St John Ambulance Australia. The subject site is directly opposite Burwood Railway Station.

ASSESSMENT

Zoning

The subject site is zoned B4 Mixed Use under Burwood LEP – Burwood Town Centre 2010, and, as such the proposed development is permissible with consent. Under the provisions of the Draft Burwood Comprehensive LEP 2012 the same zoning and development standards are proposed to apply.

The application has been assessed under the development standards of Burwood Town Centre LEP 2010 as relevant to the B4 Mixed Use zoning and the controls under Burwood DCP Part 36 – Burwood Town Centre. The site is located within the Commercial Core Area under DCP Part 36.

Development Standard	Permitted/ required	Proposed	Compliance
LEP 2010			
Floor Space Ratio - Commercial - Residential	6:1 (Total) 4:1 2:1 (Max.)	6·1 4:1 2:1	Yes Yes Yes
Building Height	70m	67.72m	Yes
Building Height Plane	N/A	N/A	N/A
Minimum Lot Size	500m²	2090m2	Yes
Architectural Roof Features	Aesthetic contribution, create variety in skyline, promote design excellence.	Included in design of building	Yes

Design Control	Permitted/ required	Proposed	Compliance
DCP PT 36 **Area Based Controls Commercial Core**			
Podium height	15m	14m	Yes
Street Front Setback	Deane Street – 3m	3m – awning projection	Yes
	Mary & George Streets – 0 m Street front setbacks	Nil – awning projects beyond George Street boundary	Yes
Secondary Setbacks (where buildings greater than 15m in height)	Deane Street – 6m Mary Street – 6m George Street – 6m	6.02m 6.0m 6.0m	Yes Yes Yes
Side setback/ Building Separation	Eastern boundary 0 – 4 Storeys (Podium)=0 m 5 – 8 Storeys = 9m > 9 storeys = 12m	 0 m 9m 12m	 Yes Yes Yes

	(as per RFDC)		
Communal Open Space	Various requirements (as per RFDC)	Provided on podium and roof terrace	Yes
Building Amenity Controls			
Apartment Mix	Mix of 1, 2 & 3 br apartments	16x1br, 38x2br, 6x3br	Yes
Minimum Dwelling Sizes	1br = 50m2 2br = 70m2 3br = 95m2	52.5m2 86.5m2 100.9m2	Yes Yes Yes
Building Depth	18m (as per RFDC)	Levels 9 &10 – 20m (However, 14 out of 16 units are dual aspect) Levels 11-18 (inclusive) < 17m	Yes Yes
Ceiling Height	Commercial (Ground floor = min. 3.3m otherwise 3.0m) Residential = min. 2.7m	3.8m (Ground Floor), 3.6m (Ist Floor & above) 2.7m	Yes Yes
Natural Ventilation	60% of residential units to have cross ventilation (as per RFDC)	58/60 units achieve this = 96.7 %	Yes
Design Control	**Permitted/ required**	**Proposed**	**Compliance**
Daylight Access	70% to receive a minimum of 3 hours to living rooms / private open spaces mid-winter (as per RFDC)	58/60 units achieve this requirement = 96.7%	Yes
Visual & Acoustic Privacy	Provide adequate amenity for occupants of units via various design elements	Numerous design features included to enhance amenity levels	Yes
Private Open Space	1 & 2br – 8m2 3 br – 10m2	Provision exceeds requirements	Yes
Lobbies and internal circulation	Avoid double loading of corridors.	Maximum of 8 units per single corridor.	Yes
Storage for apartments	1br – 6m2 2br – 8m2 3br – 10m2 (50% to be provided within unit & balance in basement)	Provision exceeds requirements	Yes
Safety and security	Incorporation of crime	Design elements	Yes

	prevention design elements such as clear sight lines of entry, lighting, passive surveillance	included	
Access and mobility	Access for people with mobility impairment – AS 1428.1, AS 1428.2 & AS 1428.4 accessible units and visitor car spaces	Provision made for inclusion of these requirements. Conditions of consent to formalise	Yes
Energy Efficiency and Sustainabilty	BASIX Certificate for residential component & 4.5 Star NABERS for non – residential component	BASIX and ABSA Certificate to achieve a 4.5 Star rating	Yes
Car Parking	Retail = 12 Commercial = 57 Residential = 63 Visitors = 10 Total required = 142 spaces	144	Yes
Bicycle Parking	1 per 3 dwellings = 20 bays	Details not shown on plans, however, Provision exists within basement levels. Conditions of consent to formalise.	Yes

Burwood Town Centre LEP 2010 and DCP Part No. 36 – Burwood Town Centre

As outlined in the compliance tables above the proposed development, as amended, complies with the development standards specified in the Burwood Town Centre LEP 2010 and the design controls contained in DCP Part No. 36 – Burwood Town Centre.

State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development

Council engaged the services of GM Urban Design & Architecture Pty Ltd (GMU) to conduct an urban design assessment of the proposed development. GMU identified a number of issues related to the ten design quality principles listed in SEPP 65 and the Residential Flat Design Code. Subsequently, the applicant undertook an extensive review of the proposal and in order to address the design issues a slender/ higher building form is proposed.

It is acknowledged that the proposal, as amended, is closer to the maximum height limit of 70m and is three levels higher than the proposal reviewed by GMU. However, it is considered that the current proposal makes a more robust contribution towards urban design and achieves a high end quality architectural product. Accordingly, the amended proposal is consistent with the SEPP 65 design principles listed below.

- Principle 1: Context
- Principle 2: Scale
- Principle 3: Built form

- Principle 4: Density
- Principle 5: Resource, energy and water efficiency
- Principle 6: Landscape
- Principle 7: Amenity
- Principle 8: Safety and security
- Principal 9: Social dimensions
- Principle10:Aesthetics

Residential Flat Design Code (RFDC)

The RFDC is a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings. The RFDC supports the ten design quality principles in SEPP 65 and provides details on how to achieve these principles in development proposals. Detailed design controls within the RFDC are found within three distinct sections relating to local context, site design and building design.

As previously mentioned in this report GMU conducted an Urban Design Assessment of the subject proposal on Council's behalf. Arising from the review a number of issues were identified relating to the design elements contained within SEPP 65 and the RFDC.

The applicant acknowledged the advice from GMU and in response has introduced a significant number of improvements to the overall appearance and internal design. It is considered that the proposal, as amended, is now consistent with the design guidelines contained within the RFDC.

Referrals

Internal Referrals

The application was referred to the following sections within Council for comment;

- Development Engineer
- Traffic and Transport
- Environmental Health Unit
- Building Services

Overall, no objections were raised subject to the imposition of suitable conditions.

External Referrals

State Environmental Planning Policy (Infrastructure) 2007 contains various provisions requiring consent authorities to refer certain Development Applications to State Government Agencies for comment/ concurrence.

In view of the above this application was referred to Railcorp on the basis of the amount of excavation proposed within such close proximity to the rail corridor. Railcorp have advised by letter dated 20 February, 2012 that they have granted their concurrence subject to conditions to be included on any approval.

The application was also referred to Roads and Maritime Services (RMS) in accordance with the provisions of the Infrastructure SEPP 2007. RMS advised by

letter dated 28 March, 2012 that the Sydney Regional Development Advisory Committee considered the traffic impact of the application and has recommended that a number of conditions be included in any approval.

Comments were also sought from the Crime Prevention Officer of the Burwood Local Area Command Police. A number of conditions relating to graffiti management were recommended for inclusion in any approval.

Community Consultation

The proposal was placed on public notification for the period 06/12/2011 – 25/01/2012. Five separate letters of objection were received. The issues raised in the submissions are summarised below and comments provided.

Issue 1
Maintain traffic flow in the vicinity of the subject site.

Comment
Council's Manager of Traffic and Transport has advised that the development is not expected to have a major impact on the existing road network as Council identified the need to upgrade intersections around the Town Centre as part of the Burwood Town Centre LEP.

Issue 2
Maintain Pedestrian safety

Comment
The increase in traffic movements within the immediate locality as a result of the proposed development are within the capacity of the network and unlikely to promote vehicle/ pedestrian comment.

Issue 3
Minimise noise disturbance to residents including restrictions on truck deliveries

Comment
Suitable conditions will be imposed on any consent regarding delivery times.

Issue 4
The height of the proposed development will reduce radio mast reception at the St John Ambulance Communications Centre situated at 9 Deane Street, Burwood.

Comment
The applicant has provided evidence that they have made arrangements with the St John Ambulance Service to make a contribution towards relocating the radio network to another site which addresses the issues raised.

Issue 5
Waste management within the proposed development and the surrounding street network.

Comment
Council's Manager of Environment and Health has recommended a number of conditions relating to waste management.

Issue 6
Provision of clearly signposted carparking spaces for the shops, offices, residents and visitors.

Comment
Council's Manager of Traffic and Transport has reviewed the proposed carparking and access arrangements and recommended that *all visitor and retail parking spaces be clearly signposted and linemarked as available for public use*.

Issue 7
Provide high quality finishes to the proposed building.

Comment
The applicant has amended the proposal extensively since lodgement. One of the changes will ensure that the external appearance of the building is of a high end architectural quality.

Issue 8
Upgrade the footpath paving within the immediate area.

Comment
Any approval will contain conditions resulting in replacement of kerbs, new footpath paving etc.
Issue 9
Ensure acoustic privacy for occupants of the building and nearby residents.

Comment
As amended the proposal achieves an improved acoustic performance for nearby residents whilst acoustic privacy for residents is enhanced via the revised internal design and a consultant's report which investigates the acoustic noise and vibration impacts of being near a railway line.

Issue 10
The tenancies of the retail shops shall be compatible with the residential areas

Comment
Each of the retail tenancies will be the subject of a Development Application which are assessed on their individual merits. Furthermore, consideration is given to specific methods of business/ operation and overall compatibility with the mix of uses on the subject site and adjoining in the immediate locality.

Issue 11
The building is not energy efficient, inadequate lifts are provided and access to the lifts is not safe.

Comment
A BASIX Certificate was submitted with the application. Separate entrances and locations are provided for the residential and commercial components of the proposed development. A total of six lifts are provided with a minimum of two lifts being provided for each component of the proposed development.

Conclusion

The proposed development, as amended, is consistent with the planning controls contained in Burwood Town Centre LEP 2010, Draft Burwood Comprehensive LEP 2012, DCP Part No. 36 – Burwood Town Centre, SEPP 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code.

Assessment of the Development Application has included a number of referrals within Council and external agencies including Railcorp, Roads and Maritime Services. No adverse comments were raised and conditions of consent provided. The issues raised during public notification of the proposal have also been addressed.

Overall, it is considered that the proposal is of a high architectural quality and will make a significant contribution to the urban design fabric of the Burwood Town Centre. Accordingly, approval of the application is supported.

Recommendation

A. That Development Application No. 2011/ 201 for the demolition of 5 X 2 storey residential flat buildings and construction of a 21 storey building for a mixed use retail, commercial and residential development consisting of the following:

- Two and a half levels of basement car parking containing 144 car spaces
- 1 level of retail with 4 tenancies (Lower ground and Upper Ground) = 825 m2
- 3 levels of commercial office space (Levels 1-3)
- 5 levels of commercial office suites (Levels 4-8) producing a total commercial floorspace of 7,519.7 m2
- 10 levels of residential on Levels 9-18 containing 60 apartments (16x1 br, 38x2 br & 6x3 br) producing a total residential floorspace of 4,179.8m2
- Rooftop terrace with plantroom

be APPROVED subject to the following conditions:

<u>Conditions of Approval</u>

(1) The development being carried out in accordance with the plans and documentation listed below, except where amended by the conditions of consent:

- Architectural Plans prepared by Urban Link Architects in conjunction with olsson & associates architects, Project No. 11-022, Drawing No's 01-11 (inclusive) Issue B dated 25/04/12
- Acoustic Noise and Vibration near Railway Lines report prepared by Acoustic Solutions P/L dated 5 March, 2012
- Access and Compliance Requirements – Assessment Report dated 24 December, 2011

FEES

1. The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the Home Building Act 1989) and suitable evidence of payment is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**.

TABLE OF FEES

FEES/BONDS TO BE PAID TO COUNCIL OR TO THE NOMINATED BODY PRIOR TO ISSUING A CONSTRUCTION CERTIFICATE

(2) Building and Construction Industry Long Service Corporation levy **$84,772.00 (Payment to be made to Council, the Corporation or its Agent)**

(3) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater, kerb and gutter, etc) during building work of **$ 54,000**
(Payment to be made to Council prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)

NOTE: This deposit is refundable if no damage occurs.

(4) Construction by the Applicant/Council of stormwater drainage works = **$ 11,000 (Payment to be made to Council as a bond)**

(5) Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Section 94A Contributions Plan for Burwood Town Centre, the following monetary contribution towards public services and amenities is required:

Contribution Element	**Contribution**
A levy of 4 per cent of the cost of carrying out the development, where the cost calculated and agreed by Council is $ 24,220,630	**$ 968,825.00**

Index Period	March, 2012	**CPI_1**	178.8

The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.

The contribution will be adjusted in accordance with the following formula:

Contribution (at time of payment) = $\frac{C \times CPI_2}{CPI_1}$

Where:

C: the original contributions amount as shown in the development consent;

CPI_2 the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)

CPI_1 the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

Note: The minimum payment will not be less than the contribution amount stated on the consent.

The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate**.

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 94A Contributions Plan for Burwood Town Centre.

Note: Credit cards and personal cheques are not accepted for the payment of Section 94A contributions.

PLANNING

(1) A Graffiti Management Strategy shall be submitted to Council prior to the issuing of a Construction Certificate. The Strategy shall include details regarding types of graffiti proof paint to be used, specific locations of CCTV and landscaping proposed to deter graffiti attacks on the building.

(2) Samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.**

(3) No drying of clothing being permitted on balcony and patio areas which are visible from a public place.

(4) Separate Development Applications shall be submitted to Council and approval obtained prior to the use of any of the proposed retail/ commercial tenancies.

(5) A separate Development Application being submitted for the display and/or erection of any advertising signs. Such application is to include full details of the dimensions, mode of attachment and means of illumination (if any).

(6) A revised landscape plan shall be submitted to the Principal Certifying Authority (PCA) demonstrating that a minimum soil depth of 0.6m has been achieved for at least 50% of the communal open space areas located at the podium and rooftop terrace areas. The plan shall also include a full species and planting schedule.

(7) All visitor and retail parking spaces shall be clearly signposted and linemarked as available for public use.

(8) Three (3) dwellings shall be provided with access for people with a disability in accordance with AS 1428.2.

(9) Six (6) dwellings shall be adaptable and comply with AS 1428.1.

(10) The applicant shall submit final written evidence, **prior to the issuing of a Construction Certificate**, that all arrangements with St John Ambulance Service relating to the relocation of the radio network have been completed to their satisfaction.

BUILDING

1. Where residential building work (within the meaning of the Home Building Act 1989) is proposed to be carried out, either of the following is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**:-

   a. Where work is carried out by a licensed tradesman or builder:

      (i) written advice of the licensee's name and contractor licence number, and

      (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

   OR

   b. Where work is carried out by an owner-building:-

      (i) written advice of the person's name and Owner-Builder Permit number, or

      (ii) a signed declaration from the owner of the land that states the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an Owner-Builder's Permit to do the work.

2. Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

   a. must be a standard flushing toilet, and

b. must be connected:

(i) to a public sewer, or
(ii) to an approved chemical closet facility.

The toilet facilities are to be completed before any other work is commenced.

3. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifying Authority before excavating.

4. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.

5. Where soil conditions require it:

a. retaining walls must be provided so as to prevent soil movement; and

b. adequate provision must be made for drainage.

6. 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 to be made:

a. must preserve and protect the building from damage, and

b. if necessary, must underpin and support the building in an approved manner, and

c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Allotment of land includes a public road and any other public place.

7. If the work involved in the erection or demolition of a building:

a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b. building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

8. The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.

9. No materials are to be stored on Council's roads, footpaths or parks.

10. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.

11. Hours of work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

12. The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the Environmental Planning & Assessment Amendment Act has been issued.

(Vide section 109M Environmental Planning & Assessment Amendment Act)

13. The building works are to be inspected during construction by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- After the commencement of the excavation for, and before the placement of, the first footing;

- Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;

- Prior to covering any stormwater drainage connections; and

- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

14. An application for a Construction Certificate is to be made to Council or an

Accredited Certifier. Council's 'Construction Certificate Application' is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of building work**.

15. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communication and water.

    Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no/name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

    The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesmen or a professional excavator the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

    Reason: To ensure that essential services such as electricity, gas, communication and water are not affected by excavation or construction.

16. All building works being erected wholly within the boundaries of the property.

17. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.

18. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the regulations of Sydney Water.

19. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.

20. All building work must be carried out in accordance with the provisions of the Building Code of Australia – Volume One.

21. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

22. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

23. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2000 “Termite management - New building Work.”

If the method of protection is to be by way of a chemical barrier, it becomes the responsibility of the owner to maintain a suitable maintenance procedure in accordance with the manufacturer's requirements. Such responsibility is placed solely upon the owner.

After treatment the following is to be carried out:-

a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-

(i) The method of protection.
(ii) The date of installation of the system.
(iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
(iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.

b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2000. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.

Details showing compliance with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

24. A registered surveyor's certificate being submitted to the Principal Certifying Authority as follows:-

a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and

b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge and to show boundary clearances and areas of the site occupied by the building.

25. Prior to the commencement of building work, the following is to be carried out:-

a. Submit to Council a “Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority” form. Council's 'Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority' form is to be used where application is made to Council.

b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's “Construction Certificate Application” form is to be used where application is made to Council. Copies are available on request.

(Vide Section 81A Environmental Planning & Assessment Amendment Act)

26. A 'Section 73 Compliance Certificate' must be obtained from Sydney Water. Following application for a 'Section 73 Compliance Certificate' a *'Notice of Requirements'* will be provided by Sydney Water.

The *'Notice of Requirements'* is to be obtained prior to the commencement of building work.

The Section 73 Certificate is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

27. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate**.

28. The Principal Certifying Authority **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.

29. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."

30. Mechanical ventilation/air conditioning details are to be submitted to Council or the Accredited Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:-

a. The location and size of proposed ductwork;

b. The location of equipment;

c. The performance characteristics of the proposed motor/s and fan/s;

d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard New Zealand Standard AS/NZS 1668 "The use of mechanical ventilation and air-conditioning in buildings", Part 1 and Part 2, Australian Standard New Zealand Standard AS/NZS 3666-2002 and the Noise Control Act, 1975, must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued.

31. Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details

of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

32. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.

33. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

34. The building being provided with both access and sanitary facilities for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia (BCA) and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

35. The Commonwealth Disability Discrimination Act, 1992 may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.

36. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-

    a. It is not bounded by a wall; and

    b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

    except where specific exemptions are provided in the Building Code of Australia.

    Balustrades shall prevent as far as practicable:

    a. Children climbing over or through it; and

    b. Persons accidentally falling from the floor; and

    c. Objects which might strike a person at a lower level falling from the floor surface.

    Balustrade heights and designs shall comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 – Structural design actions. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than 865mm.

    Details of the method of satisfying these requirements must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

37. The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 1670. Manual call points must be installed in evacuation routes.

Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

38. A Fire Safety Certificate (copies available from Council) is to be given to the Certifying Authority prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire Brigades **by the building owner** and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

(Vide clause 153 & Division 3 of the Environmental Planning & Assessment Regulation 2000)

39. Noise transmission and insulation ratings for building elements being in accordance with Specification Part F5 of the Building Code of Australia.

Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

40. Engineering Design – Basement Excavation

The following engineering details or design documentation shall be submitted to the Principal Certifying Authority (Council or Accredited Certifier) **prior to the issuing of a Construction Certificate**:

(a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer that confirms the suitability of the site for the proposed excavation and building, as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.

(b) A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

A copy of the engineer's report is to be submitted to Council, even if the Council is not the Principal Certifying Authority.

DEMOLITION

1. A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.

2. Removal of any asbestos must be undertaken in compliance with the requirements of WorkCover. Refer to their publication "Your Guide to Working with Asbestos."

3. Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm erected in a prominent visible location of the site to the satisfaction of Council Officers. The sign is to be erected prior to the commencement of demolition works and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 259(2)c of the Occupational Health and Safety Regulation 2001.

4. All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005.

5. All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).

6. Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

   Such written notice is to include the following details:

   - Date of asbestos removal; and
   - Name, address contact details (including after hours contact telephone number) and WorkCover licence number of the asbestos removal contractor.

   Work is not to commence prior to the nominated date.

7. Demolition of the building is to be carried out in accordance with the requirements of AS 2601 – 2001, where applicable.

8. Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No demolition work shall be carried out on Sundays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

9. Access to the site is to be restricted and the site is to be secured when demolition work is not in progress or the site is otherwise occupied.

10. The demolition site is to be provided with measures to mitigate against dust nuisances arising on adjoining sites and roadways. To achieve this, a fence or barrier is to be erected around the site. The construction may be steel mesh which is covered with a suitable filtering medium or such other construction acceptable to Council. An effective program of watering the site is also required to be maintained.

11. All demolition and excavation materials are to be removed from the site or disposed of on site using methods that comply with relevant environmental protection legislation.

12. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.

13. Dilapidation surveys are to be carried out by a Practicing Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site (**i.e. No. 9 Deane Street, Burwood**). The survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issue of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

14. The applicant shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to Council of specific details of the protection to be employed **prior to demolition works commencing**.

SUBDIVISION

(1) A plan of consolidation for the subject site shall be submitted to Council for approval and the issuing of a Subdivision Certificate. The linen plan of subdivision shall be registered by the Land and Property Information Office **prior to the issuing of an Occupation Certificate.**

(2) A separate Development Application shall be submitted to Council for any proposed subdivision of the development.

HEALTH

Environmental Management:

1. An Environmental Management Plan is to be submitted to Council for approval, prior to the commencement of any works, detailing the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project::

    - Noise and vibration control

- Dust and odour suppression and control
- Storm water control and discharge
- Erosion control
- Waste storage and recycling control
- Litter control
- Construction material storage
- Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways

2. A car wash area / bay is to be provided at ach basement car park level and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

3. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Council for approval prior to the issue of the Construction Certificate.

4. Separate development application(s) are to be submitted for the fit out of any part of the premises as a commercial use.

Waste Management:

1. All garbage shall be stored in the designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia.

2. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.

3. The access to the residential waste chute by commercial users (levels 4 through 8) is to be deleted in order to ensure commercial and residential waste is collected and managed separately.

4. Both residential and commercial garbage and recycling storage areas are to be:

    a. Supplied with both **hot and cold** water;
    b. Paved with impervious floor materials;
    c. Coved at the intersection of the floor and the walls;
    d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
    e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
    f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.

5. Manufacturer's details and specification for the waste chute are to be submitted to Council for approval prior to the issue of a Construction Certificate.

6. Certification is to be provided by the installer of the chute system prior to the occupation of the building certifying that the Chute has been installed in accordance with the manufacturer's specification.

7. The garbage chute room at each level is to be of sufficient size to accommodate sufficient mobile bins (MGB'S) / crates to store recyclable material generated over the entire period between collection days.

8. Manufactures details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to Council for approval prior to the issue of the Construction Certificate.

9. Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.

10. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services

11. All waste collections are to be carried out from within the building (not from the kerb side). The caretaker is to wheel the waste and recycling bins to the nominated bin holding area for collection.

12. The applicant shall provide to Council a legally drafted agreement at their own expense in the form approved by Council which gives right of access and absolves Council and / or any of its waste collection contractors from any damage or injury that may arise from the onsite collection of waste and recyclables.

13. The vehicular access to the basement waste storage area is to be designed to allow for access including forward driving and reversing into the collection bay by a fully laden waste and / or recycle collection vehicle.

14. The building access road and loading dock is to be designed to enable a fully laden waste collection vehicle to be able to access the site and carry out collections within the building.

15. Residential and commercial waste and recycling collections are to be carried out in a manner and at times which do not cause a noise nuisance to the immediate or nearby residents.

    Note; Council reserves the right to issue a direction under the Protection of the Environment Operations Act to address any noise or other nuisance complaints.

16. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.

17. Prior to the issue of the Construction Certificate, the applicant is to arrange with Council's Environment and Health Section the issue of the appropriate number of garbage and recycling bins and payment of the necessary fees to enable commencement of the waste and recycling service.

ENGINEERING - STORMWATER

(1) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:

a. Council's drainage system located at the south west corner of the intersection of Mary and George Streets.

(2) A detailed drainage design shall be submitted to the Principal Certifying Authority.

a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.

b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**

(3) Details and calculations shall be prepared by a competent practicing hydraulic/civil engineer. They shall include:

a. a catchment plan,

b. plans showing proposed and existing floor, ground and pavement levels to AHD,

c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels,

d. details and dimensions of pits and drainage structures,

e. hydrologic and hydraulic calculations,

f. details of any services near to or affected by any proposed drainage line,

g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements.

h. The depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council prior to the release of the construction certificate.

The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering**.**

(4) On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.

a. This storage shall be designed by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.

b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering**.**

(5) The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.

b. Following joining of pipes and connection to Council's stormwater system.

c. For on-site detention systems:-

(i) Following set out of detention tank/area to confirm area and volume of storage.

(ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.

d. Following backfilling. Confirm adequacy of backfilling material and compaction.

(6) Following completion of all drainage works:-

a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.

b. The Principal Certifying Authority is to be provided with a Compliance Certificate from a competent practicing hydraulic/civil engineer. The Compliance Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.

(7) Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.

(8) A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the

ii) Finished pavement and ground levels
iii) Prevention of the erection of any structures or fencing.....
iv) On-site Stormwater Detention system
v) Pump and rising main system

incorporated in the development. The wording of the Instrument shall include but not be limited to the following:-

a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:-

i) The overland surface flow path
ii) Finished pavement and ground levels
iii) Prevention of the erection of any structures or fencing....
iv) On-site Stormwater Detention system
v) *Pump and rising main system*

b. The proprietor agree to have the facilities inspected annually by a competent practicing hydraulic/civil engineer.

c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.

d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land Titles Office. Evidence that the

Instrument has been registered at the Land Titles Office shall be submitted to Council, prior to issuing of an Occupation Certificate.

(9) The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:-

a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:-

(i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.

(ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.

(iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.

(iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.

(v) Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line.

(vi) The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.

b. Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**

c. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pump system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority prior to issuing of an Occupation Certificate.

(10) The outflow control structure of the OSD shall be designed to control variable outflow rate. Storage outflows are to be controlled to ensure the full range of ARI (2 to 100 yr) occurs.

(11) All relevant erosion and sediment control measures identified in the ESCP must be implemented during construction to prevent sediment and polluted waters discharging from the site.

(12) The following matters shall apply to the stormwater works listed in the Table of Fees.

a. The stormwater works consist of constructing a Council standard stormwater pit including 1.8m lintel on Mary St at the N-W corner of the property. A 375mm RCP shall be laid across Mary Street to Councils existing pit to the west at the corner of George St.

b. A detailed plan of the connecting pipeline including the details of stormwater pits & lintels, long section of the pipeline, pipe-trench cross section etc. shall be provided for Council's review.

c. The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights, etc.) shall be confirmed by the applicant on site and are to be included on the design drawings.

d. Any adjustments required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the Principal Certifying Authority, prior to construction commencing.

e. All pipes shall be 375mm diameter reinforced concrete spigot and socket with rubber ring joints. The stormwater works described above shall be constructed at the applicant's expense while the fees as mentioned in the Tables of Fees shall be retained in Council as a bond till the completion of the works to Council engineer's satisfaction.

ENGINEERING - GENERAL

(1) All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Code for Activities Affecting Roads, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.

(2) A road-opening permit shall be obtained for all works carried out in public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's restoration rates. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works.

(3) The following matters shall apply to the damage deposit listed in the Table of Fees:-

a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.

b. Council will only carry out two inspections of the Council's footpath, kerb and gutter, drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual

contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.

(4) The following matters apply to the construction of the proposed vehicular crossing.

a. A vehicular crossing 6.5 m wide to George Street, Burwood shall be constructed to Council's current Vehicular Crossing Policy and specifications at the applicant's cost. Where the applicant or their contractor wishes to carry out the construction, a Construction Permit must be obtained from Council and the related standard conditions and fees will apply.

b. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.

c. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

(5) Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.

(6) Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.

a. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.

b. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**

(7) All demolition and excavation materials are to be removed from the site or disposed of on site using methods that comply with relevant environmental protection legislation.

(8) Vehicles removing demolished materials from the site shall access and depart from the site through George Street and Shaftsbury Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.

EXCAVATION:

1. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting

shall be of sufficient strength to retain the sides of excavations. A Compliance Certificate verifying the suitability of Structural details of proposed shoring is to be submitted to the Principal Certifying Authority before excavation.

2. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.

3. Where soil conditions require it:

   a. retaining walls must be provided so as to prevent soil movement; and

   b. adequate provision must be made for drainage.

4 If an excavation associated with the erection or demolition of a building extends below any level of the base of the footings of a building or other structure on an adjoining allotment of land, the person causing the excavation to be made:

   a. must preserve and protect the building or other structure from damage and rectify any damage caused by any such excavation, and

   c. if necessary, must underpin and support the building or other structure in an approved manner, and

   d. must, at least 7 days before excavation below the level of the base of the footings of a building or other structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to that owner.

   The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

5 If the work involved in the erection or demolition of a building:

   a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

   b. building involves the enclosure of a public place,

   a hoarding or fence must be erected between the work site and the public place.

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

   The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

   Any such hoarding, fence or awning is to be removed when the work has been completed.

6 Your attention is directed to the following:

WARNING

Building plans which form part of a Construction Certificate, and are suitably endorsed, must be submitted to a Sydney Water, Quick Check agent or Customer Centre before the commencement of work.

For Quick Check agent details refer to the website www.sydneywater.com.au, see "Your Business" then 'Building & Developing' then 'Building and Renovating', or telephone 13 20 92.

The applicant will need to provide the following information:

a. The address of the property including House, Lot and Deposited Plan number.

b. The name and address of the owner and the builder.

c. The type of building, type of construction and the estimated cost.

The approved plans and application will be checked to determine whether the proposed works meets with the requirements of Sydney Water concerning:

a. Location of sanitary fixtures;

b. Relationship of the building to water-mains, sewers and stormwater drains and/or easements; and if further requirements need to be met.

Plans will be appropriately stamped.

FAILURE TO SUBMIT THESE PLANS BEFORE COMMENCING WORK WILL RENDER THE OWNER LIABLE TO A PENALTY AND MAY RESULT IN THE DEMOLITION OF THE WORK AT THE BUILDER'S EXPENSE.

7. The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.

8. No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.

9. No materials are to be stored on Council's roads, footpaths or parks.

10. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.

11. Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.

12. Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.

13. No work involving the use of mechanical plant and equipment being carried out other than between the hours of 7am - 5.30pm Monday to Fridays and 7am - 1pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.

14. Hours of construction work shall be from 7am to 5.30pm Mondays to Fridays inclusive, and from 7am to 1pm Saturdays. No construction work shall be carried out on Sundays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

15. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.

ROADS AND MARITIME SERVICES

1. The layout of the proposed car parking spaces, loading docks and access driveway associated with the subject development (including driveways, grades, lifts, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

2. All vehicles are to enter and leave the site in a forward direction.

3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

4. A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval, prior to the issue of a Construction Certificate.

5. The developer shall be responsible for all public utility adjustments/ relocation works, necessitated by the proposed work and as required by the various public utility authorities and/or their agents.

RAILCORP

1. Compliance with all of the requirements listed in Railcorp's letter of concurrence dated 20 February, 2012, inclusive of Attachment A, which forms part of this consent.