

RECOMMENDED CONDITIONS OF CONSENT – D12/2012 (JRPP NO. 20125YE022)

Conditions of Approval

(1) The development being carried out in accordance with the plans and documentation submitted as follows, except where amended by the conditions of consent.

- Architectural plans prepared by Olsson and Associates Architects Pty Ltd:

<i>Drawing No.</i>	<i>Plan</i>	<i>Issue/Revision</i>	<i>Dated</i>
DA 01	Site Plan	C	22.05.2012
DA 02	Basement L2 – L4	A	30.01.2012
DA 03	Basement L1, ground & L1 floors	C	22.05.2012
DA 04	L1A, 2 & 3 floors	B	19.04.2012
DA 05	L4, 5 & 6 floors	B	19.04.2012
DA 06	L7, 8 & 9 floors	B	19.04.2012
DA 07	L10, 11 & 12 floors	B	19.04.2012
DA 08	L 13, 14 & 15 floors	A	30.01.2012
DA 09	L16 & 17 floors, plan rm finishes	B	19.04.2012
DA 10	Sections A-A & B-B	C	22.05.2012
DA 11	Section C-C	B	19.04.2012
DA 12	East elevation	C	22.05.2012
DA 13	West elevation	C	22.05.2012
DA 14	North & south elevation	B	19.05.2012

- Landscape Architect plans prepared by Michael Siu, Drawing Nos L01 and 02, dated 25 January 2012.
- Stormwater Drainage Concept Plans prepared by United Consulting Engineers Pty Ltd – Drawing Nos D01 and D02, dated January 2012
- Basix Certificate No 412089M, dated 27 January 2012
- ABSA Certificate (Assessor Certifier – 20827), issued 27 January 2012
- Waste Management Report and Waste Management Construction Plan, prepared by Olsson & Associates, dated 18 January 2012.

FEES

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

(1) Building and Construction Industry Long Service Corporation Levy

\$80,538.00

(Payment to be made to Council, the Corporation or its Agent)

- (2) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater, kerb and gutter, etc) during building work

\$22,000.00

(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.

- (3) Bond for construction of stormwater connection of drainage to Council's drainage system.

\$9,500.00

(Payment to be made to Council)

- (4) **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for inspections at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges

(Payment to be made to Council).

- (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 \$20,918,971.00 .	\$836,758.84

Index Period	March 2012	CPI ₁	178.8
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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:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

Where:

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

CPI₂ 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)

CPI₁ 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) The development is to consists of the following:

- a. A total Floor Space Ratio (FSR) of 4.5:1 – Commercial FSR 1.5:1 (includes retail/commercial and serviced apartments) and Residential FSR 3:1.
- b. Commercial space 2,773.5m² - 4 ground suites/shops, 21 serviced apartments on levels 1, 1A (mezzanine) and 2.
- c. Residential space 5,547m² - 77 units (25x1br, 48x2br, 4x3br) on levels 3 to 16. 11 residential units are adaptable.
- d. 120 car parking spaces on 4 basement levels - 6 commercial/retail, 21 serviced apartments, 79 residential, 14 visitors. 12 residential car spaces are accessible spaces.
- e. Maximum Building Height – 59.5m
- f. A 2.5m wide public pedestrian link along the southern half of the western boundary.
- g. 66 bicycle storage bays

(2) Easement for Pedestrian Access

2.1 Prior to the issue of an Occupation Certificate for the development the Applicant shall at its own expense create an easement in gross for public access (“the easement”) in favour of the Council over that part of the land designated as “Required Easement for Public Access” on drawing DA03 Issue C dated May 2012 prepared by Olsson and Associates Architects Pty Ltd in the following terms:

- “a. Full and free right for the Authority in whose favour this easement is created, and every person authorised by it (which shall include without limitation all members of the public), to go, pass and re-pass on foot at all times for all purposes (but without vehicles) over the land indicated herein as the servient tenement. The registered proprietor shall at its own expense and to the satisfaction of the Authority benefitted:
 - i. pave and landscape the easement site;
 - ii. maintain such paving and landscaping in good repair, order and condition; and
 - iii. provide and maintain suitable artificial lighting commencing at the southern end of the easement and at 3 metre intervals over its length.

- b. Is so requested at any time by the Council the registered proprietor shall permit the Council, its servants, agents, employees or contractors to take down and remove any infill wall panels between the podium level support columns along the western and southern boundaries of the easement so as to allow persons thereafter lawfully using the easement to access the adjoining land to the west from any point along the western and southern boundaries of the easement.”
 - 2.2 The easement shall be over a minimum length of 24 metres, be a minimum of 2.5 metres wide and have a minimum height of 2.7 metres.
 - 2.3 The Applicant must ensure that the infill walls between the podium level support columns along the western and southern boundaries of the land adjacent to the site of the easement is of such materials and construction that they are capable of being readily removed at such time as Council has obtained the benefit of an Easement for Public Access on the land immediately to the west and south of the site and adjacent to the easement in order that the easements can operate together.
 - 2.4 The Applicant shall include in the construction of the approved development three permanent skylights of not less than one metre square in the first floor concrete slab above the easement in locations approved by Council to provide natural light to the easement area during daylight hours.
 - 2.5 Prior to creation of the easement the Applicant must obtain the Council’s approval in writing to the transfer granting easement or other instruments by which it is proposed to create the easement.
 - 2.6 Forthwith after creation of the easement the Applicant at its own expense provide conformation in a manner satisfactory to Council that the easement has been registered on the land titles in the form approved.
- (3)
- a. Provision of sliding vertical louvred privacy/solar protection screens to a minimum 35% of the balcony length along the northern, eastern and western facades of the residential portion of the building.
 - b. Provision of fencing and screening along the western and eastern boundary, to a minimum height of 1.8m above the finished landscaped area of the communal areas and “Planter Box” area, on level 1. No access is to be available to the eastern “Planter Box” area for serviced apartment occupants, except for maintenance purposes.
 - c. Provision of sliding vertical louvred privacy/solar protection along the western access balcony edge, facing/opposite each entry to the serviced apartments and residential units, and the lift lobby.
 - d. The eastern edges of serviced apartment balconies on level 2 are to be screened with sliding louvred screens to a minimum of 35% of the balcony length.
 - e. The planter box along the edges of the communal roof area, located on level 3 and southern elevation of the building, is to have a minimum width of 1.5m. No access is to be available to this planter box, except for maintenance purposes.

- f. Provision of 1m wide planter boxes along the eastern, southern and western edges of the roof decks, on level 12 and the roof of the rear portion, of the building.
- (4)
- a. The 21 serviced apartments on levels 1, 1A, and 2 are to be managed from a ground level commercial tenancy – Management Office, which has good access and visibility from Victoria Street. Signage is to be provided to ensure that management can be contacted, at all hours, including lodgement of complaints.
 - b. The serviced apartments are to be used for short term or temporary accommodation, as defined under BTC LEP 2010:
“serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents”.
 and not subject to the Residential Tenancies Act 1987.
 - c. Details of a Plan of Management of the serviced apartments, is to be submitted to Council, **prior to the issue of a Construction Certificate**. The details should include:
 - i. The maintenance and certification of the fire safety measures implemented on the building premises.
 - ii. Maintenance of the building and its fitments including painting, repairs, graffiti removal, etc.
 - iii. The administration of the building and its use in part as serviced apartments.
 - iv. The management of the car park.
 - v. Measures to ensure the use of the serviced apartments co-exist satisfactorily with the residential flat building apartments.
 - vi. The management of complaints and contact person/management during off-hours – after closure of the office.
 - d. **Prior to the issue of an Occupation Certificate** a restrictive covenant shall be registered over the title to the subject premises restricting the use of the 21 serviced apartments, to short term accommodation only, accommodating persons whose principle place of residence is elsewhere.

 The restrictive covenant is to also prohibit the use of such serviced apartments as the principle place of residence by the owner, or any other person occupying the premises with the owner’s consent. Any agreement to occupy the serviced apartments is not to be subject to the residential tenancy agreements, within the meaning of the Residential Tenancies Act 1987.
 - e. In any Strata-Subdivision of the developments, the following requirements are to be complied with:
 - i. The 21 serviced apartments, 21 associated car parking spaces, and the management office/reception, are to be identified as one lot, in the strata plan.
 - ii. A restriction, in a form acceptable to the Council, shall be placed on the title of the serviced apartment lot, pursuant to Section 88E of the Conveyancing Act 1919, restricting the further strata subdivision of the serviced apartments lot.

- f. Two of the serviced apartments shall be adaptable and are to satisfy the requirements of AS 1428.1.
 - g. Lifts servicing the commercial serviced apartments are to be separate to the lifts, servicing the residential units.
- (5) a. The ground level commercial tenancies are subject to separate applications for the use and fitout of the premises.
- b. All external signage, except for directional or address identification, are to be subject to an application to Council for approval.
- c. Signage is to comply with DCP Part 9 – Advertising Signs.
- (6) Provision of storage areas for each apartment, in accordance with clause 2.3.10 Storage for Apartments, DCP Part 36.
- (7) Any damage to adjoining properties due to the works are to be made good and repaired immediately.
- (8) The maximum height of the building is not to exceed a maximum of AHD (RL) 76.00 measured from the top of the parapet to the natural ground level, vertically below. This maximum height is to be identified on the Construction Certificate plans, and a survey is to be submitted to Council confirming compliance with this condition, **prior to the issue of an Occupation Certificate.**

The maximum height of the rear portion of the building is not to exceed AHD(RL) 59.90.

- (9) The facades of the building are to be given a variation in finishes and colour tones to enhance the building, to Council's satisfaction. The final finishes and colours are to be shown on all elevations, and submitted to and approved by Council, **prior to the issue of a Construction Certificate.** The variation in treatment and articulation on the sides of the buildings are to be maintained.
- (10) The exhaust ventilation system of the basement is to be an integral part of the building, and is not to be located at the boundaries.
- (11) Safety and security night lighting being provided for the development with details being incorporated in the landscape plan.
- (12) All external balustrades are to have a minimum height of 1.2m measured from the balcony/terrace floor level. **This height is to be satisfied notwithstanding the minimum 1m height identified in the Building Code of Australia (BCA).**
- (13) A "Work as Executed" drainage plan is to be submitted for Council's approval **prior to the issuing of either a Final Occupation Certificate or a Subdivision Certificate.**
- (14) The applicant is to consult with the Energy Authority to determine the need for an electricity substation **prior to the issuing of a Construction Certificate** and, if a site is required, it being situated on the site adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The linen plan being submitted to Council for approval and issue of a Subdivision Certificate and being registered with the Land Titles Office **prior to the issue of an Occupation Certificate.**

- (15) Demolition or construction work including deliveries of materials, etc, which would result in footpaths and/or roads being blocked, shall not be carried out on Saturdays.
- (16) 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 commencing**.
- (17) **Prior to the issuing of an Occupation Certificate** Council is to receive a payment of pro-rata fees for and receipt from Council of mobile garbage and recycling bins for the development.
- (18) Any telecommunication or TV antennae, etc. on the roof are only to serve the subject development, not be visible from the immediate public area around the development, and located away from the edges of the building.
- (19) The driveway area from the Victoria Street frontage to the basement roller door, is to be treated with a variation of paving for a visual break, with details of materials being submitted to Council for consideration, **prior to the issue of a Construction Certificate**.
- (20) Provision of three (3) car wash bays (one on each basement level) suitably equipped with a tap, hose and drainage, to Sydney Water requirements. The car wash bay may double as a visitor car space.
- (21) All external services including air conditioning units, electrical or gas water heaters, meters, equipment, conduits, drainage and water pipes, are to be located in recessed enclosures within the external walls, and are not be visible from the public domain area or road. Details are to be provided in the Construction Certificate Plans.
- (22) All balconies are to have a hob on their outer edges, to prevent water dripping along the external edge(s) of the balconies, and are to be adequately drained. All external glass balustrading is to consist of opaque glazing.
- (23) All common boundary fencing is to be replaced where necessary, at the applicant's cost. Adjoining owner(s) be notified as required under the *Dividing Fences Act*.
- (24) All windows and sliding doors are to be provided with key operated locks as a crime prevention measure and for the security of future residents.
- (25) The projection of the street awning along Victoria Street, shall be setback a minimum of 2m from the street frontage boundary.

LANDSCAPING

- (1) The landscaping of the site is to be as per the Landscape Architects' Plans, prepared by Michael Siu, Drawing Nos L01 and L02, dated 25 January 2012, and as amended by the conditions of consent.
- (2) All landscaping and planting are to be installed **prior to the issue of an Occupation Certificate**. The landscaping is to be maintained, as installed, for a minimum period of 2 years.

- (3) Landscaping details of the additional planter boxes on levels 12 – roof decks and level 3 – communal roof area, are to be submitted to Council for approval, **prior to the issued of a Construction Certificate.**

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 4:00pm 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.
- (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) Dividing Fences Act - Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.
- (26) 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)

- (27) The building being known as No. 36-38 Victoria Street, Burwood and this number (at least 150mm in height) being clearly displayed on the site prior to the issuing of an Occupation Certificate.
- (28) 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.

- (29) 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**.
- (30) 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.
- (31) Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
- (32) 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); and
 - 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.

- (33) 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.**
- (34) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (35) 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.**
- (36) 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.**
- (37) 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.
- (38) 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.

Note: Refer to Planning Condition (12) for height of external balustrades.

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.**

- (39) 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 3786-1993 and AS 1670.1-2004. 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.**

- (40) 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)

- (41) 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.**

- (42) 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 4:00pm 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. 132-134 Burwood Road, 23-27 and 29 George Street and 32-34 Victoria 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 Principal Certifying Authority of specific details of the protection to be employed **prior to demolition works commencing**.

SUBDIVISION

- (1) A separate development application is to be lodged for any proposed strata subdivision of the development.

Note: Also refer to Planning Conditions (2) and (4) e, in regard to the pedestrian access and the strata lot for the serviced apartments, associated car parking and the on-site office/reception.

- (2) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through unauthorised Sydney Water Servicing Coordinator (for details see e-Developer at www.sydneywater.com.au or telephone 13 20 92. The Section 73 Certificate must be submitted to the Principle Certifying Authority (PCA) prior to release of any Linen Plan of subdivision and/or Occupation Certificate for 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 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) 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.
- (2) A separate area is to be nominated on the site for the temporary storage of unwanted large bulky goods and items awaiting disposal either privately or through Councils clean up service.
- (3) An area is to be nominated on the site to provide the capability for onsite communal composting. The location and design are to be in accordance with the controls set out on p.20 of Council's Waste Management DCP No. 17.
- (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; and
 - 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).
- (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. Note the current Loading dock area needs to be redesigned to allow for access by a fully laden garbage vehicle.
- (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) 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.

TRAFFIC

- (1) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle length and parking bay dimensions) are to be in accordance with AS 2890.1-2004 as AS 2890.2-2002 for heavy vehicle usage. The doubled spaces are to comply with AS 2890 – Parking Facilities (2009).
- (2) An intercom system be installed to allow visitors access to basement parking.
- (3) Convex mirrors be installed in the loading area/driveway ramps to improve sight angles.
- (4) Minimum clear head height within the basement is to be 2.2m.
- (5) Submission of a Construction Traffic Management Plan to Council for approval, **prior to the issue of a Construction Certificate**, to address the following:
 - a. All vehicles must enter and exit the site in a forward direction.
 - b. Loading and unloading of materials is not to take place in "No Stopping" or public parking areas.
 - c. All vehicles must park as per the current street restrictions, unless a separate Work Zone application is made and approved, along the Belmore St frontage.
- (6) The visitor and accessible car spaces are to be line marked and identified, **prior to the issue of an Occupation Certificate**, including installation of bollards.
- (7) Bicycle storage bays are to be provided on all levels of the basement car park, in particular on level B1.
- (8) Basement level 1 is to have adequate head room for service vehicles.

ENGINEERING

- (1) The stormwater drainage drawings 11MB4798/D01-02, prepared by United Consulting Engineers, are to be amended **prior to the issuing of the Construction Certificate**, as follows:
 - a. Grated drain shall be provided on ramp access to basement and shall be connected to the drainage system.
 - b. The outflow control structure of the OSD shall be designed to control variable outflow rate to ensure that the full range of ARI (2 to 100yrs) protection occurs.
 - c. Existing stormwater pit in front of the proposed vehicular crossing (VC) shall be relocated to 1m(min) away from the edge of the VC
 - d. Emergency outflow chamber shall be provided with the OSD with 450mm dia pipe outlet to cater for overflow as required.
 - e. An Erosion and Sediment Control Plan (ESCP) is to be prepared in accordance with the requirements of "Managing Urban Stormwater: Soils & Construction" (Landcom, 2004) and Supplement 10 of Council's Stormwater Management Code. 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.
- (2) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located at Victoria Street.
- (3) 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**.
- (4) 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.

- (5) 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.
- (6) The following matter shall apply to the Council stormwater works listed in the Table of Fees. The Council stormwater works consist of relocation of the stormwater pit on the way to the proposed driveway.
- (7) 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.
- (8) 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.
- (9) A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the
- i. overland surface flow path;
 - ii. prevention of the erection of any structures or fencing;
 - iii. on-site Stormwater Detention system; and
 - iv. 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. prevention of the erection of any structures or fencing;
 - iii. on-site Stormwater Detention system; and
 - iv. 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.

- (10) The south and east boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing 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.**
- (11) 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.
- (12) 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.
 - (13) 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.
 - (14) Spoil and building materials shall not be placed, stored, thrown or caused to fall within any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.
 - (15) The builder is to ensure footpaths and roads affected by construction works are kept safe and prevent any damage to Council property. The builder shall erect and maintain where necessary approved hoardings, barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.
 - (16) 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.
- (17) The following matters apply to the construction of the proposed vehicular crossing.
- a. A vehicular crossing 6m wide to Victoria Street 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.
- (18) 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.
- (19) The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
- a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
 - b. 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.
- (20) 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.
- (21) 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.
- (22) Vehicles removing demolished materials from the site shall access and depart from the site through Victoria Street, Shaftesbury Road to Parramatta Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.