JOINT REGIONAL PLANNING PANEL
(SYDNEY EAST)

JRPP No	**2014SYE057**
DA Number	**DA 136/2012**
Local Government Area	**Burwood**
Proposed Development	**Section 96(2) Modification** **23 level mixed use development containing ground floor retail, 112 serviced apartments at levels 1-13, 34 residential apartments at levels 15-23, 4 levels of basement parking for 102 vehicles.**
Street Address	**1-3 Marmaduke St and 7 Deane St Burwood**
Applicant	**Sky Profit Properties Development Pty/Ltd**
Number of Submissions	**Nil**
Recommendation	**Application be approved subject to conditions.**
Report by	**Brian Olsen Manager Building & Development, Burwood Council.**

Assessment Report and Recommendation

Site: 1-3 Marmaduke St & 7 Deane St Burwood
Application: Section 96 (2) Application to Modify DA 136/2012 dated 6 March 2013

Trim: 14/43602

Background

The JRPP granted consent on 6 March 2013, subject to conditions, to DA 136/2012 that proposed the demolition of the existing residential flat buildings on the site and the erection of a 22 storey mixed use development comprising ground floor retail, 61 serviced apartments at levels 1-11, and 36 residential apartments at levels 12-21 over 4 levels of basement parking for 108 vehicles. The site is located within the commercial core of Burwood Town Centre with a height limit of 70m, FSR of 6:1 (commercial FSR 4:1, Residential 2:1) within the B4 Mixed Use zone.

Subsequent to the approval the application approached Council to discuss alterations to the building as approved and prior to lodgement of the subject section 96 modification Council staff provided advice to the applicant in respect of the proposal and particularly the issue of required off street parking for the development.

Section 96 (2) Application

The Section 96 Modification proposes:

- To reduce the number of residential apartments from 36 to 34 and a slight reduction in residential FSR
- Increase retail FSR by 198m2 on ground floor by deleting the open forecourt
- Increase the number of serviced apartments from 61 to 112 with a 17% increase in serviced apartment FSR.
- Increase in total FSR by 8.4% but not exceeding 6:1 permitted pursuant to BLEP 2012.
- Change in external finishes and materials
- Internal alterations including removal of 1 lift core
- Parking reduced from 108 to 102 spaces
- Height increased by 1.4m to 70.8m. Exceeds maximum height limit of 70m by 800mm in the lift overrun.

Statutory Requirements

Heads of Consideration

Section 96(3) of the Environmental Planning & Assessment Act 1979 requires a consent authority to take into consideration such matters referred to in Section 79C as are of relevance to the development the subject of the application. In this regard the modification application is assessed under the provisions of *Section 79C* of the *Environmental Planning and Assessment Act 1979*, as amended, which include:

- The provisions of the *Burwood Local Environmental Plan (BLEP) 2012*
- The provisions of *Burwood Development Control Plan – BDCP*
- The impact of the development in relation to:

  - The context and setting of the development

- The impact on the natural built environment
- Shadowing of adjoining properties
- Parking requirements and traffic impact
- Streetscape and urban design issues

- The suitability of the site for development
- The public interest
- Social and economic impact
- Submissions made under the Act and Regulations

These matters have been considered in this report.

Assessment

Council must ensure that the development to which the modification relates is substantially the same for which consent was originally granted. While the external façade treatment of the building will alter, the building envelope remains the substantially the same and uses within the building, with some slight changes in ratio of residential to non residential floor space, also remains substantially unchanged. The application proposes an overall increase in FSR of 8.4% (578m2) of which 198m2 is contained on the ground floor. This space is almost all contained within the existing building envelope by elimination of a lift core, utilization of balcony area to the serviced apartments, minor increase in level 4 floor area and additional serviced apartment floor area by decreasing the residential apartments from 36 to 34. Generally the development is considered substantially the same as there is no radical transformation of the building.

Building Height

The building proposes n increase in height from 69.4m to 70.8m, an overall increase of 1.4m and which exceeds the maximum height permitted in the zone by 800mm. The additional height is primarily associated with the lift over run however floor to ceiling heights of the ground floor has been reduced by 300mm with the serviced apartment (levels 1-11) floor to ceiling heights being reduced by 150mm and correspondingly level 12 and the residential apartment levels 12-22 have their floor to ceiling heights increased. The application has included a submission pursuant to Clause 4.6 of Burwood Local Environmental Plan 2012 (BLEP 2012) that the additional height is limited to the lift over run and that the tower building itself complies with the height standard. The additional height to the lift overrun will not create any additional adverse environmental impact relating to privacy or loss of solar access and will be screened within the architectural roof feature so that it is not be readily visible.

Generally it is considered that the applicant has demonstrated that the proposed increase in height is minor in context with the height of the building, does not create any adverse environmental impact and with the changes to the façade treatment provides a good design outcome. It is considered that strict compliance with the development standard is unreasonable or unnecessary in the circumstances and that the increase in height is in the public interest as it does not conflict with the objectives of Clause 4.3 of BLEP 2012 relating to height.

Burwood Development Control Plan (BDCP) & NSW Residential Flat Design Code (RFDC)

The applicant has provided a compliance table in the Statement of Environmental Effects (SEE) that compares the level of compliance with BDCP between the original design as approved and the design now proposed. The compliance level has not altered and as

such it is considered satisfactory. Similarly, the level of compliance between the existing and proposed designs when compared to the RFDC has also not altered and is considered satisfactory.

Parking

The original development proposed 108 car spaces and complied with the parking requirement a set out in BDCP. The proposed modification proposes 102 spaces over 3 1/2 levels of basement parking. The number of serviced apartments has been increased from 61 to 112. The design proposes 9 “dual key” serviced apartments on levels 1-3 which in essence consists of 18 serviced apartments which have been configured in 9 groups of 2 apartments (3x2 on each level) where they can be used as 1 larger of 2 smaller studios. For the purpose of car parking calculation these apartments have been considered as single units as each apartment may be used on its own and this results in a total of 112 serviced apartments.

In accordance with the provisions of BDCP the modified development would **require**

Serviced apartments – 112 spaces + 2 staff spaces

Residential Apartments – 36 spaces + 7 visitor spaces

Retail spaces – 4 spaces

Total = 161 spaces

The application **proposes**

Serviced apartments – 59 spaces (including 1 Managers space)

Residential Apartments 36 spaces + 6 visitors

Retail spaces - 4

A total of 105 spaces.

In the SEE the applicant argues that irrespective of size of the serviced apartment the rate of 1 space per serviced apartment is excessive and is disproportionate to requirements of other Council’s. The applicant suggests that a rate of 1 space per 3-4 serviced apartments would be more appropriate however in this instance suggests that the size of the apartments, which ranges from 29 to 42m2 in area are more appropriately considered as studio sized units which, if considered as residential apartments, would require 0.5 spaces per unit rather then 1 space per unit.

Council’s Manager Traffic & Transport has assessed the modification and advised that he agrees with the methodology proposed regarding the calculation of the serviced apartment parking requirement in this instance.

On this basis Council’s Manager Traffic & Transport advised that the development would require:

Serviced Apartments – 58 paces including 2 staff spaces

Residential Apartments – 36 spaces + 7 visitors

Retail - 4 spaces

Total – 105 spaces

The basement car park as amended only indicates 102 spaces that are available. In this regard space No 16 on Basement 3 is non existent and space No 33 on basement levels 2 and 3 are very difficult to access because of their position at the bottom of and right angles to the access ramp. It is therefore considered that the development proposes only 99 viable spaces and is therefore deficient by 6 spaces.

The application proposes only a part basement on level 4 to reduce construction costs. It is therefore considered that this basement level may be extended to enable the 6 additional spaces required to be provided and this may be addressed by suitable condition of consent.

Urban Design

Included with the application is an amended Design Verification Statement pursuant to State Environmental planning Policy 65 – Design Quality of Residential Flat Development (EPP 65) as well as an assessment of the modified development against the 10 principals specified under SEPP 65. The application also proposes alterations to the façade of the building including changes to the materials and finishes as well as the reduction in a number of balcony areas which have now become floor area. Council has engaged a independent urban design consultant who provided advice on the original design, to provide further advice on the façade changes. Council's urban design consultant had concerns with the modifications to the façade and ground floor as submitted, however after discussions between Council's urban design consultant and the applicant, no objection is now raised to the design changes now proposed subject to samples of the materials and finishes being submitted to Council for consideration. This may be addressed by an additional condition of consent.

Community Consultation

The Section 96 modification was notified in accordance with Council's policy from 19 May to 11 June 2014, no submissions were received.

Conclusion

The modification proposes a number of changes to the building which are proposed to bring in construction cost efficiencies to the development. While this may be an objective for the applicant, Council must ensure that the development as modified still fulfills the statutory requirements and considerations. The increase in height is considered minor and the objection to the development standard relating to height is considered reasonable and is supported. While there is an increase in the number of serviced apartments, the increase in actual floor area is modest and is substantially within the building envelope. The development is considered to be substantially the same within the terms of the Environmental Planning & Assessment Act 1979. The development requires an additional 6 car parking spaces and these may be provided on basement level 4. The modifications have minimal environmental impact and, subject to conditions are generally supported.

Recommendation

The Section 96 (2) modification submitted to Council on 2 May 2014 for a 23 level mixed used development comprising ground floor retail, 112 studio serviced apartments on levels 1-13, 34 residential apartments on levels 15-23 comprising 15 x 1 bed, 15 x 2 bed and 4 x 3 bed apartments with basement parking for 102 vehicles being be approved and the DA 136/2012 dated 6 March 2013 be modified accordingly and subject to the following conditions as modified:

Conditions of Approval

(1) The development being carried out in accordance with the following plans and documentation submitted to Council on 2/5/2014, 24/7/2014, 22/8/2014 & 10/9/2014 as detailed below.

Drawing No.	Plan	Issue/Revision	Dated
TP00.00	Cover Sheet	C	10.09.2014
TP01.01	Survey Plan	A	24.07.2014
TP01.02	Site Plan	A	24.07.2014
TP01.03	Basement 4	A	24.07.2014
TP01.04	Basement 3	A	24.07.2014
TP01.05	Basement 2	A	24.07.2014
TP01.06	Basement 1	A	24.07.2014
TP01.07	Ground Level	B	22.08.2014
TP01.08	Level 1	A	24.07.2014
TP01.09	Level 2 - 3	A	24.07.2014
TP01.10	Level 5	B	22.08.2014
TP01.11	Level 6	C	10.09.2014
TP01.12	Level 7 - 13	C	10.09.2014
TP01.13	Level 15	C	10.09.2014
TP01.14	Level 16 - 17	C	10.09.2014
TP01.15	Level 18 - 21	C	10.09.2014
TP01.16	Level 22 - 23	C	10.09.2014
TP01.17	Roof	B	22.08.2014
TP02.01	North Elevation	C	10.09.2014
TP02.02	South Elevation (Deane Street)	C	10.09.2014
TP02.03	East Elevation	C	10.09.2014
TP02.04	West Elevation	C	10.09.2014
TP03.01	Building Section AA	B	22.08.2014
TP03.02	Building Section BB	B	22.08.2014
TP03.03	Lower Levels Sections	A	24.07.2014
TP04.01	External Finishes Schedule	C	10.09.2014
TP05.00	Schedule of Areas	B	22.08.2014
TP05.01	Store Schedule	B	22.08.2014
DA 1024	Demolition Plan	4	Oct 2012
000	Landscape Cover Sheet	A	15.04.2014
101	Level 1 Landscape Plan	A	15.04.2014

102	Level 4 Landscape Plan	A	15.04.2014
501	Landscape Details	A	15.04.2014
C100	Colour Landscape Plan	A	15.04.2014
H-01 to 03	Stormwater Concept Plan (AKY Civ Eng)	C	03.10.2012
BASIX Certificate	1006288029		01.05.2014
Traffic & Parking Assessment Report	Colston Budd Hunt & Kafes Pty Ltd		02.05.2012
Noise Assessment	SLR Consulting		11.09.2012
Draft Operational Management Plan - Serviced Apartments			Jan 2013
Building Code of Australia Report	McKenzie Group - 066338-02BC	B	01.05.2014
Waste Management Plan	Leigh Design		17.03.2014

FEES

(1) Building and Construction Industry Long Service Corporation Levy **$109,648.00 (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 drainage system, kerb and gutter, etc) during building work **$ 50,000.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

NOTE: This deposit is refundable if no damage occurs.

(3) Construction by the Applicant/Council the stormwater drainage works **$10,000 (Payment to be made to Council as a bond)**

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

This fee is for inspections and duties as a principal Certifying Authority 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).

PLANNING

(1) The applicant shall liaise with St Johns Ambulance at 7 Deane St Burwood to make satisfactory arrangement to ensure that all operational communication facilities for St Johns Ambulance are not affected by the development. All costs incurred with ensuring that the operational standard of the communications facility is maintained both during construction and post development shall be borne by the applicant, but only as a result of impacts created by this development. Documentary evidence of the satisfactory resolution of the continued operational level of the communications from the St Johns Ambulance building **shall be provided to Council prior to release of a Construction Certificate.**

(2) 105 car parking spaces being provided for the development on site and being allocated as 36 spaces for the residential apartments, 7 visitor spaces, 4 retail space and 58 spaces for the serviced apartment, with 2 of those spaces for staff. Car spaces are to comply with AS 2890-2004 and be hard paved, drained, linemarked and maintained at all times. The applicant is

advised that the submitted basement plans indicate 102 spaces. Of those, space No 16 on B3 does not exist, spaces 33 on B2 & B3 are not suitable due to their proximity at the bottom of and right angles to the access ramp leaving only 99 spaces. **This means that 6 additional car spaces shall be provided for the development. The method of providing these spaces shall be clearly shown prior to the release of a Construction Certificate for the development.**

(3) The car space allotments on any strata plan being made a part of the relevant dwelling section allotment and the visitor parking spaces remaining as common property, with two (2) spaces being allocated for 2 of the three (3) bedroom dwellings and at least one (1) space allocated to other apartments. All car spaces shall be allocated to a lot in any strata plan except for visitor spaces which shall be designated as common property. Car spaces shall not be designated as separate lots in any subdivision plan.

(4) The height of the building, including the lift motor and plant room(s) being restricted to AHD 94.60. A Certificate from an Accredited Certifier, Registered Surveyor or other suitably qualified person, shall be submitted to Council or to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

(5) The applicant is to consult with Energy Australia 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 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.

(6) 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 **$31,328.00**	$ **1,253,120.00**

Index Period	June 2012	**CPI_1**	179.9

Office Use: T49

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:

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

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.

(7) A detailed final Operational Management Plan for the serviced apartments shall be submitted to the PCA for approval prior to the release of an Occupation Certificate for the development. The detailed final Operational Management Plan shall provide details, regarding tenure, cleaning, maintenance, security, parking management and other operational matters for the serviced apartments in the development

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

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

(10) The noise emitted by the air-conditioning equipment being inaudible in your neighbours' homes between 10pm and 7am weekdays and 10pm and 8am on weekends and public holidays.

(11) 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 bins for the development.

The weekly fee is $5.00 for each residential flat building unit, townhouse or villa.

(12) A "Work as Executed" drainage plan is to be submitted for Council's approval prior to the issuing of either an Occupation Certificate or a Subdivision Certificate.

(13) Deleted

(14) All vehicles shall enter and leave the site in a forward direction.

(15) Off street parking associated with the proposed development (including grades, aisle widths, aisle lengths, turning paths, sight distance requirements shall be designed in accordance with AS 2890.1-2004.

(16) Safety and security night lighting being provided for the development to the satisfaction of the Principal Certifying Authority.

(17) 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.

(18) All open 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 where provided.

(19) Samples of all external materials and finishes shall be provided to Council for approval **prior to the release of a Construction Certificate for the development.**

(20) Deleted

(21) Deleted

(22) Deleted

(23) The 112 serviced apartments are to be managed from a Management Office which shall be provided within the commercial space of the building on the ground floor level. This commercial space shall be provided with directional signage from Deane St to ensure that patrons know how to access and contact the management office at all hours. The Management Office space on the ground floor level shall be clearly designated on the Construction Certificate plans **prior to release of a Construction Certificate.**

(24) On any strata subdivision of this development, which includes strata subdivision of the 112 serviced apartments there shall be registered over the titles to:

(a) Each of the 112 serviced apartment lots pursuant to s88E of the Conveyancing Act a restriction as to user in the following form:

> "The registered owner of the lot burdened must not use the lot, nor cause, permit or allow it to be used other than for temporary or short term accommodation on a commercial basis 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 agent."

(25) Any strata by-laws registered over the strata subdivision shall include the following strata by-laws specifying that:

(a) The serviced apartment lot owners must not enter into a residential tenancy agreement in relation to the lot.

(b) The 112 serviced apartment lots will be managed by one company or agent to be nominated by the strata manager and that such manager or agent shall operate from the office located on the ground level.

(26) Prior to commencement of any site works, all trees identified in the landscape plan to be retained, shall be enclosed by protective fencing to prevent them from being damaged during the construction period. It is noted that the proposed driveway ramp on the northern boundary will adversely impact, by way of destabilisation, an existing 10m tall Italian cypress (*Cupressus sempervirens*) located on the southern boundary of 4 George Street Burwood. The applicant must resolve this issue with the owner of 4 George Street Burwood through the process outlined in Council's Tree Preservation Order policy. Documentary evidence shall be provided to Council of the satisfactory resolution of this matter **prior to the release of any Construction Certificate for the development.**

(27) The landscape plan submitted with this development is amended in that **NO approval** is given for the proposed planting of three (3) Chinese tallow trees (*Sapium sebiferum*) within the public footpath of Deane Street. This species is not suitable for the location.

In lieu of the planting of the 3 Chinese tallow trees, Council requires the removal of two (2) existing European golden ash trees (*Fraxinus excelsior 'Aurea'*) located within the existing footpath, outside the proposed development site in Marmaduke Street. This is required to facilitate the footpath upgrade and Five (5) new plantings of Evergreen ash (*Fraxinus 'Griffithii'*) are required to be provided as follows:

Two (2) trees shall be planted on the Marmaduke Street frontage and three (3) shall be planted on the Deane Street frontage. The trees shall be planted not closer than 8m from the street corner and shall have minimum spacings of 8m from their centres. The trees shall be procured in minimum container sizes of 75 litres volume. The trees shall be installed using suspended pavements over non-compacted soils, incorporating a modular root cell system, to Council's satisfaction. The minimum dimensions of the modular root cell units shall be 3m long x 2m wide x 1m deep, leaving an open base of 1.2m x 1.2m for each tree. The edge of the openings within the suspended pavement shall be offset by 1.0m from the back of the kerb.

(28) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control **shall be submitted to Council prior to the issue of a Construction Certificate**.

(29) The applicant shall provide a Nabers assessment for the development detailing that the commercial portion of the building achieves a 4.5 star rating. The assessment is to be provided to the Principal Certifying Authority **prior to release of the 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) 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.

(6) 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.

(7) Your attention is directed to the following:-

WARNING

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped and a copy is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details – see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating

or telephone 13 20 92.

(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 Act 1979* has been issued.

(Vide Section 109M *Environmental Planning & Assessment Act 1979*)

(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 requirements of the Plumbing Code of Australia.

(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) A 'Section 73 Compliance Certificate' under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issuing of an Occupation or Subdivision Certificate for the development**.

(28) 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**.

(29) 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.

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

(31) 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, AS/NZS 3666-2002 and the *Noise Control Act 1975*, must be submitted to the Principal Certifying Authority **before an Occupation Certificate is issued**.

(32) 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**.

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

(34) 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.**

(35) 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**.

(36) 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.

(37) 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/New Zealand 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**.

(38) 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.**

(39) A Fire Safety Certificate (copies available from Council) is to be given to the Principal 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*)

(40) 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**.

(41) 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. 9 Deane Street and No. 4, 6, 8, 10 and 12 George Street, Burwood**). The survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works including demolition or excavation**. 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 the Principal Certifying Authority of specific details of the protection to be employed **prior to any demolition works commencing**.

SUBDIVISION

(1) A separate application shall be made for any proposed subdivision of the site. This approval does not infer any approval for 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 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 ground floor retail premises.

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.
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.

(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) Compliance with the provisions if the Waste Management Plan as prepared by Leigh Design "Proposed Development": 7 Deane St Burwood dated 17 March 2014.

(17) The Building Manager or equivalent person (or Secretary of the Body Corporate) responsible for managing the development is to provide to Council a report by 15 January and 15 July each year itemizing:

- Tonnes of waste collected in the preceding 6 month period
- Tonnes of separated recyclables collected in the preceding 6month period
- Tonnes of bulk clean up material collected in the preceding 6 month period

ENGINEERING

(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 in Marmaduke Street

(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 **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**, prior to the issuing of a Construction Certificate**

(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, **prior to the issuing of a Construction Certificate.**

(5) The following matters shall apply to the stormwater drainage works listed in the Table of Fees:-

a. The stormwater drainage works for stormwater connection to Council drainage system consist of reconstruction of Council's existing pit at Marmaduke Street

b. An engineering design and calculations prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code shall be submitted to the Principal Certifying Authority.

(i) 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.

(ii) 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.

(iii) All pipes shall be 375mm diameter reinforced concrete spigot and socket with rubber ring joints. A Council standard pit shall be constructed in the street outside the property boundary for the property's stormwater to connect to. The stormwater works described above shall be constructed at the applicant's expense. The applicant shall pay the contribution listed in the Table of Fees for Council to construct the stormwater works described above.

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

(6) 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.

(7) 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 Certificate from a competent practicing hydraulic/civil engineer. The 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.

(8) 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) 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 agrees 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 and Property Information. Evidence that the Instrument has been registered at the Land and Property Information 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, **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) 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.

(11) 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 $20 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works.

(12) 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.

(13) 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.

(14) 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, stormwater 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.

(15) The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:-

a. A vehicular crossing 5.5 m wide to Marmaduke Street shall be constructed by the Applicant/Council at the applicant’s cost.

b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.

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

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

(16) 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.

(17) 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 **prior to the issuing of a Construction Certificate**.

(18) 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 **prior to the issuing of a Construction Certificate.**

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

(20) Vehicles removing demolished materials from the site shall access and depart from the site through Parramatta Rd, Shaftesbury Rd and Waimea Street. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

ADDITIONAL DRAINAGE CONDITIONS

(1) The On-Site-Detention under Final Flood Level must satisfy the following criteria;

- The storage is self cleansing; the base shall have 2% fall towards outlet.
- The storage can readily be inspected from the surface for silt and debris.
- The storage is well ventilated and not cause the accumulation of noxious odours
- Adequate access is provided to the storage basin for regular cleaning and maintenance purposes.

(2) 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. It is envisaged that the discharge control pit is required to be provided with low level and high level outlets with different orifices diameters.

(3) Basement drainage and stormwater rising main discharge to Council drainage system shall be provided with proper design and documentation.

(4) The stormwater drainage analysis and design report including hydrologic and hydraulic calculations shall be submitted to Council for its review. For Quality Control Purpose, Council requires the drawings and design calculations to be certified by a suitably qualified NPER civil/hydraulic engineer. A set of all A1-size drawings shall be submitted.

EXCAVATION

(1) All excavations and backfilling associated with the erection or demolition of buildings 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 overhead awning shall 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 where it encroaches upon or extends over a public place shall be subject to a separate application to Council prior to the hoarding being erected and shall be subject to such fees as specified in Council's Fees and Charges.

GROUND ANCHORS

The Applicant shall also comply with all the following conditions that apply to the protection of Council's public infrastructures.

(1) Should the applicant require the use of temporary ground anchors to shore the bulk excavation within the public road, an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions to be complied with:

a) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.

b) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of $20 million, with Council named in the insurance policy, prior to work commencing.

c) The anchors shall be installed in accordance with the manufacturer's instructions.

d) The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.

e) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.

f) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.

g) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
   i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
   ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.
   iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.

h) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.

i) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.

j) All earth and rock anchors shall be released before the completion of building work.

PUBLIC DOMAIN IMPROVEMENT

(1) The applicant shall provide a high quality Public Domain and Streetscape Improvement elements and finishes on all publicly accessible areas at the properties Dean & Marmaduke Street frontages inn accordance with Council's Public Works Element Manual.

RAILCORP CONDITIONS

(1) Full compliance with all requirements and conditions as specified in RailCorp letter of concurrence for this development dated 4 March 2013 as set out below:

- All excavation and construction works are to be undertaken in accordance with the following documentation:

  - Geotechnical Investigation prepared by Jeffery and Katauskas Pty Ltd, Ref 25467SMrpt1 dated 21/12/2012.
  - Geotechnical Investigation (finite element analysis) prepared by JK Geotechnics, Ref 25467SYrptFEMrev1 dated 7/1/2013
  - Structural Report prepared by iStruct Consulting Engineers, Ref 120820 dated 21/12/2012
  - Site Plan & Sections prepared by iStruct Consulting Engineers - Drawing No. DA-S01 Rev B dated 11/02/2013.
  - Conceptual Shoring Plan (Basement Level 4) prepared by iStruct Consulting Engineers - Drawing No. DA-S02 Rev B dated 22/02/2013.
  - Section 3 prepared by iStruct Consulting Engineers - Drawing No. DA-S03 Rev B dated 11/02/2013.

  A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principal Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

- Prior to the commencement of works the Applicant is to submit to RailCorp a track/ground/retaining wall movement and vibration Monitoring Plan for endorsement. Works shall not commence until RailCorp has issued its written endorsement to the Monitoring Plan. The monitoring plan is to be in place until the end of construction works.

- Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

- An acoustic assessment is to be submitted to Council and RailCorp demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors

and Busy Roads- Interim Guidelines" for review and endorsement **prior to the issue of a construction certificate**.

A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. **The Principal Certifying Authority shall not issue the Construction Certificate** until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- **Prior to the issue of a Construction Certificate** the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

  A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. **The Principal Certifying Authority shall not issue the Construction Certificate** until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.

  The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

- **Prior to the issue of a Construction Certificate** a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

- **Prior to the issuing of a Construction Certificate** the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. **The Principal Certifying Authority shall not issue the Construction Certificate** until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

- The proponent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupancy Certificate. The Principal Certifying Authority shall not issue an Occupation

Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.

- **Prior to the issue of a Construction Certificate** the applicant shall undertake a services search to establish the existence and location of any rail services, including RailCorp's power supply within Deane Street.. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified the Applicant must obtain RailCorp written approval as to how they will be protected, or if required, relocated.

- The proposed development shall not cause any changes to the Dean Street road level.

- No boring shall be carried out in close proximity to the buried 33 kV cables power supply within Deane Street. Final boring details are to be provided to RailCorp for endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.