

“ANNEXURE A”

DA 149/2014

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 12 months of the date of issue of this development consent.

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. **Contamination Assessment** - A preliminary site contamination assessment be provided to Council under the provisions of State Environmental Planning Policy No.55.

The following conditions will apply to the consent proper upon the satisfactory completion of the above deferred commencement pre-condition.

Conditions of Approval

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

| Plan Number/Rev | Reference | Prepared by | Date |
|-----------------|------------------------|--|-----------|
| A-001-E | Cover Sheet | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-002-D | Project Summary | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-102-D | Setbacks | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-103-D | Site Analysis | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-104-D | Survey | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-105-D | Demolition Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-106-D | Site Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-200-D | Basement Level 04 Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-201-D | Basement Level 03 Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-202-D | Basement Level 02 Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-203-E | Basement Level 01 Plan | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |

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| A-204-D | Lower Ground Floor Plan – Retails | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-205-E | Ground Floor Plan – Retail | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-206-D | Mezzanine Floor Plan – Retail | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-207-E | Level 1 Floor Plan – Retail | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-208-D | Level 2 Floor Plan – Retail | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-209-D | Level 3-9 Serviced Apt Floor Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-210-D | Level 10 Residential Floor Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-211-D | Level 11-20 Residential Floor Plan – Typical | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-212-E | Level 21 – Penthouse | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-213-D | Level 22 – Penthouse | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-214-D | Roof Plan | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-250-D | Adaptable Unit Typ 1 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-251-D | Adaptable Unit Typ 2 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-300-D | Section A-A | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-301-D | Section B-B | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-302-D | Section C-C | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-400-D | North / South Podium | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-401-E | East / West Podium | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-402-D | North Elevation | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-403-D | South Elevation | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-404-E | West Elevation | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-405-D | East Elevation | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-406-D | Context Elevations – North & South | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-407-D | Context Elevations – East & West | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-601-D | L 10-20 Solar and Ventilation | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-602-D | LV 21-22 Solar and Ventilation | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-700-D | 21 Dec- Solar Study | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |

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| A-701-D | 21 March – Solar Study | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-702-D | 21 June – Solar Study - 01 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-703-D | 21 June – Solar Study - 02 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-704-D | 21 June – Solar Study - 03 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-705-D | Shadow Impact Study - 01 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-706-D | Shadow Impact Study - 02 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-800-D | Façade Detail 1 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-801-D | Façade Detail 2 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-802-D | Façade Detail 3 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-803-D | Material and Finishes Schedule | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-930-D | GFA 1 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-931-D | GFA 2 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-940-D | Signage – B4 and B3 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-941-D | Signage – B2 and B1 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-942-D | Signage – LW GF and GF | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-943-D | Signage – Mezz and LV 1 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-944-D | Signage – LV2 | Dickson Rothschild – D.R. Design NSW P/L | 29.7.2015 |
| A-950-E | View Analysis 1 – Cnr Burwood Rd & Duff St | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-951-E | View Analysis 2 – From Westfield carpark | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-952-E | View Analysis 3 – Train Platform 5 | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-953-E | View Analysis 4 – Railway Pd Facing East | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| A-954-E | View Analysis 5 – Cnr Railway Pde & Burwood Road | Dickson Rothschild – D.R. Design NSW P/L | 15.1.2016 |
| 12-004 | SEPP 65 Design Verification Statement | Robert Nigel Dickson | 18.1.2016 |
| | Amended Statement of Environmental Effects | CDR Design – Architects & Town planners | September 2015 |

FEES

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

(2) **TABLE OF FEES**

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

- (3) Building and Construction Industry Long Service Corporation Levy **\$225,244.00**
(Payment to be made to Council, the Corporation or its Agent)
- (4) Section 94 Contributions: **\$2,574,227.00**
(Payment to be made to Council). Note: The contribution amount will be adjusted at the time of payment. See Planning Condition 7 for more details.
- (5) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$144,00.00 (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.

- (6) Construction by the Applicant/Council the stormwater drainage works **\$5000.00**
(Payment to be made to Council as a bond)
- (7) **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for 35 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).

- (8) A Bank Guarantee to ensure the proper protection of existing trees **\$4,000**
(To be submitted to Council prior to commencement of any works including demolition/bulk excavation). See Tree Management Condition 2 for details.
- (9) A Bank Guarantee as a bond for the proposed use of rock anchors within the road reserve **\$150,000.00**
(To be made out to Council See Condition 1 "Condition for the Temporary Installation of Ground Anchors" for more details)

PLANNING

The following amendments must be made to the plans:

Awning heights - Proposed awning are to be amended to be no less than 3.2 metres or no more than 5.5 metres from the finished ground level of the public domain.

The nib walls of units 21.01 and 21.04 are to be removed from the plans to enable the study to be integrated into the living space.

- (1) All open car parking spaces having a clear width of 2.6m, a depth of 5.5m and a clear head height of 2.15m, with a manoeuvring corridor that complies with AS 2890.1 Off Street Parking.
- (2) The visitor parking spaces being paved, linemarked and signposted and being made freely accessible for all visitors to the premises **prior to the issuing of an Occupation Certificate**.
- (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 to the three (3) bedroom dwellings and at least one (1) space allocated to the two (2) bedroom dwellings.
- (4) The minimum basement car park floor to ceiling height, measured clear of service lines and driveway entrance, being 2.15m. Details of the method of satisfying this requirement must be noted on the plans or in the specification **prior to the issuing of a Construction 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) All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.
- (7) 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% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$64,355,698.00 | \$2,574,227.00 |

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| Index Period | Dec 2015 | CPI ₁ | 108.9 |
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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:

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

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: The payment of a Section 94A contribution over an amount of \$5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

- (8) A Registered Surveyor's Certificate being submitted to the Principal Certifying Authority as follows:
 - a. Before proceeding beyond ground floor height to show boundary clearances; and
 - b. On completion of the building to show boundary clearances and areas of the site occupied by the building.
- (9) Samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.**

- (10) A separate Development Application being submitted for the display and/or erection of any advertising signs or for the replacement of an existing advertising panel. Such application is to include full details of the dimensions, mode of attachment and means of illumination (if any).
- (11) 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.
- (12) All recommendations from the Noise Impact Assessment –DA Stage by Acoustic Logic submitted to Council on 14 September 2015 shall be adopted and included in the design and clearly shown the Construction Certificate drawings. Verification from the acoustic consultant shall be provided at Construction Certificate stage and prior to construction works commencing on the site, that such recommendations have been included in the design and Construction Certificate drawings.
- (13) No part of the subject premises or the adjoining street and footpath is to be used by spruikers or public address systems.
- (14) Adequate night lighting is to be provided to the residential building entries for safety reasons. A CCTV system to the satisfaction of NSW Police shall be provided to the main building entrance and mail box areas. Such system shall be maintained by the Body Corporate of the development and any footage from the CCTV cameras provided to NSW Police upon request.
- (15) Letter boxes shall be provided to the main building entries and within the boundaries of the site. Letter boxes shall only be accessed by an occupier once they have gained access to the building via a secure door (swipe card or key). If located external to the building lobby letter boxes must be provided with a sturdy lock (similar to Cam lock) to the satisfaction of Australia Post and NSW Police. Public contact to the external letter boxes shall only be via external delivery.
- (17) Glazing to balcony balustrading shall be frosted or obscure glazing in lieu of clear glazing.
- (18) Balustrades on the podium levels of the building which adjoin the boundaries of No.34 Burwood Road are to be of sufficient height to prevent access to No.34 Burwood Road.
- (19) Samples of materials and finishes are to be provided to Council for approval **prior to the release of any Construction Certificate for the work contained in this consent.**
- (20) This DA is subject to a Voluntary Planning Agreement (VPA) as endorsed by Burwood Council on 22 March 2016. The VPA shall be executed following the granting of this consent and the monetary contribution shall be paid on or before the execution of the VPA and **prior to the release of any Construction Certificate for the work contained in this consent.**

- (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 to be visible from the public domain area or road.

HERITAGE

- (1) In the case of any inconsistency, work proposed to the basement, ground floor and first floor levels (but excluding the rooftop) of the Burwood Hotel at 121 Burwood Road, Burwood shall be undertaken in accordance with the approved plans under BD.2011.096 and CD.2015.085. This consent does not authorise changes to the basement, ground floor and first floor levels other than as approved by earlier consents.
- (2) All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties. Any planting or structures (including balustrades, planter boxes, screens and the like) upon the rooftop terrace of the Burwood Hotel shall be setback at least 1200mm from the existing pediment to Burwood Road and Railway Parade.
- (3) In relation to the Burwood Hotel, the satellite dishes, flag poles and neon lighting affixed to the exterior of the Burwood Road and Railway Parade façade shall be removed prior to the issue of any Occupation Certificate or Interim Occupation Certificate as the devices are unsympathetic elements obscuring the building's landmark façade.
- (4) Exterior painting and tiling of the Burwood Hotel façade shall be completed prior to the issue of any Occupation Certificate or Interim Occupation Certificate for the development site.
- (5) An unbroken, continuous awning shall be provided along the Burwood Road public footpath to provide weather protection of pedestrians.

TREE MANAGEMENT

- (1) The awning design adjacent the (2) Cut-leaf Plane trees (*Platanus orientalis* 'digitata') located within the footpath on Burwood Road must allow for their future growth, in accordance with Provision P6 of section 3.2.20 of Burwood DCP. Tree protection measures shall be implemented for the above mentioned street trees located within the footpath on Burwood Road. This includes the erection of a 1.8m high chainlink fence around each tree, measuring 1m wide x 1m long. The Tree protection fencing must be installed prior to the commencement of demolition/bulk excavation and must remain in place and maintained until the issuing of an Occupation Certificate. No pruning or damage to the tree branches, trunks or roots shall occur to the trees without Council's prior consent.

- (2) A Bond/Bank Guarantee to the value of **\$4000** shall be lodged to Council to ensure proper protection of the 2 Cut Leaf Plane trees located on Council's footpath. The Bond shall be lodged **prior to commencement of any works on the site including demolition/bulk excavation** and will be held until the issuing of an Occupation Certificate for the development at which time the trees will be assessed by Council. See Fee Condition 8.

BUILDING

- (1) 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**.
- (2) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (3) Prior to the commencement of building work, the following is to be carried out:-
- 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.
 - 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 Act 1979*)

- (4) 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 > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

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

- (5) Means of 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**.

- (6) 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, in particular:-

- a. Access is to be provided from the allotment boundary at the point of entry from a road to the entrance floor.
- b. Access is to be provided through the principal public entrance.
- c. Suitable identification signs and/or symbols, as well as necessary directional signs, incorporating the symbol for access by disabled people, being provided to comply with Clause 14 of AS 1428.1-2009.
- d. Attention is directed to Clause 7 of AS 1428.1-2009 in respect of the clear circulation space required to doorways.
- e. Access is to be provided from any car parking space which is required to be provided by D3.5 of the BCA.
- f. A car parking space required to be provided by D3.5 of the BCA, is to be identified, on the floor and behind the space, for use by disabled people and a series of signs are to be provided from the driveway entrance to indicate the location of the space.
- g. Required stairways complying with the requirements of Clause 9 of AS 1428.1-2009.
- h. The step at the front door being reduced to nil at the threshold by the provision of a short ramp (450 mm maximum length and 1:8 maximum gradient) to facilitate access for disabled people.

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.**

- (7) A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate (Interim or Final) 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 suitably 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 Fire and Rescue NSW **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*)

- (8) 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.

- (9) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (10) 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 possible 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.

- (11) No work being carried out other than between the hours of 7:00am – 5:30pm Monday to Fridays and 7:00am – 4:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.
- (12) 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.
- (13) 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*)

- (14) 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 excavation for, and prior to the pouring of, any footings;
- ✱ Prior to pouring any in-situ reinforced concrete building element;
- ✱ Prior to covering of the framework for any floor, wall, roof or other building element;
- ✱ Prior to covering waterproofing in any wet areas;
- ✱ 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.

SWIMMING POOLS

- ✱ The **excavation** prior to the placement of a fibreglass pool;
 - ✱ Reinforcement and preliminary works prior to pouring of concrete; and
 - ✱ Swimming pool fencing prior to filling the pool with water.
- (15) An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form 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 any building work**.
- (16) Structural Engineer 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**.
- (17) 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 1288, Table 4.5, SAA Glass Installation Code (Human Impact Considerations).

- (18) Safety glazing complying with B1.4 of the Building Code of Australia must be 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 1288 - Glass in Buildings - Selection and Installation.

Should an alternative method of complying with B1.4 of the Building Code of Australia be proposed, please submit details to the Council for approval prior to installation. Such details are to show compliance with the performance provisions under BP1.3 of the Building Code of Australia.

(19) 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.

- (20) 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**.

DEMOLITION

- (1) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
- (2) All material in the building which contains asbestos is to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environment Protection Authority.
- (3) 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.

- (4) 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.
- (5) Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
 - a. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
 - b. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the commencement of demolition work.**
- (6) 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.
- (7) 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 sufficient strength to retain the sides of excavations. A Compliance Certificate verifying the suitability of Structural Details of proposed shoring are to be submitted to the Principal Certifying Authority before excavating.
- (8) 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.
- (9) 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 clause, 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.

- (10) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.
- (11) 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 and 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 issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.
- (12) 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.

SUBDIVISION

- (1) A separate development application shall be lodged for any proposed subdivision of the development or the site. Such subdivision shall ensure that all car parking spaces are allocated to a lot in the plan of subdivision except for visitor parking which shall be allocated as common property in any strata plan. Car spaces shall not be created as separate lots. All On Site Detention storage, pumps and other associated stormwater infrastructure shall be allocated as common property in any strata plan.

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) 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.

- (3) The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed at Part 5.1 of the Acoustic Report (Ref:20120404-1 dated 21/07/2015) prepared by Acoustic Logic in order to achieve the required noise reduction targets and levels as specified I AS 3671 "Road Traffic Noise Intrusion – Building Siting and Construction"
- (4) Mechanical Ventilation is to be provided that complies with the Building Code of Australia and Australian Standard A.S.1668 & A.S.3666 in order to achieve the necessary noise reductions as per the assessment and recommendations of the Acoustic Report (Ref:2014-058 dated 21/07/2015) prepared by Acoustic Solutions.
- (5) Separate development application(s) are to be submitted for the fit out of any part of the premises as a commercial use.
- (6) A car wash area / bay is to be provided at the basement car park level and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

Waste Management

- (1) All garbage shall be stored in the designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia.
- (2) A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
- (3) The garbage and recycling storage areas is 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.
- (4) 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.

- (5) 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.
- (6) The waste / recycling 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.
- (7) 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.
- (8) Waste from the serviced apartments shall considered and managed as commercial waste. Access to the residential waste chute from the serviced apartments (Levels 3-9) is to be **closed off**.
- (9) A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services.
- (10) All waste collections are to be carried out from within the building (not from the kerb side). The caretaker is to wheel the waste and recycling bins to the nominated bin holding area for collection.
- (11) 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 prior to the issue of an occupation certificate.
- (12) The vehicular access to the 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.
- (13) 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.
- (14) Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.
- (15) Prior to the issue of the Occupation Certificate, the applicant is to arrange with Council's Environment and Health Section the issue of the appropriate number of garbage and recycling bins and payment of the necessary fees to enable commencement of the waste and recycling service.

ENGINEERING

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - b. Following joining of pipes and connection to Council's stormwater system.
 - c. For on-site detention systems:-
 - (i) Following set out of detention tank/area to confirm area and volume of storage.
 - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
 - d. Following backfilling. Confirm adequacy of backfilling material and compaction.
- (6) Following completion of all drainage works:-
- a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
 - b. The Principal Certifying Authority is to be provided with a 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.

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

- i) *On-site Stormwater Detention system*
- ii) *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) *On-site Stormwater Detention system*
 - ii) *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 office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

- (8) 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 pumping system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority **prior to issuing of an Occupation Certificate.**
- (9) 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 Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.
- (10) A road-opening permit shall be obtained for all works carried out on 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 **Schedule of Fees and Charges**. 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. **Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).**
- (11) Spoil and building materials shall not be placed, stored, thrown or caused to fall on 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.
- (12) 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.
- (13) 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 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.

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

- a. A vehicular crossing 8 m wide to Clarendon Place 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.

(15) 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.

(16) 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.**

(17)

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

- b. 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.
 - c. 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.**
- (18) 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.
- (19) Vehicles removing demolished materials from the site shall access and depart from the site through Railway Parade, Morwick St Burwood & The Boulevard Strathfield. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

TRAFFIC & PARKING

- (1) In order to prevent queuing on Railway Parade and within Clarendon Place access to and from Clarendon Place shall be a left in left out only. To ensure compliance in this regard, prior to the release of an Occupation Certificate the existing median island on Railway Parade shall to be extended 20m to the east to enforce a left in left out only of Clarendon Place. All works undertaken are to be at the full cost to the developer and no cost to Council or the Roads & Maritime Services. Specifications of the median are to be obtained from Council's Manager Traffic & Transport prior to construction commencing on that aspect of the development.
- (2) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- (3) Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must ***be permanently displayed and located*** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times ***by the Owners Corporation.***
- (4) A minimum of 331 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.
- (5) The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:
 - a. 94 residential parking spaces.

- b. 18 visitor parking spaces.
 - c. 58 commercial parking spaces.
 - d. 161 retail parking spaces.
- (6) Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of '*Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities*'.
- (7) No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.
- (8) Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking).
- (9) Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.
- (10) All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.
- (11) Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with '*Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.
- (12) Of the required car parking spaces, at least 19 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.
- (13) Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground

level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

- (14) The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.
- (15) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
- (16) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (17) At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- (18) The size of vehicles servicing the property must be a maximum length of 8.8m.
- (19) Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.
- (20) All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with any relevant Australian Standards, Austroads Guides and RMS Technical Directions.
- (21) All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.
- (22) **Prior to the issue of a Construction Certificate**, the applicant must prepare a Construction Traffic Management Plan which shall be submitted to Council for approval prior to any work commencing on the site. The following matters should be addressed in the plan (where applicable):
 - a. A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
 - iv) Location of any proposed crane and concrete pump and truck standing

- v) areas on and off the site (which will require separate approval by Council).
 - vi) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vii) Details of vertical and horizontal material handling and deliveries.
 - viii) Any on-site parking area for employees, tradespersons and construction vehicles where possible.
 - viii) Traffic routes to and from the site from the closest arterial road in all directions.
 - b. Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.
- (23) Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- (ii) Work zone.
 - (iii) Temporary closure of roadway/footpath.
 - (iv) Mobile crane or any standing plant
 - (v) Scaffolding/Hoardings (fencing on public land)
 - (vi) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
 - (vii) Installation or replacement of private stormwater drain, utility service or water supply

EXCAVATION, BULK EARTHWORKS & SHORING

- (1) All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary piling, planking and strutting shall be of sufficient strength to retain the sides of excavations.
- (2) A Certificate verifying the suitability of Structural details of proposed piling, shoring etc. are to be submitted to the Principal Certifying Authority before commencement of excavation.
- (3) 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.
- (4) 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.
- (5) 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
 - b. if necessary, must underpin and support the building or other structure 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 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.

Allotment of land includes a public road, public school 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. involves the enclosure of a public place,
 - c. a hoarding or fence must be erected between the work site and the public place.
 - d. 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.
 - e. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - f. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (7) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.

- (8) 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.
- (9) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- (10) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.
- (11) The contractor shall strictly implement all erosion and sediment control measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate in regards to that.
- (12) The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- (13) The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.
- (14) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.

CONDITIONS FOR THE INSTALLATION OF TEMPORARY GROUND ANCHORS

Should the applicant require the use of temporary ground anchors to shore the bulk excavation, submissions for the installation of the temporary ground anchors shall be required by Council and the following conditions shall apply.

- (1) **Anchors Damage Deposit** - security deposit against damages occurring to Council's roadway fronting the development along Burwood Road and Railway Parade is **\$150,000**. The Applicant shall also comply with all other conditions stipulated in this conditional DA consent that apply to the protection of Council's public infrastructures. **Payment is to be made to Council in the form of a Bank Guarantee prior to the commencement of Installation of temporary ground anchors.**

NOTE: This deposit is refundable if no damage occurs.

- (3) 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, if 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.

SYDNEY TRAINS

- (1) **Prior to the issue of a Construction Certificate** a Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts of the rail corridor. The Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (2) **Prior to the issuing of a Construction Certificate** the applicant shall submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

ROADS & MARITIME SERVICES

- (1) The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- (2) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distances requirements, aisle widths and lengths and parking bay dimensions) shall be in accordance with AS 2890.1-2004.
- (3) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads & Maritime Services.