

**Consent Conditions
BD 193 / 2015
39-47 Belmore St, Burwood**

DEFERRED COMMENCEMENT CONDITIONS

Under Section 80(3) of the Environmental Planning and Assessment Act 1979 a “DEFERRED COMMENCEMENT” consent is granted for BD193/2015 as described in this consent and subject to the conditions specified in this Notice. This consent does not operate until the applicant satisfies Council, in accordance with the Regulations, as to the matters specified in the deferred commencement conditions.

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.

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.

(1) The architectural plans are to be amended to provide an accessible path of travel between the residential component of Building A and the shared communal open space between Buildings A and B which does not require the residents of Building A to traverse the public footpath or traverse areas within the development dedicated to other uses (such as the office car park).

(2) Further details of the Pedestrian access route between the car parking spaces at Basement Level B1 ancillary to the office use and the office premises via the ‘back of house’ (past switch rooms and garage storage rooms and toilets to the office foyer area) are required to be submitted with the Construction Certificate. These details must demonstrate that this route is accessible, safe, legible and attractive as a common entry to the office premises for staff and customers.

Upon completion of the above pre-conditions the following conditions would apply to the subsequent consent to be issued:

APPROVED PLANS AND DOCUMENTS

(1) The development must be undertaken substantially in accordance with the details and specifications set out on the plans / drawings:

Plan Number	Reference	Prepared by	Date
Architectural Plans			
Cover Sheet	DA 101/K	Kannfinch Architects	05.08.2016
Level B4	DA 106/N	Kannfinch Architects	05.08.2016
Level B3	DA 107/N	Kannfinch Architects	05.08.2016
Level B2	DA 108/N	Kannfinch Architects	05.08.2016
Level B1 / Lower Ground	DA 109/P	Kannfinch Architects	05.08.2016
Ground Level	DA110/Q	Kannfinch Architects	05.08.2016
Level 01	DA111/N	Kannfinch Architects	05.08.2016
Level 02	DA112/K	Kannfinch Architects	05.08.2016
Levels 03-06 (note there is no Level 04)	DA113/K	Kannfinch Architects	05.08.2016
Level 07	DA117/J	Kannfinch Architects	05.08.2016
Level 08	DA118/K	Kannfinch Architects	05.08.2016
Level 09-10	DA119/K	Kannfinch Architects	05.08.2016
Level 11	DA121/D	Kannfinch Architects	05.08.2016
Level 12-15 (note there is no Level 14)	DAA122/J	Kannfinch Architects	05.08.2016
Level 16-17	DA123/J	Kannfinch Architects	05.08.2016
Level 18-19	DA124/M	Kannfinch Architects	05.08.2016
Level 20	DA125/B	Kannfinch Architects	05.08.2016
Level 21	DA126/L	Kannfinch Architects	05.08.2016
Level 22-23	DA127/E	Kannfinch Architects	05.08.2016
Roof Level	DAA128/H	Kannfinch Architects	05.08.2016
Section 01 East/West Buildings A, B and C	DA131/K	Kannfinch Architects	05.08.2016
North Elevation	DA132/K	Kannfinch	05.08.2016

Buildings A, B and C		Architects	
South Elevation Buildings A, B and C	DA133/L	Kannfinch Architects	05.08.2016
West Elevation Building A	DA134/K	Kannfinch Architects	05.08.2016
Section 02 North/South Building A	DA135/K	Kannfinch Architects	05.08.2016
Section 03 East Elevation Building A	DA136/K	Kannfinch Architects	05.08.2016
Section 04 West Elevation Building B	DA137/L	Kannfinch Architects	05.08.2016
Section 05 North/South Building B	DA138/K	Kannfinch Architects	05.08.2016
Section 06 East Elevation Building B	DA139/L	Kannfinch Architects	05.08.2016
Section 07 West Elevation Building C	DA140/K	Kannfinch Architects	05.08.2016
Section 08 North/South Building C	DA141/K	Kannfinch Architects	05.08.2016
East Elevation Building C	DA142/K	Kannfinch Architects	05.08.2016
Masonic Temple Plans and Elevations	DA143/a	Kannfinch Architects	05.08.2016
Landscape Drawings			
Public Domain Landscape Concept Plan	DA-1225-01 Issue G	Sturt Noble and Associates Landscape Architects	05.08.2016
Private Open Space Landscape Concept	DA-1225-02 Issue H	Sturt Noble and Associates Landscape Architects	05.08.2016
Building A detail plan and Sections Landscape Concept	DA-1225-03 Issues F and G	Sturt Noble and Associates Landscape Architects	05.08.2016
Landscape Concept Hornsey Street	DA-1225-05 Issue A	Sturt Noble and Associates	05.08.2016

Plaza		Landscape Architects	
Stormwater Drawings			
Stormwater Concept Plans	Job No. 4191003, EW-H-005 Rev 4, EW-H-006-009 Rev 3	Warren Smith and Partners P/L	September 2015

And any details on the application form and on any supporting information received with the application except as amended by the following conditions.

DESIGN CHANGES REQUIRED

The following design changes must be implemented and details of all design changes shall be indicated in the floor plans, elevations, sections and, where appropriate 3-D diagrams, submitted to Council for assessment and approval prior to the issue of a Construction Certificate.

(1) The door opening to Belmore Street from the retail/visitor lobby shall be auto-opening so that people carrying items do not need to manually operate the door. Signage shall be provided at the basement level and at the Belmore Street frontage directing visitors and retail users of the access link lift between the parking area and Belmore Street.

(2) All units are to be provided with the minimum secured storage requirements of 6m³, 8m³ and 10m³ for one, two and three or more bedroom units respectively where 50% of that storage space must be within each unit and in addition to kitchen cupboards and wardrobes. This amendment is necessary to achieve security and amenity for residents. Location and dimensions of all internal storage spaces for all units are to be indicated on the plans to Council's satisfaction prior to the issue of a Construction Certificate.

(3) The design and layout of the following apartments is to be amended to ensure that the 'study room' cannot be an enclosed room. That is, the study cannot have four walls and a door. The space must be open to the adjoining interior space to optimise light and ventilation and to prevent the space being used as a separate bedroom. Details of these changes are to be indicated on the plans submitted with the Construction Certificate.

- * B.G.02, B.G.03, B.G. 08, B.G. 09
- * C.G.01, C.G.02, C.G.03, C.G.07, C.G.08, C.G.09
- * B.1.01, B.1.02, B.1.03, B.1.10
- * C.1.01, C.1.07, C.1.08, C.1.09
- * A.2.07, A.2.08, A.2.09
- * B.2.01, B.2.02, B.2.03, B.2.10
- * C.2.07, C.2.08, C.2.09,
- * A.3.07, A5.07, A.6.07,
- * A.3.08, A5.08, A6.08,
- * A.3.09, A5.09, A6.09

- * B.3.01, B5.01, B6.01,
- * B.3.02, B5.02, B6.02,
- * B.3.03, B5.03, B6.03,
- * B.3.10, B5.10, B6.10,
- * C.3.07, C5.07, C6.07,
- * C.3.08, C5.08, C6.08,
- * C.3.09, C5.09, C6.09,
- * A.7.07, A.7.08, A.7.09,
- * B.7.01, B.7.02, B.7.03, B.7.10
- * C.7.07, C.7.08, C.7.09,
- * A.8.07, A.8.08, A.8.09,
- * B.8.01, B.8.02, B.8.03, B.8.10
- * C.8.06, C.8.07
- * A.9.07, A.9.08, A.9.09, A.10.07, A.10.08, A.10.09,
- * B.9.01, B.9.02, B.9.03, B.9.10, B.10.01, B.10.02, B.10.03, B.10.10,
- * C.9.06, C.9.07, C.10.06, C.10.07,
- * B.11.01, B.11.02, B.11.03, B.11.10, B.12.01, B.12.02, B.12.03, B.12.10, B.13.01, B.13.02, B.13.03, B.13.10, B.15.01, B.15.02, B.15.03, B.15.10,
- * C.11.06, C.11.07, C.12.06, C.12.07, C.13.06, C.13.07, C.15.06, C.15.07,
- * B.16.01, B.16.02, B.16.03, B.16.05, B.16.06, B.16.09, B.17.01, B.17.02, B.17.03, B.17.05, B.17.06, B.17.09, B.18.01, B.18.02, B.18.03, B.18.05, B.18.06, B.18.09, B.19.01, B.19.02, B.19.03, B.19.05, B.19.06, B.19.09, B.20.01, B.20.02, B.20.03, B.20.05, B.20.06, B.20.09,
- * C.16.06, C.16.07, C.17.06, C.17.07, C.18.06, C.18.07, C.19.06, C.19.07, C.20.06, C.20.07,
- * B.21.01, B.21.02, B.21.03, B.21.05, B.21.06, B.21.09,
- * B.22.01, B.22.02, B.22.03, B.22.05, B.23.01, B.23.02, B.23.03, B.23.05.

(4) The bedroom space to the following apartments is to be separated from the open plan living room space by sliding or folding doors composed of materials which allow natural light and ventilation. This design change is required to optimise natural light and ventilation to the bedroom space and allow for flexible use of the space within these apartments. Both interior 'walls' to the bedrooms are to be constructed in this manner to enable the space to be flexible in its use as either open to the living room space or enclosed as a bedroom. Details of these design changes are to be indicated on the plans submitted with the Construction Certificate.

- B.1.06, B.1.12, B.1.13
- C.1.11, C.1.12 (second bedroom), C.1.13 (second bedroom), C.1.15
- A.2.12, A.2.03, A.3.12, A.3.03, A.5.12, A.5.03, A.6.12, A.6.03, A.7.03, A.7.12, A.8.03, A.8.12, A.9.03, A.9.12, A.10.03, A.10.12,
- B.2.06, B.3.06, B.5.06, B.6.06, B.7.06, B.8.06, B.9.06, B.10.06, B.11.06, B.12.06, B.13.06, B.15.06,
- C.2.01, C.2.12, C.3.01, C.3.12, C.5.01, C.5.12, C.6.01, C.6.12, C.7.01, C.7.12, C.8.09, C.9.09, C.10.09, C.11.09, C.12.09, C.13.09, C.15.09, C.16.09, C.17.09, C.18.09.

(5) Apartments B.G.01, BG.10, B.1.01, B.1.10, and C.1.10 are to be amended to eliminate the 'gooseneck' configuration for the bedroom and provide a full floor to

ceiling opening to the external wall to optimise natural light and ventilation. Details of these changes are to be included in the plans submitted with the Construction Certificate for approval by Council.

- (6) In order to improve privacy between habitable spaces and communal spaces the following amendments are to be indicated on the plans submitted with the Construction Certificate to the satisfaction of Council:
- (i) windows to study areas and bedrooms directly opposite each other and separated by 1.5m or less including those for Units A.2.07 and A.2.08 and typical units directly above, and including those for Units B.1.02 and B.1.03 and typical units at all levels directly above and including Units C.1.07 and C.1.08 and typical units at all levels directly above these units are to be high sill windows with frosted glass and only openable by a base hinge. Alternatively these windows could be staggered or only available to one side;
 - (ii) the courtyard to Unit B.G.10 is to be provided with a fence of minimum height 1.2m and a landscaped strip suitable to achieve privacy from the adjoining access ramp.
- (7) The awnings across the frontages to the retail tenancies LG.01 to LG.08 are to form a continuous awning for the full length of the building façade with a minimum width of 2m to enable pedestrians to walk under mostly continuous awning cover between Conder Street and Wynne Avenue. Full details of these awnings are to be included in the plan to be submitted with the Construction Certificate.
- (8) A continuous awning a minimum 2m wide is to be provided for the full length of the eastern façade (with the exception of the vehicle entry/exit location) and continuing around the south east corner of the building to link with the awning along Belmore Road to provide a continuous undercover route within the footpath reserve for pedestrians. Details of the awning are to be indicated on the plans submitted with the Construction Certificate.
- (9) The landscaped area within the setback between the office premises of Building A and Belmore Street is to be accessible and details of the continuous path of travel are to be included on the plans submitted with the Construction Certificate.
- (10) The façade of the lower ground level of the office premises in Building A to Belmore Street is to include double-opening glass doors within each of the three (3) sections of glass curtain wall. One double-opening glass door is to be provided within the section of glass curtain wall oriented to the former Masonic Temple. These additional doors are required to provide the opportunity for, and perception of, activation of the building façade at the level at which pedestrians pass the exterior of the building.

ADDITIONAL INFORMATION

The following additional information shall be submitted to Council for assessment and approval **prior to the issue of a Construction Certificate.**

- (1) Full details of all materials, colours and finishes shall be submitted. These details shall be provided in the form of a sample board and correlated to annotated elevations to clearly indicate how they are to be applied to all exterior surfaces of the buildings, lobby areas and corridors, numbering of units, undersides of balconies and awnings, landscaped areas, retaining walls and any other new fixed structures within the site (including lighting, seating, paving, security doors, automated doors, pedestrian doors in external facades, and the like). Details of joint treatments shall be provided to demonstrate that all surfaces will be finished flush with each other where there is a change in materials and finishes on the same plane surface.
- (2) A Lighting Plan for all external lighting and lighting of the lobbies, common corridors and basement shall be submitted with the application for a Construction Certificate. The Lighting Plan shall include site plans, floor plans and elevations showing all lighting fixture types and locations, lux diagrams and plans of management for lighting operations (such as automatic timing, sensor operation and the like). Lighting is required for the underside of awnings to provide adequate security and safety for publicly accessible areas adjacent to shop fronts, for all points of pedestrian and vehicle access and egress and for common property.
- (3) A Parking Management Plan shall be submitted with the application for a Construction Certificate. The Parking Management Plan shall provide details on the operational management of all parking spaces for residents, visitors and commercial/retail users. These details are to include:
 - means of security access (intercom, swipe card and the like) and the location of such control points;
 - the physical controls to be implemented (bollards, security gates, signposting, linemarking and the like);
 - accessibility of parking spaces and whether some spaces are to be accessible during specific hours and days;
 - all directional and instructional signage for drivers and pedestrians;
 - a clearly legible and safe path of travel for visitors and retail customers; and
 - any other management responsibilities and restrictions proposed for the operation and use of car parking spaces (such as means of enforcing time limited spaces).
- (4) DWG Cad files including input parameters for the design of the vehicle entry/exit to Wynne Avenue and particularly for the right turn entry and the left turn exit onto Wynne Avenue are to be submitted with the application for a Construction Certificate for approval by Council. This information is required to verify the limiting vehicle dimensions. Signage will need to be posted accordingly at the entry/exit to Wynne Avenue and details of the location and wording of the signage is to be included with the information submitted with the application for the Construction Certificate. Two-way passing of other vehicles must be achievable adjacent to the loading dock and a minimum 5.5m kerb-to-kerb clearance on curves shall be provided.

- (5) A Traffic Signal Management Plan shall be submitted with the application for a Construction Certificate for approval by Council and to the satisfaction of the Roads and Maritime Services. The Traffic Signal Management Plan shall include details of the estimated queue lengths associated with controlled intersections and the phasing, timing and green-time periods proposed to achieve queue lengths that do not impact on the operation of nearby intersections. SCATS coordination with the Railway Parade/Wynne Avenue to the north of the site is also to be demonstrated in the Traffic Signal Management Plan.
- (6) A Waste Management Plan for all residential and commercial waste management is to be submitted with the application for a Construction Certificate for approval by Council. The Waste Management Plan shall include details as to how the Mobile Garbage Bins (MGBs) for all residential and commercial waste shall be moved within the site for collection and details of the timing and contractual arrangements for those collection events.
- (7) A Service Dock Management Plan for all commercial premises and for as-needs use by residents is to be submitted with the application for a Construction Certificate for approval by Council. The Service Dock Management Plan is to include details of the arrival and departure times for delivery and service vehicles ancillary to the commercial premises (these times shall be focussed on non-peak commuter periods) and the servicing heights and dimension restrictions for vehicles using the servicing and loading facility.
- (8) An easement for public access is to be created for the full width of the setback to the northern boundary linking Wynne Avenue to Hornsey Lane. The land is to be publicly accessible at all times and is to be landscaped and maintained in a manner suitable for universal access. The easement shall be created and registered on the Deposited Plan and identified in a Section 88B Instrument in accordance with the requirements of the *Conveyancing Act, 1919*. The Section 88B Instrument pertaining to the easement for public access is to nominate Burwood City Council as an interested party to the terms of the easement. The easement is to be registered with NSW Land and Property Information Systems prior to the issue of an Occupation Certificate for any building on the site (with the exception of the former Masonic temple).
- (8) Easements for public access are to be created in accordance with the requirements of the *Conveyancing Act, 1919* for all street front setbacks adjoining the public domain. The terms of the easements are to permit a right of pedestrian way and vehicle movement. The Section 88B Instrument shall nominate Burwood City Council as an interested party to the terms of the easements. The easements are to be registered with NSW Land and Property Information Systems prior to the issue of an Occupation Certificate for any building on the site (with the exception of the former Masonic temple).

(9) Travelsmart Plans providing information on the range and location of transport options for future commercial tenants and for residents are to be submitted with the Construction Certificate.

(10) Updated BASIX Certificates are to be submitted with the Construction Certificate to reflect the approved plans. The BASIX Certificates are to make reference to the methods for re-use of rainwater from the rainwater storage area in the basement and the details in the approved stormwater and hydraulic plans.

(11) A NABERS assessment for the commercial components of the development is to be submitted with the application for a Construction Certificate demonstrating a minimum 4.5 star rating.

(12) Design, materials and finishes of the projections to the ground floor façade which protect service and emergency doors are to be submitted with the Construction Certificate to demonstrate that these projections do not obstruct lines of sight or provide a potential place of entrapment or concealment and are compliant with the principles of CPTED. Such projections are indicated at the north west corner of retail tenancy LG.01, at the substations for buildings A, B and C opening to the public laneway, at the north east corner of retail tenancy LG.02 and similarly along the façade at ground floor level.

(13) External gas water heaters and other service units for the apartments are to be located in recessed enclosures within external walls and are to be located so as not to be visible from a public place or road. Details are to be indicated on the plans submitted with the Construction Certificate.

(14) An accessible path of travel between commercial tenancies and accessible WC's is to be indicated on the plans submitted with the Construction Certificate. Written verification from a qualified and experienced access consultant is to be provided with the Construction Certificate which addresses the path of travel between retail tenancies and accessible WCs.

(15) The following Engineering issues shall be addressed by the applicant prior to **issuing of the construction certificate**. Engineering drawings addressing these issues shall be provided for Council's review.

1. Provide details of On- Site – Detention (OSD) storage including the discharge control pit, orifice, overflow weir etc. Also show the sectional view of OSD, base slope, TWL including all inlets and outlets pipe inverts.
2. The discharge control pit of the OSD system shall be designed to control outflow for all storm events from 2, to 100 years ARI. Accordingly detailed calculations shall be provided for orifices diameter.
3. A sediment and erosion control plan shall be prepared in accordance with Council's Stormwater Management Code following the details in 'Urban Erosion and Sediment Control' hand book by Department of Conservation and Land Management.
4. A new Council standard pit and lintel shall be constructed on Wynne Avenue for storm pipe connection should the existing Council pit rendered unsuitable for that purpose.

TABLE OF FEES

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

Following are the conditions of consent, **FEES** and **BUILDING** for the above-mentioned DA.

- (1) Building and Construction Industry Long Service Corporation Levy
\$584,283.00
(Payment to be made to Council, the Corporation or its Agent)
- (2) **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for 60 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).

- (3) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$95800 (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.

PLANNING

- (1) The developer shall enter into a Voluntary Planning Agreement (VPA) consistent with the draft agreement supported by Council at its Ordinary Meeting of 24 May, 2016 **prior to the issuing of a Construction Certificate for the development.** The VPA is subject to revisions compatible with the details of this development consent and as identified in the report to the Council Meeting of 24 May, 2016. The VPA is to include full details, costs and valuations of the land, floor space of premises, areas within the site and building for exclusive and shared use, all works within parts of the site that are to be publicly accessible and all works within the adjoining public domain.

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:-
 - 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 Act 1979*)

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

Council's 'Occupation Certificate Application' (Form 12) is to be completed prior to final inspection of the building. Copies are available on request.

An application for an Occupation Certificate must be delivered by hand, sent by post or transmitted electronically but may not be sent by facsimile transmission. The application will not be approved by the Principal Certifying Authority until such time as:-

- a. The building/s is suitable for use or occupation in accordance with its classification under the Building Code of Australia.
- b. The building owner has submitted a Fire Safety Certificate to the Principal Certifying Authority.

(vide section 109M Environmental Planning & Assessment Amendment Act & clause 149 Environmental Planning & Assessment Regulation 2000)

- (5) 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*)

- (6) 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 assistance 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 Certificate**.

- (7) 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**.
- (8) 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.
- i. Tactile indicators in accordance with AS1428.4 are to be installed where there is a change of floor surface level

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.**

- (9) Balcony balustrades being a minimum height of 1m. 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.**
- (10) 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.

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.**

- (11) 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.

- (11) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (12) All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Compliance Certificate verifying the suitability of structural details of proposed shoring are to be submitted to the Principal Certifying Authority before excavating.
- (13) 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.
- (14) 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.

- (15) 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. An application for an “A” or “B” Class hoarding must be lodged to and approved by Council and **all necessary fees paid** prior to erection or any work taking place on site.

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.

- (16) 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.

- (17) 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.
- (18) 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 current Schedule of Fees and Charges.
- (19) No materials are to be stored on Council's roads, footpaths or parks.

- (20) 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.
- (21) Public roads are 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 Rubbish Skips Policy and are subject to the payment of appropriate fees.
- (22) 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.
- (23) 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.
- (24) 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*)

- (25) 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.
- (26) 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.**

- (27) 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.**
- (28) The Principal Certifying Authority **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
- (29) 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).
- (30) 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.

(31) 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 buildings to indicate the height of the roof/parapet, show boundary clearances and areas of the site occupied by the building.

(32) The Class 2 and 7a building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia.

Mains powered smoke alarms complying with AS 3786-1993 are to be installed at or near the ceiling in -

- a. any storey containing bedrooms –
 - (i) between each part containing bedrooms and the remainder; and

- (ii) where bedrooms are served by a hallway; in that hallway; and
- b. any other storey not containing bedrooms, in egress paths; and
- c. in public corridors and other internal public spaces so that a sound pressure level of 85 dB(A) is provided at the door to each sole-occupancy unit.

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**.

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

- a. The location and size of proposed ductwork;
- b. The location of equipment;
- c. The performance characteristics of the proposed motor/s and fan/s;
- d. The air flow characteristics of the system.

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

(34) 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**.

ENGINEERING

(1) 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.

(2) 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.

(3) Dilapidation surveys are to be carried out by a Practising 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 and to the north of the site being **2-4 Conder St Burwood** and **the multi level car park at 52-60 Railway Parade Burwood**. The survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

(4) 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.

(5) 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, communications and water.

Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at www.1100.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 backyard renovator, an individual tradesman 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, communications and water are not affected by excavation or construction works.

- (6) The building shall be set out by a Registered Surveyor and a copy of the set out shall be submitted to the Principal Certifying Authority **prior to the commencement of construction.**
- (7) Obtain levels from Council's Engineer regarding footpath/roadway levels prior to the commencement of construction.
- (8) A full Engineering/Geotechnical Report from an Accredited Certifier or other suitably qualified person regarding the excavation to be carried adjacent to the eastern and western side, and southern rear boundaries with particular emphasis being provided on the protection and preservation of buildings on adjacent parcels of land which abut or are in close proximity to the common boundary shall be provided to and approved by the Principal Certifying Authority **prior to any demolition or site works commencing.**
- (9) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:-
 - a. *The nearest appropriate Council drainage line*
- (10) 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.**
- (11) 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.**

- (12) 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.**
- (13) 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.

(14) 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.

(15) Grated drains shall be provided along the property boundary at the vehicular crossings and are to connect to the internal drainage system.

The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that the grated drains have been constructed in accordance with the approved plans and this consent condition as shown on the work-as-executed plans, **prior to the issuing of an Occupation Certificate.**

(16) 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 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.**

- (17) 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.**
- (18) 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.
- (19) 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 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.
- (20) 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.
- (21) 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.
- (22) 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.

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

- a. A vehicular crossing 9m wide to Conder Street and 12m wide to Wynne Ave 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.

(24) 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.

(25) 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.**

(26)

- 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.**
- (27) 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.
 - (28) Vehicles removing demolished materials from the site shall access and depart from the site through Wynne Avenue/Railway Parade/Wentworth Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
 - (29) Should the applicant require the use of temporary ground anchors within the public area outside the confines of the site to shore the bulk excavation, submission of an application to Council with full engineering details must be made prior to any such works being carried out.
 - (30) Publicly accessible areas are to be provided with paving, street furniture, planting, fences, kerbs and drainage to a standard not less than Council's Public Works Elements Manual (June 2006).
 - (31) The public domain immediately adjacent to any development must be upgraded to Council's standards at the applicant's cost.
 - (32) Where the pedestrian way meets a public road and pedestrians are to cross the roadway, laybacks shall be provided in the kerb line of gradients suitable for people with a mobility impairment.

ENVIRONMENTAL MANAGEMENT

- (1) The environmental management of the site and surrounds during the excavation and construction phases is to comply with the Construction Management Plan as prepared by the Caverstock Group and dated June 2015 and submitted as part of the development application.
- (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 nearby 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 4.3 External Noise Intrusion Assessment* of the Acoustic Report (Ref:20130284.4/0912A/RO/OF dated 9/12/15) prepared by Acoustic Logic. Certification as to the compliance of the

acoustic treatments are to be submitted to Council for approval *prior to the issue of an Occupation Certificate*

- (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:20130284.4/0912A/RO/OF dated 9/12/15) prepared by Acoustic Logic.
- (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 waste and recycling material generated in the development is to be managed in accordance with the Waste Management Plan prepared by Elephants Foot Revision C Dated 16/12/15.
- (2) 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.
- (3) The separate commercial and residential 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.
- (4) 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.
- (5) 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.

(6) 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.

(7) Certification is to be provided by the installer of the chute system **prior to the issue of an occupation certificate** certifying that the chute has been installed in accordance with the manufacturer's specification.

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

(9) All waste collections are to be carried out from within the building.

(10) 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 to Council and its contractors for the collection of waste and recyclable material **prior to the issue of an Occupation Certificate**

(11) 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.

(12) 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.

(13) 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.

(14) **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.

TRAFFIC & PARKING

(1) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

(2) 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***.

(3) A minimum of 688 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.

(4) 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) 499 residential parking spaces.
- (b) 98 visitor parking spaces.
- (c) 55 commercial parking spaces.
- (d) 36 retail parking spaces.

(5) Courier spaces and loading docks must be located close to the service entrance and away from other parking areas.

(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 64 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.

(1) The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

(a) Compelling drivers to stop before proceeding onto the public way

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

(17) Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.

(18) 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.

(19) 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.

(20) The size of vehicles servicing the property must be a maximum length of 9 metres.

(21) 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.

(22) 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.

(23) All costs associated with signposting for any kerbside parking restrictions and traffic management measures, including any relocation of parking meters, associated with the development shall be borne by the developer.

(24) A Construction Traffic Management Plan must be submitted and approved by Council **prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)**. 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 areas on and off the site (which will require separate approval by Council).
- v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- vi) Details of vertical and horizontal material handling and deliveries.
- vii) 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.

(25) 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)

- i) Work zone.
- ii) Temporary closure of roadway/footpath.
- iii) Mobile crane or any standing plant

- iv) Scaffolding/Hoardings (fencing on public land)
- v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
- vi) Installation or replacement of private stormwater drain, utility service or water supply

NSW ROADS & MARITIME SERVICES (RMS) CONDITIONS

- (1) The geometric layout of the signalised intersection shall be in accordance with RMS requirements. This includes the requirement for the proposed signalised intersection to consist of 2 lanes on all approaches and departures with their lengths to be in accordance with RMS requirements.
- (2) In accordance with the RMS Traffic Signal Design Code, the developer is required to create an easement to allow RMS to locate traffic signal components on their (private) property. The easement shall be submitted to RMS for approval and registered upon title prior to release of an Occupation Certificate for the development.
- (3) Whether or not a marked foot crossing is provided across the signalised entrance to a private development, there must be a level of separation between the road and footpath through the construction of a barrier kerb and gutter. Kerb ramps must be provided in accordance with RMS requirements.
- (4) In accordance with Austroads, splays (clear of obstructions) are required at the property line to ensure adequate visibility between vehicles on a driveway and pedestrians on the footpath.
- (5) In accordance with RMS's Technical Direction for new traffic signals, signalised pedestrian crossings shall be provided on all legs of the proposed signalised intersection. In this regard, the existing raised zebra crossing on Wynne Avenue shall be removed and subsequently replaced with a signalised crossing, prior to the operational commencement of the signalised intersection.
- (6) Full time No Stopping parking restrictions will be required along the full length of Wynne Avenue as part of the proposed signalised intersection. This will require either Council and/or the developer to undertake satisfactory consultation with any affected resident and/or business (Note: This will also require referral and approval by Council's Local Traffic Committee).
- (7) The existing driveway on the eastern side of Wynne Avenue, opposite the proposed access road, will need to either be removed or be catered for under signal control as part of the proposed signalised intersection. This will require consultation between Council, the developer and the owner of 27 Belmore St Burwood regarding the above options. RMS will not approve a Traffic Signal Plan that allows vehicles to turn uncontrolled within the middle of the proposed signalised intersection.

- (8) The developer will be required to enter into a “Major Works Authorisation Deed” (WAD) with RMS for the abovementioned signal and civil works. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS’s WAD documentation for assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS’s requirements.
- (9) As part of the abovementioned WAD process, the developer will be required to provide an upfront payment for the first ten (10) years of maintenance of the signal hardware.
- (10) **Prior to the release of any Construction Certificate**, a concept geometric road design layout (illustrating all road design dimensions and swept paths etc) of the proposed signalised intersection overlayed on a survey plan accompanied with electronic copies of the intersection modelling, shall be submitted to and endorsed by RMS.

In addition, no Construction Certificate shall be released until such time that a traffic signal design plan, detailed civil road designs and unconditional bank guarantee (to be determined in consultation between the developer and RMS) for the proposed signalised intersection are lodged with RMS.

- (11) No Occupation Certificate shall be released until such time that the signalised intersection on Wynne Avenue is fully constructed and operational.
- (12) All utility relocation required as a result of the proposed signalised intersection shall be at full cost of the developer.
- (13) All roadworks/regulatory signposting associated with the proposed development shall be at no cost to RMS.
- (14) The layout of the proposed car parking areas and loading dock areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- (15) All vehicles shall enter and leave the site in a forward direction.
- (16) A Construction Traffic Management Plan detailing construction vehicle routes, hours of operation, number of trucks, access arrangements and traffic control shall be submitted to Council for approval **prior to issue of a Construction Certificate**.

HERITAGE

- (1) The existing front fence pertaining to the former Masonic Temple site, comprising four piers with concrete capping and low brick wall running generally along the southern boundary and connecting the four piers, shall be

retained. The fence shall be repaired using, where necessary, bricks salvaged from the demolished section of walls at the centre of the forecourt. Where reconstruction of the fence is required, the work shall observe the height, profile, design, materials and colour of the original fence.

- (2) The awning over the front entrance of the former Masonic Temple building shall be repaired with “like for like” materials and retain the shape and size of the original awning.
- (3) In respect to the former Masonic Temple building, the raised lettering stating “Masonic Temple” upon the frieze shall be retained and shall provide a painted colour which contrasts its background.
- (4) In respect to the former Masonic Temple building, the lettering stating “Burwood Masonic Centre” upon the entrance awning may be removed or painted over.
- (5) Existing timber windows pertaining to the former Masonic Temple building shall be repaired or replaced with “like for like” materials and in a manner which provides an identical design and profile.
- (6) The former Masonic Temple building shall accommodate male and female toilet facilities to ensure its viability for future uses. Any structural change to the existing toilet facilities or installation of new toilet facilities shall be subject to the separate consent of Council.
- (7) The window treatment, building materials and articulation of the northern elevation of the former Masonic Temple building shall be subject to the separate consent of Council.
- (8) All work shall be undertaken in accordance with the Heritage Interpretation Plan and Schedule of Conservation Works prepared by NBRS & Partners, submitted to Council as part of DA/275/2007, except where variations are notified to Council and the consent or concurrence of Council is provided in writing.
- (9) Interpretative signage pertaining to the former Masonic Temple, and the display of salvaged items from the Masonic Temple building, shall be set out within an Interpretation Strategy submitted to Council for approval by Council’s Heritage Advisor **prior to the issue of a Construction Certificate**. Satisfaction of this condition shall be confirmed upon written advice by Council.
- (10) All interpretative signage shall comprise a professional graphic design, and be fixed or mounted on a solid and durable material.
- (11) The checkerboard motif inlaid into the floor of the former Masonic Temple shall be replicated and/or interpreted within the paving treatment and/or landscape design of the residential communal open space at the centre of the development site, within the footprint of the demolished Masonic Temple building.

- (12) All interpretative signage and displays shall be undertaken in accordance with the approved Interpretation Strategy **prior to the issue of any Subdivision Certificate or Occupation Certificate.**
- (13) Any use of the former Masonic Temple building shall be subject to the separate approval of Council, except where such a use would satisfy exempt or complying development provisions.
- (14) The provision of accessible ramps or access facilities for people with a disability affecting the former Masonic Temple building or its forecourt shall be subject to the separate consent of Council.
- (15) All building and restoration work pertaining to the heritage item as outlined in the Schedule of Conservation Works or required by these conditions of consent shall be completed **prior to the issue of any Subdivision Certificate.**
- (16) Any structural damage which occurs to the heritage building during the undertaking of site preparation and construction work, shall be repaired and restored to a standard which would enable the occupation of the premises as commercial space **prior to the issue of any Subdivision Certificate.**
- (17) A report shall be prepared by a suitably qualified engineering professional in respect to the excavation and construction of the basement in the vicinity of the heritage-listed building. The report shall detail the manner of shoring and excavation to ensure the structural stability of the existing building. The report shall be submitted to the principal certifying authority **prior to the issue of a Construction Certificate** and work shall be carried out in accordance with the report's recommendations.
- (18) All unpainted surfaces of the heritage item's exterior shall remain unpainted.
- (19) Security bars or shutters shall not be fitted to the windows upon the heritage item exterior. Should security upgrading be required, security locks/devices shall be fitted to the building's interior.
- (20) Hot water units, air conditioning units or other similar utility devices shall not be fitted to the heritage item's exterior without the separate consent of Council.

LANDSCAPING

- (1) The pedestrian link between Wynne Avenue and Hornsey shall be designed in accordance with the approved plans, AS1428.1-2009 and landscaped in accordance with Council's Public Domain Plans.
- (2) Canopy trees are to be provided at the rate of 1 per 30m² of landscaped area within the street front setbacks.
- (3) Where there is a minimum 6m setback from the street front boundary, site landscaping is to include deep soil zones and trees selected from Council's Street Tree

Management Strategy. Where development set back from the street front boundary less than 6m, landscaping of the setback area is to include trees as specified in the Burwood DCP.

SEPARATE DEVELOPMENT APPLICATION FOR SIGNAGE

- (1) A separate Development Application is to be submitted for a Signage Strategy. This Development Application shall provide details of all forms of signage proposed throughout the site including retail premises, directional signage and building identification. All signage is to follow a coordinated theme and be integrated with the architectural features, materials and finishes of the development.

SEPARATE APPLICATION FOR OFFICE FIT OUT AND OPERATION

- (1) This development consent approves the generic use of the office space within Building A as a single tenancy. A separate application is required to be submitted for the first fitout and use of this office tenancy.

ON-GOING OPERATIONAL MATTERS

- (1) Access to lifts within the building shall be programmed with security card system or similar access control arrangements such that:
 - Residents and their visitors only to have access to residential lift cores;
 - Office staff within Building A to have access to lifts 11 and 12 to go to the gym in Basement level B2;
 -
- (2) Access to on-site parking shall be programmed with security card system or similar access control for:
 - residents and their visitors only via the vehicle crossing in Conder Street;
 - commercial staff, commercial customers and service vehicles only via the vehicle crossing in Wynne Avenue; and
 - customers and staff of the office premises via the boomgate internal to Basement Level B1.
- (3) Operational provisions are to be made with the Building Manager to facilitate use of the loading facility by residents on an as-needs basis.
- (4) No curtains, blinds or the like being used or erected in the balcony areas.