

Conditions of Consent

DA 54/2016 – 1-13 Gloucester St and 42 & 44 Park Rd Burwood

2016SYE078

1. The development being carried out in accordance with the plans prepared by Urban Link Architects and documentation in the table below, except where amended by the conditions of consent.

Plan Number	Reference	Revision	Date
0000	Cover Sheet	E	18.5.2017
A3004	Site	D	31.3.2017
A3100	B2 Floor Plan	E	18.5.2017
A3101	B1 Floor Plan	E	18.5.2017
A3102	Ground Floor	D	31.3.2017
A3103	Level 1	D	31.3.2017
A3104	Level 2-3	D	31.3.2017
A3105	Level 4	D	31.3.2017
A3106	Level 5	D	31.3.2017
A3107	Level 6-7	D	31.3.2017
A3108	Level 8	D	31.3.2017
A4501	Solar Access	D	31.3.2017
A4601	Sun Views	D	31.3.2017
A6001	Shadow Diagrams	D	31.3.2017
A6002	Shadow Diagrams	D	31.3.2017
A4201	GFA – G/L1	D	31.3.2017
A4401	Cross Flow Diag	D	31.3.2017
A5000	Elevations	D	31.3.2017
A5001	Elevations	D	31.3.2017
A5100	Sections	D	31.3.2017
A5302 – SW01 to SW06	SW Drainage by Alpha Engineering	E	20.10.2016
L/00 to L/06	Landscape Plans by Discount Landscape Plans	A	13.10.2016

- Amended Statement of Environmental Effects by Planning Ingenuity dated 21 October 2016
- Access report by Accessibility Solutions dated 24 October 2016
- Heritage Impact Statement by Urbis dated 20 October 2016
- Capital Investment Value Report by Construction Consultants dated 13 October 2016
- Acoustic Report from Acoustic Noise & Vibrations Solutions Pty Ltd dated (Amended Date) 13 October 2016

FEES

2. 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.**

3. TABLE OF FEES

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

4. Building and Construction Industry Long Service Corporation Levy **\$102,603.00**
(Payment to be made to Council, the Corporation or its Agent)
5. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$89,600.00 (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 **\$20,200.00 (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 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. Removal and replacement of a Council street tree **\$ 2,652.00**
(Payment to be made to Council Prior to release of Construction Certificate or commencement of any works on site).
9. Additional Development Application Fee **\$3018.05** consisting of DA Fee of \$932.05 & Plan First fee of \$2085, based on amended Construction Cost of \$29,315,184
(Payment to be made to Council prior to release of Construction Certificate)
10. Section 94 Contributions: **\$1,172,607.00**
(Payment to be made to Council). Note: The contribution amount will be adjusted at the time of payment. See **Planning Condition 1** below for more details.

PLANNING

11. 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 \$29,315,184.00	\$ 1,172,607.00

Index Period	March Quarter 2017	CPI ₁	111.3
--------------	-----------------------	------------------	-------

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.

12. Samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.**
13. 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.**
14. 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 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.
15. 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.
16. Prior to the issue of the Occupation Certificate, the applicant is to arrange with Council's Environment and Health Section for 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.
17. Full Compliance with all recommendations from the Acoustic report from Acoustic Noise & Vibrations Solutions Pty Ltd dated (Amended Date) 13 October 2016. Certification from the Architect preparing the Construction Certificate drawings shall be provided to the Principal Certifying Authority Prior to the release of an Occupation Certificate for the development that the recommendations from the Acoustic Report have been included in the Construction Certificate plans.
18. Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
19. External gas water heaters are to be located in recessed enclosures within external walls and are to be located and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.
20. A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces

shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.

21. Mail boxes shall be provided at the residential access to the building, such that mail can be delivered by Australia Post from outside the security door, and accessed by residents inside the secure foyer area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
22. Clothes drying areas or facilities shall be provided within an area of communal open space or provided within each residential unit. If provided on the balconies of individual units, the drying facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain.
23. The doors of the central residential entry foyer to each building are to be security grade fixtures and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. The security doors are to include an intercom system linked to each apartment. Details on these matters are to be submitted and approved prior to the issue of a Construction Certificate.
24. The entrance driveway for access to the basement parking levels is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. The driveway security door is to be linked to the intercom system for each apartment. Details on these matters are to be submitted and approved prior to the issue of a Construction Certificate.
25. Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development:
 - a. At the central residential entrance path way and lobby to each pedestrian access point along Gloucester and Victoria Streets.
 - b. Along all internal ground level path ways from the central lobbies that provide access to the residential lift and to apartment entrance doors on the ground floor.
 - c. At Fire Isolated stair discharge points from the building on Gloucester, Victoria Streets and Park Road frontages.

The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. Details on all of these matters are to be submitted and approved **prior to the issue of a Construction Certificate**

26. CCTV cameras shall be installed for the building so that they can survey the residential entrances and all external and internal access path ways, and the vehicular entrance and exit driveways to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted and approved prior to the issue of a Construction Certificate.

27. The provision of the security access system for the development is to afford all residents of the development equivalent access to the Common Open Space area located on the roof top of the development.
28. The internal and boundary fencing for the development is to comply with Provisions P27 - P30 in Section 4.1.2.3 Site Building and Amenity of the Burwood Development Control Plan 2013.

BUILDING

29. A master television antenna shall be installed within the roof of the building and provision made for connection to each flat prior to the issuing of an Occupation Certificate. Such installation is to be in strict compliance with Australian Standard 1417 Part 1 - Receiving Antenna for Radio and Television - Construction and Installation.
30. The garbage bin storage room being provided with hot and cold water and a floor waste drained to the sewer. Wall and floor intersections shall be coved to a minimum radius of 25mm. The room shall be provided with a self-closing vermin-proof door.

NOTE: This room shall provide storage for paper, bottles and aluminium can recyclables.

31. 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.
32. Where residential building work (within the meaning of the Home Building Act 1989) is proposed to be carried out, either of the following is to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate:-

a. Where work is carried out by a Principal Contractor:

- (i) written advice of the Principal Contractor's name and licence number, and
- (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

OR

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

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

33. 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.

34. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifying Authority before excavating.
35. 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.
36. 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.
37. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

38. If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place.

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

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

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

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

39. Your attention is directed to the following:

WARNING

The approved plans must be submitted to Sydney Water Tap inTM 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 then be approved, with suitable evidence being provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

Please refer to the web site www.sydneywater.com.au for:

- Sydney Water Tap inTM details – see Plumbing, building and developing then Sydney Water Tap inTM and
- Technical guidelines - Building over and adjacent to pipe assets – see Plumbing, building and developing then Building plan approval,

or telephone 13 20 92.

Note:

The Principal Certifying Authority must ensure that they either:

- Receive the Sydney Water Tap inTM approval letter or
- Sight the Water Servicing Coordinator approval stamp **before the issue of any Construction Certificate.**

40. 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.

41. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
42. 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.
43. 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. A Principal Certifying Authority sign should also be displayed in a prominent position at the front of the development site.
44. 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.
45. 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)

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- ★ After the commencement of the excavation for, and before the placement of, the first footing;
 - ★ Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
 - ★ Prior to covering any stormwater drainage connections; and
 - ★ After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
47. 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.

48. 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.
49. 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.
50. 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.
51. Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.
52. All building works being erected wholly within the boundaries of the property.
53. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.
54. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
55. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
56. The noise emitted by any air-conditioning equipment being inaudible in your neighbours’ homes between 10:00pm and 7:00am weekdays and 10:00pm and 8:00am on weekends and public holidays. Council is to be consulted prior to the installation of any air-conditioning equipment.
57. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
58. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate.
59. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate.

60. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building work."

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

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

After treatment the following is to be carried out:

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:
 - (i) The method of protection.
 - (ii) The date of installation of the system.
 - (iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - (iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.
 - b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.
61. Dividing Fences Act 1991 - Your attention is directed to any obligations or responsibilities under the Dividing Fences Act 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.
62. No part of the front fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.
63. A registered surveyor's certificate being submitted to the Principal Certifying Authority, prior to the issue of an Occupation Certificate, as follows:-
- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
 - b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.
64. 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)

65. 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.
66. 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.
67. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate or Subdivision Certificate for the development.
68. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval prior to the issuing of a Construction Certificate.
69. 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.
70. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
71. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority 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 AS 1668 "SAA Mechanical Ventilation and Air Conditioning Code", Part 1 and Part 2, Australian Standard AS 3666-1989 and the *Noise Control Act 1975*, must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

72. 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**.
73. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
74. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate.
75. The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate.
76. 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.
77. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-
 - a. It is not bounded by a wall; and
 - b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

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

Balustrades shall prevent as far as practicable:

- a. Children climbing over or through it; and

- b. Persons accidentally falling from the floor; and
- c. Objects which might strike a person at a lower level falling from the floor surface.

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

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

- 78. The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2004. Details of the method of complying with this requirement must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate.
- 79. Protection of openings (where required) is to be in accordance with Part C3.2 and C3.4 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.
- 80. Protection of openable windows is to be in accordance with Part D2.24 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.
- 81. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire and Rescue 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*)

- 82. 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.**

83. Engineering Design – Basement Excavation

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

- (a) Documentary evidence prepared by a suitably qualified professional Geotechnical Engineer that confirms the suitability of the site for the proposed excavation and building, as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- (b) A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the Engineer's Report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

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

DEMOLITION

- 84. A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.
- 85. Removal of any asbestos must be undertaken in compliance with the requirements of SafeWork NSW. Refer to their Code of Practice "How to Safely Remove Asbestos" dated September 2016.
- 86. Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected prior to the commencement of demolition works and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the Work Health and Safety Regulation 2011.
- 87. All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005.
- 88. All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).

89. Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.
90. Such written notice is to include the following details:
 - Date of asbestos removal; and
 - Name, address contact details (including after hours contact telephone number) and WorkCover licence number of the asbestos removal contractor.
91. Work is not to commence prior to the nominated date.
92. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
93. Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
94. 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.
95. 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.
96. 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.
97. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.

SUBDIVISION

98. A plan of consolidation to bring separate allotments into one lot under one Title being submitted to Council for approval and the issue of a Subdivision Certificate. The linen plan shall be registered by the Land Titles Office, prior to the issuing of a Construction Certificate.
99. Submission of a Final Survey Plan of Subdivision to the Principal Certifying Authority in accordance with the requirements of the Land & Property Management Authority.

HEALTH

Environmental Management:

100. 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
101. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.
102. 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.
103. A car wash area / bay is to be provided and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

Waste Management:

104. 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.
105. A separate area is to be provided within the development (minimum 15 square metres) for the temporary storage of unwanted large bulky house hold items (clean up material) awaiting disposal either privately or through Councils clean up service.
106. Both 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.
 - g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
107. A waste chute is to be provided to each of the unit blocks (4 in total) in accordance with the requirements of Council's Development Control Plan (DCP) – Waste Management Part 6.2.5.2. Plans showing the location of the chute within each building and the waste storage rooms at ground or basement levels are to be submitted to Council for approval prior to the issue of a Construction Certificate.
108. The chute access at each level is to be in a room of sufficient size to hold a recycling bin or similar receptacles for the placement of recyclable material which is to be then transferred to the central waste collection area.
109. The waste holding rooms in the basement are to be of sufficient size to hold the required number of waste and recycling bins for each of the 4 unit blocks.
110. A bin holding area for each of the unit blocks is to be provided adjacent to the front footpath on the Gloucester Street and Victoria Street frontages for the holding of bins on collections days. The bin holding areas are to be of sufficient size to hold the required number of bins. Details and plans of the location and construction of the bin holding areas are to be submitted to Council for approval prior to the issue of a Construction Certificate.
111. Suitable signage is to be installed in each of the waste service rooms encouraging the separation of recyclables from the general waste stream.
112. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
113. 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.
114. Waste and recycling bins shall be kept 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 a grated drain.
115. Prior to the issue of an 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.

LANDSCAPE & TREE MANAGEMENT

116. The Landscape Plan sheet set by Discount Landscape Plans (Dwg. Nos. L/00 to L/06, Revision A), dated 13 October 2016, is supported subject to the following. The proposed 34 *Murraya paniculata* to be planted along the western boundary, adjoining the heritage listed property of 48-50 Park Road, will not provide sufficient privacy screening. These are to be supplemented with Magenta Lilly Pilly (*Syzygium paniculatum*) planted from minimum container sizes of 45 litres volume and at maximum spacings of 4 metre centres.
117. There are four (4) existing Lemon-scented Tea-trees (*Leptospermum petersonii*) located within the concreted public footpath fronting the site in Gloucester Avenue which will be impacted by the development. These trees shall be removed by the applicant at their expense. In accordance with Council's Schedule of Fees and Charges (2016-17), the applicant is required to **pay a fee of \$2,652** (including GST **See Fee Condition 8**) for Council to supply, install and maintain four (4) replacement Smooth-leaved Quandong trees (*Elaeocarpus eumundii*) in 45L volume containers.

PARKING & TRAFFIC

118. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
119. 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.
120. A minimum of 141 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.
121. 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. Any parking provided in addition to the allocation below must be provided either to residential parking for a particular lot or for visitor parking and must be clearly shown on any plan of subdivision for the site.
 - (a) 116 residential parking spaces.
 - (b) 25 visitor parking spaces.
122. 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'.

123. No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building is to be used for the parking or storage of vehicles or trailers.
124. 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.
125. 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.
126. 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'.
127. Of the required car parking spaces, at least 18 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.
128. 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.
129. 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.
130. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
131. 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.

132. Solid walls immediately adjacent to the basement 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.
133. 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.
134. At all times the car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
135. 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.
136. 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.
137. 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.
138. 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 issue of a 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.

139. 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

ENGINEERING

140. 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*

141. 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.**

142. 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.**

143. 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.**

144. 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.

145. 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.

146. 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.**

147. 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.**

148. 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.

149. 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).
150. 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.
151. 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.
152. 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.
153. 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.
154. 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.**
- 155. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
 - a. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
 - b. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
- 156. 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.
- 157. 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.
- 158. 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.
- 159. 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.
- 160. 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.
- 161. 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.
- 162. 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.
- 163. 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.

164. 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.
165. 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.

Conditions for the Installation of Temporary Ground Anchors:

- i) Ground Anchors Damage Deposit - security deposit against damages occurring to Council's roadway fronting the development along Gloucester Ave, Victoria Road West and Park Road is **\$60,000**. 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.

- ii) Should the installation of temporary ground anchors be within the public road, an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions to be complied with:
- a) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
- b) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
- c) The anchors shall be installed in accordance with the manufacturer's instructions.
- d) The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
- e) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.

- f) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
- g) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.
- h) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- i) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- j) All earth and rock anchors shall be released before the completion of building work.

ADDITIONAL STORMWATER CONDITIONS

- 166. The discharge control pit of the OSD system shall be designed to control outflow for all storm events from 2, to 100 years ARI. Detailed calculations shall be provided for variable orifices as required.
- 167. The applicant shall reconstruct new stormwater pits and lintels on Gloucester Ave at the points of connection with Council's pipeline if Council's existing pits condition render unsuitable for the purpose.
- 168. Overflow through the grated cover of the OSD storage is not acceptable. Separate overflow pit and pipe shall be provided and connected to the pit on the street.
- 169. The new pipe to be installed on Council's road should be minimum 375mm dia Class 4 RCP with rubber ring joint type with Council's standard pits and 1.8m lintels with Class D galvanised grate on top
- 170. Long section of the Ø375mm pipeline, cross sections of pipe trench, details of the new pits and connecting pit together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times. Should the pipe cover be less than 500mm concrete encasement of the pipe is required. The drawing should show the length of encasement and the cross section of the encased pipe.
- 171. The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic

lights etc.) shall be confirmed by the applicant on site and are to be included on the designed drawings.

172. Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.
173. The stormwater works described above shall be constructed at applicant's expense. The applicant shall pay Council a stormwater works bond as listed in the Table of Fees. The bond shall be refunded after completion of the stormwater works described above as per Council's satisfaction.
174. The existing stormwater drainage easement across Lot 1 DP 120740 and Lot 1 DP 726082 shall be registered in the title of relevant lots and lodged with the Land and Property Information (LPI) office. Proof of lodgement of the easement with the LPI shall be provided to the Principal Certifying Authority (PCA) prior to issuing of the Construction Certificate. A 300 mm diameter GRP (glass reinforced pipe) gravity drainage pipeline shall be installed on properly designed supports in order to connect gravity drainage from upstream properties on Park Road to Council's drainage system on Gloucester Avenue. Details of pipeline and support system shall be provided in the stormwater drawing prepared by Alpha Engineering. The revised drawing shall be submitted to Council for review prior to issuing of the Construction Certificate even if Council is not nominated as the PCA.

Revised engineering drawings addressing the above issues shall be provided for Council's review even if Council is not selected as the PCA.