

SYE097 DA 103/2016

180-186 Burwood Rd & 7-9 Burleigh St Burwood

“Council Standard Conditions”

- (1) The development being carried out in accordance with the plans by Urban Link Architects, and documentation submitted on 19 September 2017 as set out in the table below, except where amended by the conditions of consent.

Drawing No.	Drawing Name	Issue Revision	Issue Date
DA-0000	DATA	J	15.09.2017
DA-1000	SITE PLAN	J	15.09.2017
DA-1001	SITE ANALYSIS PLAN	J	15.09.2017
DA-2000	BASEMENT LEVELS 1 & 2	J	15.09.2017
DA-2001	BASEMENT LEVELS 3 & 4	J	15.09.2017
DA-2001B	BASEMENT LEVEL 5	J	15.09.2017
DA-2002	GROUND LEVEL	J	15.09.2017
DA-2003	LEVEL 1	J	15.09.2017
DA-2004	LEVEL 2	J	15.09.2017
DA-2005	COMMERCIAL LEVELS SHEET 1	J	15.09.2017
DA-2006	COMMERCIAL LEVELS SHEET 2	J	15.09.2017
DA-2007	COMMERCIAL LEVELS SHEET 3	J	15.09.2017
DA-2007B	COMMERCIAL LEVELS SHEET 3	J	15.09.2017
DA-2008	COMMERCIAL LEVELS SHEET 4	J	15.09.2017
DA-2009A	RESIDENTIAL LEVEL 1	J	15.09.2017
DA-2009	RESIDENTIAL LEVEL SHEET 1	J	15.09.2017
DA-2010	RESIDENTIAL LEVEL SHEET 2	J	15.09.2017
DA-2011	RESIDENTIAL LEVEL SHEET 3	J	15.09.2017
DA-2012	RESIDENTIAL LEVEL SHEET 4	J	15.09.2017
DA-2013	RESIDENTIAL LEVEL SHEET 5	J	15.09.2017
DA-3000	RESIDENTIAL EAST AND	J	15.09.2017

	WEST ELEVATION		
DA-3001	COMMERCIAL EAST AND WEST ELEVATION	J	15.09.2017
DA-3002	NORTH ELEVATION	J	15.09.2017
DA-3003	SOUTH ELEVATION	J	15.09.2017
DA-3004	SECTION A	J	15.09.2017
DA-3005	SECTION B & C	J	15.09.2017
DA-3006	STREETSCAPE ELEVATIONS	J	15.09.2017
DA-4000	GFA CALCULATIONS	J	15.09.2017
DA-4001	SHADOW DIAGRAMS	J	15.09.2017
DA-5000	PHOTOMONTAGE AND SCHEDULE OF FINISHES	J	15.09.2017
DA-6000	STRATUM SUBDIVISION PLAN	J	15.09.2017
DA-7000	SOLAR ACCESS DIAGRAMS – MARCH 21st (SHEET 1 OF 2)	J	15.09.2017
DA-7001	SOLAR ACCESS DIAGRAMS – MARCH 21st (SHEET 2 OF 2)	J	15.09.2017
DA-7002	SOLAR ACCESS DIAGRAMS – JUNE 21st (SHEET 1 OF 2)	J	15.09.2017
DA-7003	SOLAR ACCESS DIAGRAMS – JUNE 21st (SHEET 2 OF 2)	J	15.09.2017
DA-7004	SOLAR ACCESS DIAGRAMS – FUTURE MARCH 21st (SHEET 1 OF 2)	J	15.09.2017
DA-7005	SOLAR ACCESS DIAGRAMS – FUTURE MARCH 21st (SHEET 2 OF 2)	J	15.09.2017
DA-7006	SOLAR ACCESS DIAGRAMS – FUTURE JUNE 21st (SHEET 1 OF 2)	J	15.09.2017
DA-7007	SOLAR ACCESS DIAGRAMS – FUTURE JUNE 21st (SHEET 2 OF 2)	J	15.09.2017
DA-8000	SOLAR ACCESS STUDY – JUNE 21st	J	15.09.2017
DA-9000	POTENTIAL RIGHT OF WAY EASEMENT	J	15.09.2017
DA-9001	BLDG. ENVELOPE ALONG BURWOOD RD. (AS PER GMU)	J	15.09.2017

FEES

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

(2) **TABLE OF FEES**

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

- (3) Building and Construction Industry Long Service Corporation Levy **\$106,120.00**
(Payment to be made to Council, the Corporation or its Agent)
- (4) Section 94A Contributions: **\$1,212,807.00**
(Payment to be made to Council). Note: The contribution amount will be adjusted at the time of payment. **See Planning Condition 9** for more details.
- (5) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$35,000.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

NOTE: This deposit is refundable if no damage occurs.

- (6) **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).

- (7) Security deposit against Construction by Council/Applicant of Council stormwater connection works: **\$3600.00.** Being the stormwater drainage works the construction of a stormwater pit & lintel on Burwood Rd **(Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**
- (8) Ground Anchor Damage Deposit In respect of Condition 89 the applicant shall lodge with Council a bond or bank guarantee satisfactory to the Council in the amount of: **\$60,000.00**
(Payment to be made to Council prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)

PLANNING

- (9) 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 \$30,320,198.00	\$ 1,212,807.00

Index Period	June Quarter	CPI ₁	111.7
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Office Use: T49

The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.

The contribution will be adjusted in accordance with the following formula:

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

Where:

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

CPI₂ the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)

CPI₁ the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

Note: The minimum payment will not be less than the contribution amount stated on the consent.

The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate.**

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 94A Contributions Plan for Burwood Town Centre.

Note: The payment of a Section 94A contribution over an amount of \$5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted).

Contributions of \$5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

- (10) Samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.**
- (11) A separate Development Application being submitted for the display and/or erection of any advertising signs or for the replacement of an existing advertising panel. Such application is to include full details of the dimensions, mode of attachment and means of illumination (if any).
- (12) The noise emitted by the air-conditioning equipment being inaudible in your neighbours' homes between 10pm and 7am weekdays and 10pm and 8am on weekends and public holidays.
- (13) 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.
- (14) 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.
- (15) Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
- (16) External gas water heaters are to be located in recessed enclosures within external walls 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.
- (17) 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.
- (18) Mail boxes shall be provided at the secure access doorways to the residential lobby and commercial lobby, such that mail can be delivered by Australia Post from outside the security door, and accessed by residents inside the secure area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted and approved **prior to the issue of a Construction Certificate.**
- (19) 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.

- (20) The doors of the residential entry foyer, serviced apartment lobby and commercial lobby from Burwood Rd, are to be security grade features and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. An intercom system linked to each apartment is to be included in these security arrangements. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate.**
- (21) The entrance driveway for access to the basement parking levels is to be provided with a security door that ensures the personal safety and security of the residents 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.**
- (22) Adequate lighting is required to be provided for the full length of the pedestrian walkway from Burwood Rd to Burleigh St, in the residential, serviced apartment and commercial lobbies, to ensure the safety and security of residents. Details are to be submitted and approved **prior to the issue of a Construction Certificate.**
- (23) CCTV cameras shall be installed at the building so that they can survey the pedestrian entrance walkway & Commercial lobby from Burwood Rd, the residential and commercial lobbies, the full length of the pedestrian through link and the entrance at Burleigh St to the driveway 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.**

VOLUNTARY PLANNING AGREEMENT

- (24) This consent is subject to a Voluntary Planning Agreement (VPA) with Council as offered by the applicant and adopted by Council 31 August 2016. The VPA shall be executed following granting of this consent and the monetary contribution paid Council on or before the date of execution of the VPA and **prior to the commencement of any work on site including demolition excavation or site works and prior to the issue of a Construction Certificate for the development.**

BUILDING

- (25) 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.**

- (26) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (27) Prior to the commencement of building work, the following is to be carried out:-
- Submit to Council a “Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority” form. Council's “Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority” form is to be used where application is made to Council.
 - Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's “Construction Certificate Application” form is to be used where application is made to Council. Copies are available on request.

(Vide Section 81A *Environmental Planning & Assessment Act 1979*)

(28) **Utility Services**

Before Construction – apply early as building of water and sewer services can be time consuming or may impact on other parts of your development.

(29) **Section 73 Compliance Certificate**

A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Our assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to our mains. A Section 73 Compliance Certificate must be completed **before an occupation certificate will be issued**. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to <http://www.sydneywater.com.au/section73> or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (30) The whole of the building works shall be being erected wholly within the boundaries of the property.
- (31) 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**.
- (32) 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**.
- (33) 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.**

- (34) 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*)

- (35) 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.

- (36) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (37) 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.
- (38) 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.

- (39) 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.
- (40) 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.

- (41) 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.

- (42) 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.

- (43) (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.**

- (44) 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.**

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

WARNING

- (46) **Utility Services**

Before Construction – apply early as building of water and sewer services can be time consuming or may impact on other parts of your development.

- (47) **Building Plan Approval**

The plans approved by Council or the Principal Certifying Authority as part of the Construction Certificate for the development must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to <http://www.sydneywater.com.au/tapin> to apply.

- (48) 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.
- (49) 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.
- (50) 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*)

- (51) 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**.
- (52) 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.

- (53) 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**.
- (54) 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.

- (55) 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).
- (56) 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.

- (57) 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.
- (58) 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.**

- (59) 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.

- (60) Noise transmission and insulation ratings for building elements being in accordance with Specification Part F5 of the Building Code of Australia.
- (61) 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.**
- (62) 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

- (63) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
- (64) 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.
- (65) 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.
- (66) 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.

HEALTH

- (67) 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.
- (68) 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.
- (69) 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*.
- (70) All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (71) 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).
- (72) Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

Such written notice is to include the following details:

- Date of asbestos removal; and
- Name, address contact details (including after hours contact telephone number) and WorkCover licence number of the asbestos removal contractor.

Work is not to commence prior to the nominated date.

ENGINEERING

(73) A detailed drainage design shall be submitted to the Principal Certifying Authority.

- 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.
- 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.
- 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.
- The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**

(74) Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:

- a catchment plan
- plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD)
- details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels
- details and dimensions of pits and drainage structures
- hydrologic and hydraulic calculations
- details of any services near to or affected by any proposed drainage line
- any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements
- 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.**

(75) 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.**

(76) 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.**

(77) 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.

(78) 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.

(79) 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.

(80) 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.**
- (81) 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.
- (82) 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).**
- (83) 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.
- (84) 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.

(85) 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.

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

- a. A vehicular crossing 6m m wide to Burleigh Street shall be constructed by the Applicant/Council at the applicant's cost.
- b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.
- c. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
- d. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

(87) 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.

(88) 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.**

(89)

- 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.**
- (90) All demolition, excavation and construction materials are to be removed from the site or disposed of on-site using methods that comply with relevant environmental protection legislation.
 - (91) Vehicles transporting demolished, excavated and/or construction materials to and from the site shall access and depart from the site through Belmore St, Shaftesbury Rd and Parramatta Rd. Vehicles involved in transporting materials shall be limited to an 8 tonne gross weight per axle.
 - (92) 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.
 - (93) 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.
 - (94) 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.
 - (95) 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.
 - (96) 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.
 - (97) 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.
 - (98) 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.

- (99) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.

Conditions for the Installation of Temporary Ground Anchors:

- (100) 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.

- i) **Ground Anchors Damage Deposit** - security deposit against damages occurring to Council's roadway fronting the development along Burwood Road and Burleigh Street 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.

- i) 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 to obtain permission from the neighbors of the adjoining properties prior to installation of anchors.
 - c) 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.
 - d) The anchors shall be installed in accordance with the manufacturer's instructions.
 - e) 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.

- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- k) All earth and rock anchors shall be released before the completion of building work.

ADDITIONAL STORMWATER CONDITIONS

Stormwater plans, drawing nos. 20160213 SW01 to SW06 Rev. A prepared by SGC Engineering. The Applicant shall address the following issues prior to the commencement of any work on the site:

- (101) The proposed On-Site-Detention (OSD) tall tank is not satisfactory. In accordance with Council's Stormwater Management Code the maximum storage level (TWL) is to be such that habitable floor levels are at least 0.3m above the maximum water level. An emergency overflow with flowpath is to be provided.
- (102) A stormwater pit shall be built within the property boundary to make stormwater connection from the pit to Council's street drainage system. The new Council's standard pit and lintel on Burwood Road shall be built within the property frontage.
- (103) 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 orifices diameter.

- (104) The applicant shall pay Council a stormwater works bond as listed in the Table of Fees for construction of a new pit and kerb lintel on Council's road. The bond shall be refunded after completion of the stormwater works as per Council's satisfaction.

Engineering drawings addressing the above issues shall be provided for Council's review prior to any works commencing on the site.

TRAFFIC

- (105) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- (106) 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***.
- (107) A minimum of 106 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.
- (108) 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) 37 residential parking spaces.
 - (b) 9 residential visitor parking spaces.
 - (c) 46 commercial parking spaces.
 - (d) Serviced Apt 12
 - (e) Serviced Apt Staff 2
- (109) 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.
- (110) 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.

- (111) 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.
- (112) 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*'.
- (113) Of the required car parking spaces, at least 5 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.
- (114) 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.
- (115) 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.
- (116) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
- (117) 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
- (118) 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.
- (119) 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.

(120) 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.

(121) **Prior to the issue of a Construction Certificate**, the applicant must prepare a Construction Traffic Management Plan. 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.

(122) 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

SERVICED APARTMENTS

- (123) **Prior to the issue of an Occupation Certificate** a restrictive covenant shall be registered over the title to the subject premises restricting the use of the serviced apartments. Such serviced apartments being restricted to short term accommodation only, accommodating persons whose principal place of residence is elsewhere.

The restrictive covenant is to also prohibit the use of such serviced apartments as the principal place of residence by the owner or any other person occupying the premises with the owner's consent. Any agreement to occupy the serviced apartments shall be one which is not subject to the residential tenancy agreements within the meaning of the Residential Tenancies Act 1987.

- (124) The serviced apartments shall be managed in accordance with a Plan of Management – Serviced Apartments 180-186 Burwood Rd and 7-9 Burleigh St Burwood to be submitted to Council for approval prior to the issue of an Occupation Certificate for the development. The Plan of Management shall include the following matters:

- (a) "Short term or temporary accommodation" shall mean its use for holiday purposes for short term or temporary accommodation whereby such accommodation is not such that it is subject to the Residential Tenancies Act 1987 as being residential premises and the maximum length of stay shall be **3 months** in accordance with Section 5.5 of Burwood Development Control Plan 2013.
- (b) It shall provide for the following additional matters:
 - (i) The maintenance and certification of the fire safety measures implemented on the building premises.
 - (ii) Maintenance of the building and its fitments including painting, repairs, graffiti removal, etc.
 - (iii) The administration of the building and its use in part as serviced apartments.
 - (iv) The management of the car park.
 - (v) Measures to ensure the use of the serviced apartments co-exist satisfactorily with the residential flat building apartments.