

STATEMENT OF COMMITMENTS

1. The project will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 07_0076 as described in:

- a.** Environmental Assessment Report and associated appendices prepared by Scott Carver dated October 2007;
- b.** Addendum Report dated 5 August 2008, additional information dated 19 August 2008, preferred project report dated 1 December 2008 and revised preferred project report dated 15 December 2008 prepared by The Planning Group dated August 2008;
- c.** Architectural Drawings for Residential Buildings A, B and C prepared by Turner and Associates;
- d.** Landscape Plans prepared by Turf Design Studio;
- e.** Amended ground floor plan and basement car parking level drawings prepared by Architex;
- f.** Heritage Impact Statement dated August 2008 prepared by Design 5;
- g.** Pedestrian Wind Environment Study for the proposed development at 1-17 Elsie Street, Burwood prepared by Windtech dated 12 August 2008;
- h.** BASIX Assessment, BASIX Certificates and stamped plans prepared by Vipac dated 10 December 2008;
- i.** Amended Traffic Impact Statement prepared by Thompson Stanbury Associates dated 25 August 2008;
- j.** Revised Reflectivity Report prepared by Vipac dated December 2008;

2. The Proponent (Kavlyn Pty Ltd) will ensure that all contractors engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 07_0076.

3. Work in the vicinity of the rail corridor will be carried out in accordance with relevant RailCorp standards and procedures.

4. An Environmental Management Plan (EMP) for the construction works will be prepared in consultation with Burwood Council prior to the commencement of work on the site. The EMP will comprise:

- a. Hours of construction work
 - b. Sediment and Erosion Control;
 - c. Waste Management;
 - d. Noise and Vibration Management;
 - e. Air Quality and dust control;
 - f. Community Consultation;
 - g. Use of cranes, plant and machinery
 - h. Use of ladders, tapes, scaffolding and plant /machinery of conductive material
 - i. Excavation and boring
 - j. Plant and vehicle movements including - ingress and egress of vehicles to the site, loading and unloading, including construction zones, transportation of material, including contaminated material, predicted traffic volumes, types and routes,
 - k. Pedestrian management methods.
 - l. Piling, sheet piling, batter and anchors
5. The Proponent undertakes to give the Principal Certifying Authority and RailCorp at least 48 hours written notice prior to the commencement of excavation on the site.
6. The Proponent undertakes to connect all new stormwater systems into the approved system for the site in accordance with the approved Stormwater Management Plan accompanying the Environmental Assessment Report.
7. The Proponent commits to submitting a plan to RailCorp showing all planned craneage and other aerial operations for the development. The plan will show how craneage operations will not:
- a. Reach over the railway corridor
 - b. Operate within a vertical envelope defined as 3 metres (horizontally) from any electrified infrastructure
8. The construction site will be fenced in accordance with Workcover requirements and access will be restricted to authorized persons. Appropriate signage will be installed in locations visible to pedestrians on the site.
9. All construction materials, vehicles, waste and the like will be stored within the site.

- 10.** Any damage to public roads and road works caused by construction vehicles and activities will be rectified by and at the expense of proponent to the satisfaction of Burwood Council (or relevant Authority). Prior to the commencement of works, a Road Condition Report will be prepared for the local roads within a 100m vicinity or an alternate distance agreed by the Proponent and the relevant authority.
- 11.** All demolition and all construction and associated work will be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
- 12.** The Proponent agrees that the management of facilities for the storage and handling of waste will be undertaken in accordance with a Waste Management Plan.
- 13.** The proponent will obtain a Construction Certificate prior to commencement of the works associated with the Project.
- 14.** The project is to comply with the relevant provisions of the Building Code of Australia.
- 15.** Vertical scaling mechanisms are to be introduced on the 2 storey George Street elevation so that it better relates to the Lochiel terraces to the satisfaction of Council.
- 16.** The balconies on the first floor level facing Elise Street are to be modified to the satisfaction of Council so that they occur “within a two storey space” rather than as a continuous horizontal element.
- 17.** No mechanical plant, airconditioning, aerials or communication equipment and the like are to project beyond the building envelope as shown on the DA plans without the prior consent of the Council.
- 18.** Splay corners will be provided at all street corners to Council’s satisfaction.
- 19.** Access and loading facilities should be in accordance with Australian Standards for Commercial Facilities (1989).
- 20.** The Proponent will provide funding for the widening of the section of Victoria Street adjacent to the development to provide two traffic lanes.
- 21.** 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 (PCA) prior to the issuing of a Construction Certificate.

31. Temporary measures shall be provided during demolition, excavation and/or

Table of Fees	
22. Section 94 contribution for roads and traffic facilities	\$49, 885.50
23a. Section 94 contribution for community facilities	\$921,472.47
23b. Section 94 contribution for open space and recreation	\$1,422,534.53
23c. Section 94 contribution for Plan Preparation and Administration	\$92,966.53
23d. Section 94 contribution for parking facilities (35 spaces @ \$28,500)	\$997,500.00 (request waiver of fee)
24. Building and Construction Industry Long Service Corporation Long Service Levy	
25. If Council is nominated as the PCA an inspection fee is to be paid for all inspections at a rate of \$66 (including GST) per half hour or part thereof.	TBC
26. Damage Deposit – security deposit against damage occurring to Council’s assets (footpath, road, stormwater, kerb and gutter etc) during building work (to be paid prior to issue of CC and/or before commencement of demolition and excavation; and is refundable if no damage occurs).	TBC
27. Construction by Council of the proposed vehicular crossing and if applicable, removal of existing redundant vehicular crossing.	TBC
28. Construction by Council of a new footpath (2 options)	TBC
29. Construction by Council of a new kerb and gutter (2 proposals)	TBC
30. Payment to Council for drainage and stormwater works to be carried out by Council on and for the site (to be paid prior to release of Construction Certificate).	TBC

construction to prevent sediment and polluted waters discharging from site

- a. An erosion and sediment control plan showing such measures shall be prepared by a competent hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
- b. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier – Civil Engineering. The PCA is to be provided with a Compliance Certificate verifying that this commitment has been adhered to prior to commencement of demolition work

32. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and professional manner and in accordance with appropriate professional standards. All necessary planking and strutting should be of sufficient strength to retain the sides of the excavations. A detailed geotechnical report is to be prepared and submitted to Council and a Compliance Certificate verifying the suitability of the structural details of proposed shoring are to be submitted to the PCA before excavating.

33. 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.

34. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footing of a building or an adjoining allotment of land, the person causing the excavation to be made:

- a. must preserve and protect the building from damage;
- 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 or 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 will not be liable for any part of the cost of work carried out for the purpose of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land. Allotment of land includes a public road or any public place.

35. Dilapidation surveys will to be carried out at the Proponents expense on all premises adjoining the site and will be submitted to Council and the adjoining land owners prior to commencement of excavation work. A survey will also to be carried out and submitted to Council prior to the issuing of an Occupation Certificate. The dilapidation surveys shall be updated accordingly.

36. A separate Development Application will be submitted for the display and/or erection of any advertising signs. Such application will include full details of the dimensions, mode of attachment and means of illumination (if any).

37. Not less than 676 off-street parking spaces will be provided for the proposed development including not less than 205 public car parking spaces. The spaces provided on-site will be sealed, drained and line-marked prior to the issuing of an Occupation Certificate and the private parking spaces being made available free of charge at all times during business hours for staff and customers. All ramp grades, aisle widths and parking bay sizes to conform to AS 2890.1-2004 and AS 2890.2-2002.

37a. The uses of landscaping should not effect driver sight distance to see other vehicles/pedestrians/children etc for vehicles entering, exiting and manoeuvrability throughout the site. The use of low growing shrubs and vegetation around driveways is recommended.

38. No advertising signage associated with this development is to replicate the RTA regulatory signposting by style, colour or creed.

39. All works associated with this development are at no cost to the RTA.

40. All service loading and unloading in relation to the use of the premises will take place wholly within the property. Deliveries to the premises will not be made from a public place or street.

41. The footpaths will be kept clear of signs, fixtures and goods at all times.

42. Any trade waste containers will be screened from view from a public place will not obstruct or interfere with the use of the loading and parking facilities.

43. A Section 73 Compliance Certificate from Sydney Water will be submitted to the PCA prior to the release of the linen plan.

44. A separate Development Application will be submitted for the use of any individual tenancy including the ground floor retail shops and cafes.

45. A separate Development Application will be submitted to Council for any proposed subdivision of the development.

46. Toilet facilities will be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons employed at the site. Each toilet provided:

a. will be a standard flushing toilet

b. will be connected to:

i). a public sewer, or

- ii). an approved chemical closet facility.

The toilet facilities are to be completed before any work is commenced.

47. All building work must be carried out in accordance with the provisions of the BCA.

48. If the work involved in the erection or demolition of a building:

- a. *is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or*

- b. building involves the enclosure of a public place;

a hoarding or fence will be erected between the work site and the public place. If necessary an awning will be erected sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding or fence will be removed upon completion of the work.

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

50. Building plans which form part of a Construction Certificate and have been suitably endorsed will be submitted to Sydney Water at least 14 days before commencement of work. The Proponent will complete Sydney Water's application form and include all required information.

The plans and application will be submitted to the Building Plan Section to ensure that the proposed structure meets the requirements of the Board's By-laws concerning:

- a. Location of sanitary fixtures; and

- b. Relationship of the building to water-mains, sewers and storm water channels.

The Plans will also be submitted to the Valuation Section for valuing purposes in connection with Section 97(a) and (7) of Sydney Water Act and for the calculation of a fee in accordance with By Law 7(1)(a) of Sydney Water Act.

The proponent understands that failure to submit these plans before commencing work may result in a penalty being imposed and may result in the demolition of the work at the builder's expense.

51. The builder will 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 will be maintained at all times. Any damage caused will be repaired at the builder's expense.

52. No opening will be made in any road or footpath, nor will any hoarding 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.

53. No materials will be stored on Council's roads, footpaths or parks.

54. The builder will erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps will be provided where necessary.

55. Public roads will be kept clean and free of any material which may fall from vehicles or plant. Waste containers will be placed in accordance with Council's Code for Activities Affecting Rads and appropriate fees will be paid.

56. Heavy vehicles entering and leaving the site will only cross the footpath where it has been adequately timbered and strapped. Pedestrian access in these locations will remain in good order at all times during excavation work.

57. Any work involving the use of mechanical plant and equipment will be carried out between the hours of 7am - 5.30pm Monday to Friday, and 7am - 1pm on Saturdays. No work at all will be carried out on Sundays and public holidays.

58. Hours of construction work will be from 7am - 5.30pm Monday to Friday and 7am-1pm on Saturdays. No construction shall be carried out on Sundays. The builder will be responsible for the compliance of this commitment by all sub-contractors, including demolishers.

59. When demolition of any existing building is involved, no burning of any materials on site will take place. All waste material will be removed from the site.

60. It is understood that the building works will be inspected by Council or an appropriate Accredited Certifier at the stages of construction listed on the following schedule and a Compliance Certificate verifying that the construction satisfies the standards specified in the BCA will be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

**SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION
GENERAL BUILDING WORK**

- *Commencement/pier holes/trenches/steel reinforcement and preliminary works prior to pouring concrete.*
- Excavation/foundation material (particularly where a plastic membrane is to be provided).
- Dampcourse.
- Floor, wall and roof frame.

- *Flashing and damp-proofing of wet areas (bathrooms, laundries, ensuites and WC) prior to fixing of internal linings.*
- Stormwater drains.
- Completion of building works (including painting).

61. A Construction Certificate will be obtained prior to the commencement of any building work.

62. The approved structure will not be used or occupied unless an Occupation Certificate (either final or interim) as referred to in Section 109C(1)(c) of the EP&A Act has been issued. It is understood that Council's 'Occupation Certificate Application' is to be completed prior to the final inspection of the building.

63. Compliance with the Construction Safety Act 1912 will be upheld.

64. Structural engineer's details prepared and certified by an Accredited Certifier or practising Structural Engineer for all reinforced concrete and structural members will be submitted to the PCA prior to the issuing of a Construction Certificate.

65. The Accredited Certifier or Structural Engineer is will also supervise the construction. A Compliance Certificate from the Accredited Certifier or supervising Structural Engineer is to be submitted to the PCA before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with their requirements and the relevant SAA Codes.

66. Safety glazing complying with B1.3 of the BCA will be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing will comply with AS1288 – Glass in Buildings – Selection and Installation.

If an alternative method of complying with B1.3 of the BCA is proposed, details will be submitted to Council for approval prior to installation. Details will show compliance with the performance provisions under BP1.1 of the BCA.

67. The building being erected in type A construction for a Class 5, 6 & 7 building in accordance with BCA, Part C.

68. 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 BCA. Details of the method of achieving this must be noted on the plans or in the specifications prior to issuing of the Construction Certificate.

69. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the BCA.

70. The building will have both access and sanitary facilities appropriate for people with disabilities. The sanitary facilities will be provided in accordance with F2.4 of the BCA and are to comply with the requirements of Clause 10 of AS 1428.

Access will 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, in particular:

- Access will be provided from the allotment boundary at the point of entry from a road to the entrance floor;
- Access will be provided through the principal public entrance;
- Suitable identification signs and/or symbols, as well as necessary directional signs, incorporating the symbol for access by disabled people, will be provided to comply with clause 14;
- Clause 7 will be considered in respect to clear circulation space required to doorways;
- Access will be provided from any car parking space which is required to be provided by D3.5 of the BCA.
- Disabled carparking spaces will be provided in accordance with D3.5 of the BCA. Any such space will be identified on the floor and behind the space for use by disabled people and a series of signs will be provided from the driveway entrance to indicate the location of the space;
- Stairways will comply with the requirements of Clause 9; and
- The step at the front door will be reduced to nil at the threshold by the provision of a short ramp (450mm maximum length and 1:8 maximum gradient) to facilitate access for disabled persons.

It is understood that 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.

71. Balcony balustrades will be of a minimum height of 1m. It is understood that this must be detailed on the plans or in the specifications prior to issuing of a Construction Certificate.

72. Continuous balustrades will be provided along the sides of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, and any path of access to the building if:

- It is not bounded by a wall; and

- The change in level is more than one metre, or 5 rises in the case of a stairway, from the floor or ground surface beneath;

Accept where specific exemptions are provided in the BCA.

Balustrades will prevent as far as practicable:

- Children climbing over or through;
- Persons accidentally falling from the floor; and
- Objects which might strike the person at a lower level falling from the floor surface.

Balustrade heights and designs will comply with Clause D2.16 of the BCA and AS 1170 Part 1. Height above nosings and stair treads, landing, corridors and the like will generally not be less than 865mm, except in the case of particular building regulations ensuring compliance.

It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

73. A door in a required exit, forming part of a required exit or in the path of travel to a required exit will be easily openable without a key from the side that faces a person seeking egress, by a single downward action on a single device which is located between 900mm to 1200mm from the floor. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

74. A will be provided to the self-closing fire doors in accordance with Clause D2.23 of the Building Code of Australia with the words "FIRE DOOR – DO NOT OBSTRUCT – DO NOT KEEP OPEN". It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

75. A notice will be displayed in a conspicuous position adjacent to each doorway providing access to, but not displayed with a:

- Fire-isolated stairway
- Fire-isolated passageway
- Fire-isolated ramp

as or forming a required exit in or to the effect as follows:

OFFENCES RELATING TO FIRE EXITS

It is understood that by the virtue of the regulations under the EP&A Act 1979, it is an offence:

- a. to place anything in this exit that may impede the free passage of persons; or
- b. to interfere with, or cause obstruction or impediment to, the operation of the doors providing access to this exit; or
- c. to remove, damage or otherwise interfere with this notice

It is understood that the words “OFFENCES RELATING TO FIRE EXITS” should be in letters of a height of 8mm or more. The remaining words in the notice should be in letters and figures of a height of 2.5mm or more.

76. A sign will be erected warning not to use lifts in the event of a fire and which conforms with the details and dimensions of E3.3 of the BCA in a conspicuous location near every call button for the passenger lift. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

77. Fire door leafs and frames will be tagged and framed in accordance with the requirements of AS 1905-1984 (Part 1) “SAA Fire Door Code Part 1 – Fire Resistant Doorsets”.

78. Illuminated directional exit signs complying with AS 2293 – Emergency Evacuation Lighting in buildings and E4.8 of the BCA must be will be located appropriately as indicated in E4.6 of the BCA. The location of these signs will be discussed and approved by the PCA prior to installation.

79. Emergency lighting complying with AS 2293 – Emergency Lighting in Buildings and E4.2, E4.3 and E4.4 of the BCA will be installed in the building. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate. Additional details and floor plan prepared by an Accredited Certifier, Electrical Engineer or other suitably qualified person will be submitted to the PCA for approval prior to installation and will include the following:

- a. The location of proposed emergency light fittings and exit signs;
- b. The height of which fittings are to be mounted;
- c. The location of all distribution boards; and
- d. The brand, code number and photometric classification of the fittings to be used.

80. Portable fire extinguishers will be installed in the building or portions of the building, compatible to the hazard/s posed by equipment or functions associated with the use of the building. They will be provided as listed in Table E1.6 of the BCA and

must be selected, located and distributed in accordance with AS 2444. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

81. Hose reels will be installed in accordance with S 2441 and E1.4 of the BCA. Where located internally hose reels will not be more than 4m from a required exit on each floor of the building. Hose reels will shall not be installed so that they will pass through doorways fitted with fire doors or smoke doors (except as provided for in E1.4(b)(iv)). The nozzle end of the fully extended hose reel when laid to avoid partitions and other barriers shall reach every part of the floor of the storey served by the hose reel. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate. Additional hydraulic details prepared by an Accredited Certifier, Hydraulics Engineer or other suitably qualified person will be submitted to the PCA for approval prior to installation and will include the following:

- a. The location of the proposed hose reels;
- b. The length of the proposed hose reels; and
- c. Hydraulic calculations to show that the system will satisfy the requirements of AS2441.

82. Hydrants will be designed and installed in the building and on the site in accordance with Clause E1.3 of the BCA and AS 2419.1. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

Additional hydraulic details prepared by an Accredited Certifier, Hydraulic Engineer or other suitably qualified person must be submitted to the PCA for approval prior to installation and will include the following:

- a. The location of the proposed hydrants;
- b. Hydraulic calculations to show that the system will satisfy the requirements of the AS 2419.1; and
- c. A Compliance Certificate which verifies that the design meets with the requirements of the BCA.

83. The building will be equipped with a smoke alarm system as required by table E2.2a of the BCA. The system will satisfy the requirements of Specification E2.2a of the BCA and in particular is to comply with the relevant parts of AS 1670. Photo-electric type detectors will be installed in patient care areas and alternate photo-electric and ionisation detectors will be installed in paths of travel from patient care areas. Manual call points will be installed in evacuation routes. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

84. Openings in floors, walls and shafts for services will comply with C3.12, C3.13 and C3.14 of the BCA. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

85. All holes cut in floor slabs for pipes or ducts will be properly sealed off at each floor level with concrete the full thickness of the floor slab.

86. Vertical separation of openings in external walls will comply with the requirements of Clause C2.6 of the BCA. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

87. Mechanical ventilation/air conditioning details will be submitted to the PCA for approval and will include the following:

- a. The location and size of the proposed duct work;
- b. The location of equipment;
- c. The performance characteristics of the proposed motor and fans; and
- d. The air flow characteristics.

It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate. At the completion of work a compliance certificate will be sought 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 4 of the BCA, AS 1668 part 1 & part 2, AS 3666-1989 and the Noise Control Act 1975 and will be submitted to the PCA before the Occupation Certificate is issued.

88. The mechanical ventilation system shall be installed in accordance with Part F4 of the BCA and shall comply with AS 1668 part 1 and part 2, and AS 3666-1989. It is understood that details of how this requirement is met must be provided on plans or in specifications prior to the issuing of a Construction Certificate.

89. All fire safety measures will be maintained. The fire safety measure and their minimum standard of performance are outlined in the table below.

PROPOSED CRITICAL FIRE SAFETY MEASURES	
Measure	Standard
Access panels, doors and hoppers to fire resisting shafts	C3.13 BCA
Automatic fail-safe devices	To the standard of the original design

Automatic smoke detection alarm systems	AS 1670 Specification E2.2a BCA
Automatic fire suppressions systems	To the standard of the original design
Emergency lighting	AS/NZS 2293.1
Emergency warning and intercommunication systems	AS 2220
Exit signs	AS/NZS 2293.1
Fire control centres and rooms	Specification E1.8 of BCA
Fire dampers	AS 1682
Fire doors	AS1905
Fire hydrant systems	AS 2419
Fire seals protecting openings in fire resisting components of the building	C3.15 BCA
Fire shutters	Specification C3.4 of BCA
Fire windows	Specification C3.4 of BCA
Hose reel systems	AS 2441
Lightweight construction	Specification C1.8 of BCA
Mechanical air handling systems	AS 1668
Portable fire extinguishers	AS 2444
Smoke detectors and heat detectors	AS 1603
Wall-wetting sprinkler and drencher systems	AS 1603
Warning and operational signs	E3.3 of BCA

90. A Fire Safety Certificate will be given to the PCA prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement will be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly person and the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and Fire Safety Schedule will be given to the Commissioner of NSW Fire Brigades by the building owner and copies of these documents will be prominently displayed in the building. Similarly copies of the Annual Fire Safety Statements will be given to the Commissioner and displayed in the building.

91. The building will be in compliance with Specification G3.8 Fire and Smoke Control in Buildings and Atriums.

92. Provision of Vehicle Cleaning Program and cleaning of vehicles egressing the site, during excavation and construction will be submitted to Council for approval prior to the commencement of that stage of works.

93. All activities and works external to the site, or that affect public roads, will be carried out in accordance with Council's Code for Activities Affecting Roads.

94. A road opening permit will be obtained for all works carried out in public or Council controlled lands. It is understood that restoration of landscaping, roads and

paths shall be carried out at the Proponent's expense in accordance with Council's restoration rates. The Proponent or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of this cover to the PCA prior to works being carried out.

95. Soil and building material will not be placed, stored or caused to fall within any public roadway or footpath. Waste containers will be placed in accordance with Council's Code for Activities Affecting Roads. A fee will be paid to Council prior to the placement of the waste containers.

96. The builder will ensure footpaths and roads affected by construction works are kept safe and prevent any damage to Council property. The builder will erect and maintain where necessary approved hoardings, barricades, warning signs and night warning lamps to enable public safety. Pedestrian access across the footpath will be maintained at all times.

97. The following matters are applicable to the damage deposit listed in the Table of Fees:

- a.** The deposit is refundable if no damage occurs. Any damaged caused will be repaired at Council's restoration rates at the Proponent'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.** It is understood that Council will only carry out two inspections of the Council footpath, kerb and gutter, drainage system and roadway, prior to works commencing, and at the completion of all work associated with this application. The Proponent is aware of the responsibility of attributing any part of damaged caused to their individual contractors.

98. The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:

- a.** The Proponent will fund the Council's construction of a vehicular crossing 5.7m & to George Street and Victoria Street West. This funding will be provided prior to Council commencing work.
- b.** The Proponent will cover the cost any necessary adjustments to utility services prior to Council commencing works.
- c.** The driveway will be 1m clear of any pits, lintels, poles and 2m clear of any trees in the road reserve.
- d.** All redundant vehicular crossings will be removed and replaced with kerb and gutter and footpath at the proponent's expense.

99. The following matters apply to the reconstruction of the footpath listed in the Table of Fees:

- a. The reconstruction of the footpath applies to the frontage of the development in George Street West , Victoria Street West and Elsie Street.
- b. The Proponent will cover the cost any necessary adjustments to utility services prior to Council commencing works.

100. The following matters apply to the reconstruction of the kerb and gutter listed in the Table of Fees:

- a. The reconstruction of the kerb and gutter applies to the frontage of the development in George Street West , Victoria Street West and Elsie Street.
- b. The Proponent will cover the cost any necessary adjustments to utility services prior to Council commencing works.

101. 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.

102. Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to meet Council's street drainage system.

103. The Proponent will 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 shall be reviewed by the council or Accredited Certifier. The PCA shall be provided with a Compliance Certificate prior to issuing of a Construction Certificate.

104. 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 will be prepared by a competent practising hydraulic/civil engineer in accordance with Supplement 10 of Council's Storm Water Management Code.
- b. The erosion and sediment control plan will be made available for review by Council or Accredited Certifier – Civil Engineering. The PCA will be provided with a Compliance Certificate verifying compliance before issuing of a Construction Certificate or commencement of demolition.

105. All demolition and excavation material will be removed from the site or disposed of on using methods that comply with the relevant environmental protection legislation.

106. Vehicles moving demolished materials from the site shall access and depart from the site through Victoria Street West and Park Road. Vehicles involved in removing material from site shall be limited to an 8 tonne gross weight.

107. A detailed drainage study shall be prepared by a competent practising hydraulic/civil engineer and submitted to the PCA.

- a. The study shall demonstrate that the development has no adverse effects on adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for buildings against the ingress of surface runoff.
- b. The drainage study will be submitted to Council or an Accredited Certifier – Civil Engineering for review and a Compliance certificate is to be provided to the PCA before they issue a Construction Certificate.

108. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located at Elise Street

109. A detailed drainage design will be submitted to the PCA.

- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practising 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 flow paths systems through site. Any redirection or treatment of these flows shall not adversely affect any property.
- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the drainage on the site, as well as from any on-site stormwater detention storage.
- d. The design will be submitted to Council or and Accredited Certifier for review. The PCA is to be provided with a Compliance Certificate verifying compliance before they issue a Construction Certificate.

110. Details and calculations shall be prepared by a competent practising hydraulic/civil engineer. They shall include:

- a. A catchment plan;

- b.** Plans showing proposed and existing floor, ground and pavement levels to AHD;
- c.** Details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels;
- d.** details of 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; and
- g.** any calculations necessary to demonstrate the functioning of any proposed drainage facility 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 Proponent (or a representative of) on site. Certification of such will be provided to the Council or an Accredited Certifier for review prior to release of the Construction Certificate by the PCA.

111. On-site stormwater shall be provided in conjunction with the stormwater disposal system.

- a.** This storage shall be designed by a competent practising hydraulic/civil engineer in accordance with Council's Stormwater Management Code and be submitted to the PCA.
- b.** The design will be submitted to Council or and Accredited Certifier for review. The PCA is to be provided with a Compliance Certificate verifying compliance before they issue a Construction Certificate.

112. The following matters are applicable to the Council stormwater works as listed in the Table of Fees.

- a.** The Council stormwater works consist of constructing a stormwater pit in George Street, laying 600mm RCP pipe, and removing existing pipe.
- b.** An engineering design and calculations prepared by a competent practising hydraulic/civil engineer in accordance with Council's Stormwater Management Code shall be submitted to the PCA.
 - i).** The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights, etc.) shall be confirmed by the Proponent (or representative of) on site and will be included in the design drawings.
 - ii).** Any adjustments required will be at the expense of the Proponent. The relevant authority's written consent for any adjustments or works

affecting their services shall be obtained and provided to the PCA prior to construction commencing.

- iii). All pipes shall be 375mm diameter reinforced concrete spigot and socket with rubber ring joints. A Council standard pit shall be constructed in the street outside the property boundary for the property's stormwater to connect to. The stormwater works described above will be constructed at the expense of the Proponent.

- c. The design will be submitted to Council or an Accredited Certifier for review and a Compliance Certificate will be provided to the PCA verifying compliance, prior to release of the Construction Certificate.

113. The stormwater works on the property and connected to Council's stormwater system shall be inspected during construction by a competent practising hydraulic/civil engineer. A Compliance Certificate verifying the development is in accordance with the approved design, the relevant development consent and satisfies the relevant Australian Standards will be submitted to the PCA before proceeding to the next stage of construction. The inspections will be carried out at the following stages:

- 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; and
- d. Following backfilling – confirmation of the adequacy of backfilling material and compaction.

114. Following the completion of all drainage works:

- a. Works-as-executed plans, prepared and signed by a registered surveyor, will be prepared. These plans will include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans will be provided for review by the competent practising hydraulic/civil engineer that inspected the works during construction.
- b. The PCA will be provided with a Compliance Certificate stating that all stormwater drainage and related work has been constructed in accordance

with the approved plans and relevant consent conditions as shown on the work-as-executed plans, prior to the issuing of the Occupation Certificate.

115. Habitable floor levels would be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels will be a minimum of 100mm above the surrounding finished ground levels.

116. A physical barrier (nominally 150mm high and wide) will be constructed along the George Street, Elsie Street and Victoria Street boundary, excepting all vehicular and pedestrian access points, to prevent surface runoff onto the road reserve. The PCA will be provided with a Compliance Certificate from a competent hydraulic/civil engineer, certifying the barrier has been constructed in accordance with approved plans and relevant consent conditions as shown on the work-as-executed plans, prior to issuing of a Construction Certificate.

117. A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the:

- a. Overland surface flow path;
- b. Finished pavement and ground levels;
- c. On-site stormwater detention system; and
- d. Pump and rising main system.

The wording of the Instrument shall include but not be limited to the following:

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
 - i). The overland surface flow path
 - ii). Finished pavement and ground levels
 - iii). On-site stormwater detention system
 - iv). Pump and rising main system
- b. The proprietor agrees to have the facilities inspected annually by a competent practising 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 on 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 the failure of any component of the facilities.

The Proponent will 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 Titles Office. Evidence that the Instrument has been registered at the Land Titles Office shall be submitted to Council prior to issuing of an Occupation Certificate.

118. The western boundary fences will be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details will be submitted to Council or accredited certifier – civil engineering. The PCA is to be provided with a Compliance Certificate verifying compliance before issuing of the Construction Certificate.

119. The pump system will only be used for the drainage of the basement areas where the finished slab is below is ground level. The following conditions will be satisfied:

- a. A pump and rising main design shall be submitted to the PCA 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 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 rates, or the rate of inflow for the one hour duration storm.
 - iii). An overflow flashing light and alarm are to be provided, to warn of pump failure.
 - iv). Full details of the holding tank, pump type, discharge rate and delivery line 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 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. The PCA will be provided with a Compliance Certificate verifying that this has been complied with, prior to issuing of a Construction Certificate.

- c. The Proponent will submit written evidence to the PCA that a contract has been let for the regular maintenance of the pump system for a minimum period of 12 months. This information will be submitted to the PCA prior to the issuing of an Occupation Certificate.

120. The fin wall on the western side of the garage entry from George Street shall be deleted in order to facilitate improved visual perception of the adjacent heritage item, Lochiel Terrace, from the public domain.

121. In accordance with the recommendations of the Crime Prevention Through Environmental Design report prepared by The Planning Group dated August 2008, the proponent will install within the finished development prior to the issue of an Occupation Certificate:

- a. Separate CCTV systems to each residential foyer and throughout the commercial development including the western side setback as part of on-site security.

- b. Install mirrors within residential foyers to mitigate potential hiding places.

- c. Implement the design details as prepared in Drawing No. S96-01D dated 20 November 2008 – Ground Floor Level and Site Plan prepared by Architex in conjunction with the details shown in landscape Drawing No. DAL6A dated 4 August 2008 prepared by Turf Design.

122. In accordance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech dated 12 August 2008, the following treatments will be implemented by way of changes to the drawings which will be included as part of the Construction Certificate, including:

- a. The addition of two densely foliating evergreen trees (capable of growing to approximately 6m tall with a 4m wide canopy) at ground level near the north western corner of the site.

- b. The addition of several densely foliating evergreen trees (capable of growing to approximately 6m tall with a 4m wide canopy) at ground level on the western edge of site, within the private recreation area.

- c. The addition of several densely foliating evergreen trees (capable of growing to approximately 5m tall with a 4m wide canopy) on the Level 3 podium as indicated in Figure 7b of the Windtech Study.

- d. Impermeable full height screens or impermeable operable louvers on the southern edge of the south facing balconies of the southern tower. The landscape drawings are to reflect the requested landscape treatment details at the Construction Certificate stage and include an appropriate depth of soil to support the proposed trees. The architectural drawings are to reflect the requested design treatment details at the Construction Certificate stage.

123. A parking management plan is to be submitted to the satisfaction of Burwood Council prior to issue of the final Occupation Certificate.

124. The car parking areas and entry/exit points need to be clearly delineated through line marking and signage to ensure smooth, safe traffic flow.

125. All works/regulatory signage associated with the proposed development are to be at no cost to the RTA.

126. A demolition/construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.