

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**APPROVAL OF CONCEPT PLAN NO. 07\_0076**

**(FILE NO. S07/00897)**

**CONCEPT PLAN FOR 7-17 ELSIE STREET AND 45 – 49 GEORGE STREET, BURWOOD**

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) under section 75O, to approve the concept plan for the project referred to in Schedule 1 subject to the modifications in Schedule 2 and the Proponent's Statement of Commitments in Schedule 3.
- (b) under section 75P(1)(c), that the project described by the Concept Plan requires no further environmental assessment, or approval, provided conditions of consent are complied with; and
- (c) under section 75P (1) (b), that all future development on the site be subject to Part 4 or Part 5 of the Act and Burwood City Council shall be the consent authority, subject to compliance with (d) below; and,
- (d) under sections 75P(1)(a) and 75P(2)(c) that future development be subject to the requirements set out in Part A, Part B, Part C, Part D, Part E and Part F of Schedule 2.

The reason for the modifications are:

- (1) to ensure an adequate built form outcome for the site
- (2) to adequately mitigate the environmental impacts of the development.



**Minister for Planning**

Sydney, *2 March* 2009

## SCHEDULE 1

### PART A—TABLE

|   |  |
|---|--|
| <b>Application made by:</b>             | Kavlyn Pty Ltd   |
| <b>Application made to:</b>             | Minister for Planning  |
| <b>Major Project Application:</b>       | MP 07_0076   |
| <b>On land comprising:</b>              | Lot 1 DP802959 (1-17 Elsie Street and 45 – 49 George Street, Burwood)  |
| <b>Local Government Area</b>            | Burwood  |
| <b>For the carrying out of:</b>         | A detailed description of the Concept Plan is described in Schedule 2 at Modification A1.                                |
| <b>Estimated Cost of Works</b>          | \$55,400,000.00  |
| <b>Type of development:</b>             | Major Project – Concept Plan   |
| <b>S.119 Public inquiry held:</b>       | No   |
| <b>Determination made on:</b>           | 2 March 2009   |
| <b>Date consent is liable to lapse:</b> | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act. |

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 07\_0076

#### Responsibility for other approvals / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

#### Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this consent.

**Council** means Burwood Council.

**Department** means the Department of Planning or its successors.

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**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by Scott Carver Pty Ltd on behalf of Kavlyn Pty Ltd dated January 2008 and as amended by the Preferred Project Report prepared by The Planning Group NSW Pty Ltd dated December 2008.

**GFA** means gross floor area.

**Minister** means the Minister for Planning.

**MP No. 07\_0076** means the Major Project described in the Proponent's Environmental Assessment Report.

**Preferred Project** means the Preferred Project report and appendices prepared by The Planning Group NSW Pty Ltd on behalf of Kavlyn Pty Ltd and dated December 2008.

**Proponent** means Kavlyn Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

## SCHEDULE 2

### RECOMMENDED MODIFICATIONS TO CONCEPT PLAN APPROVAL

#### MAJOR PROJECT NO. 07\_0076

#### PART A – TERMS OF APPROVAL

##### **A1    *Development Description***

Concept approval is granted only to the carrying out of development solely within the concept plan area as described in detail below:

- a) Construction of three (3) residential apartment buildings over an approved and constructed commercial podium.
- b) Alterations to the ground floor
- c) Lift entries and lobbies from residential parking levels through to each tower
- d) A maximum of 210 residential units
- e) Re-organisation of car parking within the existing as built basement level car parking to meet demand generated by the residential component of the application (additional 115 car parking spaces).

##### **A2    *Development in Accordance with Plans and Documentation***

The approval shall be in accordance with MP 07\_0076 and with the Environmental Assessment, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings prepared by Turner and Associates:

| Amended Concept Plan Drawings prepared for the Preferred Project Report |          |   |          |
|---|----------|---|----------|
| Drawing No.   | Revision | Name of Plan                                      | Date     |
| MO1   | D        | Ground Floor Amendments<br>(Prepared by Architex) | 20/11/08 |
| DA 10   | I        | Site & Roof Plan                                  | 28/11/08 |
| DA 11   | I        | Level 3 Podium Plan                               | 27/11/08 |
| DA 12   | I        | Level 4-7 Plan                                    | 27/11/08 |
| DA 13   | H        | Level 8 Plan                                      | 27/11/08 |
| DA 13.1   | H        | Level 9 Plan                                      | 12/12/08 |
| DA 14   | G        | Level 10 Plan                                     | 12/12/08 |
| DA 15   | I        | Level 11 Plan                                     | 27/11/08 |
| DA 16   | G        | Level 12 Plan                                     | 27/11/08 |
| DA 17   | H        | Level 13-14 Plan                                  | 27/11/08 |
| DA 18   | H        | Level 15-16 Plan                                  | 27/11/08 |
| DA 19   | H        | Level 17 Plan                                     | 27/11/08 |
| DA 20   | F        | Tower C North & South Elevation                   | 27/11/08 |
| DA 21   | G        | East Elevation Elsie Street                       | 27/11/08 |

|       |   |                                 |          |
|-------|---|---------------------------------|----------|
| DA 22 | F | Tower A North & South Elevation | 27/11/08 |
| DA 23 | F | West Elevation                  | 27/11/08 |
| DA 24 | F | Tower B North & South Elevation | 27/11/08 |
| DA 30 | B | Section AA                      | 27/11/08 |
| DA 31 | B | Section BB Tower A              | 27/11/08 |
| DA 32 | B | Section CC Tower B              | 27/11/08 |
| DA 33 | B | Section DD Tower C              | 27/11/08 |

**except for as modified by the following pursuant to section 75O (4) of the Act:**

**A3 Inconsistencies between documents**

In the event of any inconsistency between the modifications to this concept plan approval and the approved plans and documentation described in Schedule 2 or the Proponent's Statement of Commitments in Schedule 3, the modifications to this concept plan approval prevail.

**A4 Pre existing Part 4 approval for subject site**

All conditions of Development Consent D379/01 issued by Council on 6/12/02 and as modified on 21/11/05, 18/07/06 and 19/04/07 are to apply to the existing structure except as modified by this Part 3A approval.

**A5 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

**PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE****B1     *Design modifications***

The proponent shall increase the building separation between tower A and B, and, B and C to 24m above level 6. In the redesign, up to an additional 2 levels may be added to buildings B and C, provided:

- a) No overall increase in the FSR or number of units occurs;
- b) No significant overshadowing occurs to any surrounding dwellings

Plans demonstrating compliance with these requirements shall be submitted to the Director General for approval prior to the issue of a Construction Certificate for the proposed works.

**B2     *Building Materials***

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Private Certifying Authority (PCA), samples and details of all external surface materials.

**B3     *Developer Contributions***

Prior to the issue of the Construction Certificate, the Proponent shall pay the following Section 94 monetary contributions to Burwood Council, or evidence that payment has been made is to be submitted to the PCA for approval:

**Amount of Contribution**

| <b>Contribution Category</b>        | <b>Amount (\$)</b>    |
|-------------------------------------|-----------------------|
| Roads and Traffic Facilities        | \$49,855.50           |
| Community Facilities                | \$921,472.47          |
| Open Space & Recreation             | \$1,422,534.53        |
| Plan Preparation and Administration | \$92,966.53           |
| <b>Total</b>                        | <b>\$2,486,829.03</b> |

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*Note: No S.94 contribution for 35 visitor parking spaces is provided as a public car park, built by the proponent, to cater to demand for visitor parking.*

**Indexing**

At the time of payment, the levy shall be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

**Works-in-Kind**

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 Burwood Council Section 94 Contributions Plan 2006, and the lodgement of an application for a modification of consent under Section 96 of the Environmental Planning and Assessment Act 1979.

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**B4 Long Service Levy**

Prior to the issue of a Construction Certificate for the works approved by this concept plan approval, the Building and Construction Industry Long Service Corporation levy of \$180,950.00 under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 must be paid to Council (or, where such a levy is payable by instalments, the first instalments of the levy).

**B5 Streetscape Improvement Works**

Prior to the issue of the Construction Certificate and or commencement of construction, the proponent shall lodge with Council **a bond or bank guarantee satisfactory to Council in the amount of \$157,181** (in consideration of the Proponent's existing bond of \$387,019 with the Council as damage deposit, footpath and road improvement fees under D379/01), for the streetscape improvement works detailed below and are to be undertaken and completed by the proponent's authorised contractors following the guidelines in Councils Public Works Elements Manual and to Council Engineer's satisfaction,

The total estimated value of "streetscape" improvements works, in accordance with Part 35 of Burwood Consolidated Development Control Plan (hereafter briefly referred as DCP 35), within the intent of the Public Works Elements Manual, on George St (street category -2), Elsie Street (street category -2) and Victoria Street (street category -2) frontages is \$544,200 as follows:

- (i) Public art & signage (x2) - \$10,000
- (ii) Bin (x3) and Enclosure - \$7,500
- (iii) Closed circuit television CCTV (x4) - \$26,000
- (iv) Planting/planter Boxes – (1x9) – \$9,000
- (v) Seats (1x4) – \$6,000
- (vi) Footpath Paving (669m<sup>2</sup>) - \$218,674
- (vii) Kerb and Gutter (210m) - \$45,150
- (viii) Road widening and adjustment - \$127,176
- (ix) Multipurpose poles (x4) -\$64,000
- (x) Conduits for future undergrounding of overhead cables-125 m – \$27,500
- (xi) Traffic facilities (pram ramp) (1x4) – \$3,200

**B6 Public Domain Plan**

Prior to the issue of a construction certificate, three (3) copies of a detailed Public Domain Plan shall be prepared and certified by a suitably qualified architect or landscape architect or urban designer and shall be submitted to Council for its records.

- a) The Plan is to be drawn at 1:100 scales.
- b) The plan shall show the entire layout and the location, type and material of all existing and proposed public works elements including paving, kerbs and gutters, utility poles, CCTV, bins and enclosure, seats, conduits for undergrounding of overhead cables and signage etc. The plan shall show the service connection layout of gas, water



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supply, power, telecommunications etc. and further indicate if any service alteration is required.

- c) The plan shall incorporate the standard specifications and details in accordance with DCP 35 and the Public Works Elements Manual and shall include technical specifications of the proposed works.

#### ***B7 Awnings along Elsie, George and Victoria Street frontages***

Prior to the issue of a Construction Certificate, the Proponent is to submit details of the design, materials, projection, clearances and heights of the awnings along Elsie, George and Victoria Street frontages, for the Council's approval. The awnings to George and Victoria Streets are to be set back a minimum of 750mm from the kerb/gutter edge. The Elsie Street awning is to be designed to allow for the spread of the proposed tree planting.

#### ***B8 Construction Management Plan***

Prior to the issue of a Construction Certificate, a Construction Management Plan including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material and emergency procedures shall be submitted to and approved by the CA prior to commencement of work.

#### ***B9 Traffic & Pedestrian Management Plan***

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the CA. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to the Council prior to commencement of work.

#### ***B10 Car Parking***

Prior to the issue of a Construction Certificate, plans indicating the maximum number of car parking spaces on this site not exceeding 672 spaces shall be provided to the CA for approval. The design, layout, signage, line marking, lighting and physical controls of all off street parking facilities must comply with the minimum requirements of Australian Standards AS 2890.1 - 2004 and AS 2890.2 – 2002.

#### ***B11 Car Share Spaces***

Details of the car share arrangements are to be submitted to the PCA prior to the issue of a construction certificate. A total of 4 car share spaces are to be provided for the development.

**B12 Number of Car Spaces**

Prior to the issue of the Construction Certificate, details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority. The maximum number of car spaces to be provided for the development shall comply with the table below. Car parking allocation for residential units shall be provided in accordance with Burwood Council's Consolidated DCP Part 22.

| <b>Car parking allocation</b>                          | <b>Number</b> |
|--|---------------|
| Residential  | 233           |
| Commercial   | 230           |
| Car share spaces                                       | 4             |
| <b>Subtotal parking spaces excluding Public spaces</b> | <b>467</b>    |
| Public Car Parking (minimum)                           | 205           |
| <b>TOTAL MAXIMUM PARKING SPACES</b>                    | <b>672</b>    |

**B13 Car share spaces**

Prior to the issue of a Construction Certificate, four (4) car share spaces are to be identified on the plans, and located close or adjacent to the lifts and to be allocated to Council and detail submitted to the PCA for approval.

**B14 Disabled car spaces**

Prior to the issue of a Construction Certificate, 17 disabled car spaces are to be provided as identified on the plans, and located close or adjacent to the lifts are to be submitted to the PCA for approval.

**B15 Private commercial car spaces**

Prior to the issue of a Construction Certificate, details of all private commercial car spaces made available, free of charge, at all times during business hours for non residential strata owners, tenants, staff and customers are to be submitted to the PCA.

**B16 Car Parking Management Plan**

Prior to the issue of a Construction Certificate, a car parking management plan is to be prepared to ensure continued operation of Council's public car park during construction of the residential towers is to be submitted to the PCA for approval.

**B17 Bicycle storage**

Prior to the issue of a Construction Certificate plans showing a minimum of 114 bicycle storage spaces and 35 motorcycle spaces are to be provided to the PCA.

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**B18 BASIX Certificate requirements**

Prior to the issue of a Construction Certificate, details of all amendments and treatments outlined in the *BASIX Certificate No's* 227122M, 227038M and 227061M, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA.

**B19 Structural Details**

Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the PCA, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3),

**B20 Disabled Access**

Prior to the issue of a Construction Certificate access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy and relevant provisions of AS 1428 provided by an appropriately qualified person to the Certifying Authority for approval.

**B21 Mechanical Ventilation**

Prior to the issue of a Construction Certificate details of all mechanical ventilation systems designed in accordance with Part F4.5 of the Building Code of Australia complying with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection shall be submitted to the satisfaction of the PCA.

**B22 Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate a Noise and Vibration Management Plan is to be prepared and submitted to the PCA for approval detailing:

- (1) specific activities to be carried out on the site and associated noise sources
- (2) identification of potentially affected sensitive receivers
- (3) construction noise and vibration criteria specified in the conditions of this approval
- (4) noise and vibration monitoring, reporting and response procedures
- (5) mitigation treatments, management methods and procedures to be implemented during construction to control noise and vibration
- (6) contingency plans to be implemented where non-compliances or noise complaints.

**B23 Waste Management Plan**

Prior to the issue of the Construction Certificate, the Proponent shall provide a Waste Management Plan addressing demolition, construction waste and all waste and recycling collection to be carried out within the premises submitted to the PCA for approval.

**B24 Fire exits**

Prior to the issue of a Construction Certificate details on the plans or in the specifications shall be submitted to the PCA for approval detailing:

- a) confirming a door in a required exit, forming part of a required exit or in the path of travel to a required exit must be easily openable without a key from the side that faces a person seeking egress, by a single hand action on a single device which is located between 900mm to 1.2m from the floor shall be submitted to the PCA.
- b) Doors serving as required exits must comply with D2.19, D2.20 and D2.21 of the Building Code of Australia.
- c) A sign being 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
- d) A sign being provided to the door/s discharging from the fire-isolated exit in accordance with Clause D2.23 of the Building Code of Australia with the words "FIRE SAFETY DOOR - DO NOT OBSTRUCT".
- e) A notice shall be displayed in a conspicuous position adjacent to each doorway providing access to, but not displayed within, a:-
  - a. Fire-isolated stairway
  - b. Fire-isolated passageway
  - c. Fire-isolated ramp

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

Offences relating to fire exits

By virtue of the regulations under the Environmental Planning and Assessment Amendment 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.
- f) The enclosing walls of fire-isolated stairways/fire isolated passageways shall not be penetrated by any services other than as permitted-under Clause D2.7 of the Building Code of Australia.
  - g) Openings within 6m of the path of travel from a fire-isolated exit are to be protected.
  - h) The treads and rises of the internal stairs being in accordance with the dimensions set down in Table D2.13 of the Building Code of Australia.
  - i) Hold open device required: Pursuant to the requirements of D2.20 of the Building Code of Australia, the doorways providing egress from the building must be fitted with a device capable of holding it in the opened position.
  - j) No deadlocks allowed: Pursuant to the requirements of D2.21 of the Building Code of Australia, a door serving as a required exit, forming part of a required exit or in a path of travel to a required exit, must be readily openable from the side facing the person seeking egress, by a single hand downward action on a single device which is located between 900mm and 2200mm from the floor.

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**B25    *Illuminated fire exit signs***

Prior to the issue of a Construction Certificate details on the plans or in the specifications shall be submitted to the PCA for approval detailing:

- a) Illuminated exit signs complying with Australian Standard 2293 - Emergency Lighting in Buildings, E4.5 and E4.8 of the Building Code of Australia, must be installed on, above or adjacent to the doors referred to in E4.5 of the Building Code of Australia.
- b) Emergency lighting complying with Australian Standard 2293 - Emergency Lighting in Buildings and E4.2, E4.3 and E4.4 of the Building Code of Australia must be installed in the building. Additional details and a floor plan prepared by an Accredited Certifier, Electrical Engineer or other suitably qualified person must be submitted to the Principal Certifying Authority for approval prior to installation and must 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;
  - d. The brand, code number and photometric classification of the fittings to be used.

**B26    *Hose reels***

Prior to the issue of a Construction Certificate, hydraulic details prepared by an Accredited Certifier, Hydraulic Engineer or other suitably qualified person must be submitted to the PCA for approval detailing:

a) Hose reels shall be installed in accordance with S 2441 and E1.4 of the Building Code of Australia. Where located internally hose reels are to be not more than 4m from a required exit on each floor of the building. Hose reels 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. Additional hydraulic details prepared by an Accredited Certifier, Hydraulic Engineer or other suitably qualified person must be submitted to the Principal Certifying Authority for approval prior to installation and must include the following:-

- a. The location of proposed hose reel/s;
  - b. The length of every proposed hose reel;
  - c. Hydraulic calculations to show that the system will satisfy the requirements of AS 2441.
- c) Hydrants shall be designed and installed in the building/s and/or on the site in accordance with clause E1.3 of the Building Code of Australia and AS 2419.
- d) Additional hydraulic details prepared by an Accredited Certifier, Hydraulic Engineer or other suitably qualified persons must be submitted to the Principal Certifying Authority for approval prior to the installation and must include the following:-
- a. The location of proposed hydrant/s;
  - b. Hydraulic calculations to show that the system will satisfy the requirements of AS 2419.1.
  - c. A Compliance Certificate which verifies that the design meets with the requirements of the Building Code of Australia.

**B27 Smoke Alarm System**

Prior to the issue of a Construction Certificate details on the plans or in the specifications shall be submitted to the PCA for approval detailing:

- a) the building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 1670. Photo-electric type detectors are to be installed in patient care areas and alternate photo-electric and ionisation detectors must be installed in paths of travel to exits from patient-care areas. Manual call points must be installed in evacuation routes.
- b) The building is to be provided with an Emergency Warning and Intercommunication system (EWIS) which complies, where applicable, with AS 2220.
- c) To comply with Specification E2.2a Smoke Detection and Alarm Systems, required to all hallways corridors leading to the sole occupancy units and inside each sole-occupancy unit, to comply with Cl. 3 & 6 of specification E2.2a Building Occupants Warning System.

**B28 Switchboard locations**

Prior to the issue of a Construction Certificate, the proponent is to submit details for the switchboard containing the main isolation switch to the PCA for approval detailing:

- (a) be located in a position that is readily accessible to authorised persons and to the Fire Brigade in the case of an emergency; and
- (b) be enclosed by construction having an FRL not less than 60/60/60.

**B29 Sprinkler System**

Prior to the issue of a Construction Certificate, plans prepared by a company having expertise in the field of this work must be submitted to the PCA for approval detailing:

- a) Sprinkler Service: An automatic sprinkler installation complying with the relevant requirements of AS 2118 must be installed within all floors of the building including commercial and car parking levels.
- b) Fire Water Retention: Fire water bunding of the building must be provided to allow for the retention and reclamation of fire water in the event of a fire. Fire water volumes must be calculated on appropriate hydrant and sprinkler discharge rates for the worst case scenario for a period of ninety (90) minutes. Details of this provision are to be included with any Construction Certificate application.

**B30 Emergency lifts/ Stretcher facilities**

Prior to the issue of a Construction Certificate, the proponent is to submit details on the plans / or specifications to the PCA for approval detailing:

- a) Emergency lifts: Emergency lifts must be provided to the building in accordance with AS 1735.2 (ES3.4, Building Code of Australia).
- b) Stretcher facilities: Stretcher facilities must be provided in one lift (refer E3.2, Building Code of Australia).

**B31 Fire resistance**

Prior to the issue of a Construction Certificate, the proponent is to submit details on plans or specifications to the PCA for approval detailing:

- a) Vertical separation (External walls): Vertical separation between openings in external walls must be provided by construction, having a fire resistance level equal to minimum Type A construction requirements in accordance with Clause 3.1 of specification C1.1 of the Building Code of Australia for external walls and must not be less than 900mm in height.
- b) Internal walls: All internal load bearing walls on a floor must have a fire resistance level of 90/90/90 for the Class 2 and 120/120/120 for the Class 7 car parking and 180/120/120

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for the Class 6 commercial portion of building.  
Strict compliance with table 3, Type A construction, FRL of Building Elements.

### **B32 BCA specifications for fire safety measures**

Prior to issuing of a Construction Certificate the proponent is to submit details on plans or specifications to the PCA for approval detailing:

- a) To comply with specification C1.10 & Clause 8 (Fire Hazard Properties for Air Handling Systems): Rigid and flexible ductwork in a Class 2 to 9 building must comply with the fire hazard properties set out in AS 4254.
- b) To comply with Clause C2.12(a) (Separation of Equipment), equipment other than that described in sub-clause (b) & 9c) must be separated from the remainder of the building to be 120/-/-, as per C2.12 of the Building Code of Australia.
- c) To comply with Clause C2.13 of the Building Code of Australia which stipulates that an electricity supply system located within the buildings must be separated from any other part of the buildings by construction having an FRL of not less than 120/120/120.
- d) Provision of a fire control centre in accordance with Clause E1.8 and Specification E1.8 of the Building Code of Australia.
- e) The proposed development plans including the future submission of the fire services plans to be submitted to the NSW Fire Brigade for a category 2 assessment and comments under Section 118 & 121ZD (Special provisions with respect to fire brigades) of the Planning & Development Assessment Act 1979.
- f) Warm water installations are to be installed in accordance with requirements of AS/NZS3666.1

### **B33 Residential building work**

Prior to the issue of a Construction Certificate, where residential building work (within the meaning of the Home Building Act 1989) is proposed to be carried out, the proponent is to submit details to the PCA for approval detailing:

- a. Where work is carried out by a licensed tradesman or builder:
  - (i) written advice of the licensee's name and contractor licence number, and
  - (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

### **B34 Adaptable Housing**

Prior to the issue of a Construction Certificate the proponent is identify on the plans approved by the CA the provision of at least 5% of the dwellings as Adaptable Housing to cater for mobility impaired residents, in accordance with AS 4229 Adaptable Housing to the .

### **B35 Glazing**

Prior to the issue of a Construction Certificate details of all glazing to balustrading is to be tinted or opaque, to avoid excessive reflections are to be submitted to the CA for approval.

### **B36 Wind impact**

Recommendations made in the Pedestrian Wind Environment Study, prepared by Windtec and dated August 12 2008, are to be implemented by way of changes to the drawings

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detailed in the Revised Statement of Commitments by TPG which will be included as part of the Construction Certificate.



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**PART C—PRIOR TO COMMENCEMENT OF WORKS****C1     *Construction Certificate required prior to construction works***

In accordance with the provisions of Section 81A of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) a Construction Certificate for the building work has been issued by the CA
- b) a CA has been appointed and the Department of Planning, Council has been notified in writing of the appointment
- c) at least two days notice, in writing, has been given to Council and the Department of Planning of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the Building Code of Australia.

**C2     *Erosion and Sediment Control***

All erosion and sediment control measures are to be effectively implemented.

**C3     *Utility Services***

To ensure that utility authorities are advised of the development:

- 1) A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- 2) Prior to commencement of work the Proponent is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water and Telecommunications carriers) in connection with the relocation and / or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the proponent.

**C4     *Contact Telephone Number***

Prior to the commencement of the works, the Proponent shall forward to the CA and Council a 24 hour telephone number for the site manager to be operated for the duration of the construction works.

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**PART D - DURING CONSTRUCTION****D1     *Construction Management Plan***

All works are to be carried out in accordance with the approved Construction Management Plan including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material and emergency procedures.

**D2     *Setting Out of Structures***

All new works shall be set out by a registered surveyor to verify the correct position of each building in relation to property boundaries and the approved alignment levels.

**D3     *Approved Plans to be On-Site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council and or PCA.

**D4     *Erosion and Sediment Control***

All erosion and sediment control measures, as designed in accordance with Condition B11, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

**D5     *Disposal of Seepage and Stormwater***

Any seepage or rainwater collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

**D6     *Site Notice***

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the PCA, Builder, the Architect and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

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**D7     *Dust Control Measures***

Adequate measures shall be taken to prevent dust from affecting the amenity of the immediate area during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) All materials shall be stored or stockpiled at the best locations,
- (3) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (4) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (5) All equipment wheels shall be washed before exiting the site,
- (6) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (7) Cleaning of footpaths and roadways shall be carried out regularly.

**D8     *Hours of Work***

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 5.30 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1.00 pm, Saturdays;
- (3) between 9:00 am and 3.30 pm, Mondays to Fridays for mechanical rock blasting;
- (4) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (5) the delivery of materials is required outside these hours by the Police or other authorities;
- (6) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works; and
- (8) the work is approved through the Construction Noise and Vibration Management Plan.

**D9     *Construction Noise Objective***

The construction noise objective for the Project is to manage noise from construction activities (as measured by a  $L_{A10}$  (15minute) descriptor) so it does not exceed the background  $L_{A90}$  noise level by:

- 
- (1) For the first four weeks of the construction period, not more than 20dB(A);
  - (2) From the 5<sup>th</sup> week to the 26<sup>th</sup> week (inclusive) of the construction period, not more than 10dB(A); and
  - (3) For construction periods greater than 26 weeks, not more than 5dB (A).

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB (A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

#### ***D10 Construction Noise Management***

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
  - (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

#### ***D11 Vibration Criteria***

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

#### ***D12 Toilet facilities***

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.

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**PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE*****E1 Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the final Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

***E2 Annual Fire Safety Statement***

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

***E3 Mechanical Ventilation***

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668, AS1669 and other relevant codes;
- (3) The development approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

***E4 Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact PCA for specific electronic format) shall be submitted to the PCA and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

***E5 Road/Kerb and Gutter Damage***

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development shall be met in full by the Proponent, to the satisfaction of Council, prior to the issue of any Occupation Certificate.

***E6 GFA Certification***

Upon completion of the building works the approved GFA shall be validated by a registered surveyor prior to issuing an Occupation Certificate.

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**E7 Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to Council.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

**E8 Post-construction Dilapidation Report**

The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining infrastructure and roads. The report is to be submitted to the PCA, Council and the RTA.

**E9 Noise Control – Plant and Machinery**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Prior to issue of any Occupation Certificate a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations in the Acoustic Assessment Report prepared by ARUP, September 2008.

**E10 Accessibility**

Prior to issue of an Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the Access Review Report (Morris-Goding Accessibility Consulting, 10 September 2008).

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**E11 Road Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of an Occupation Certificate.

**E12 Waste Management**

Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

**E13 Landscaping**

Landscaping is to be carried out in accordance with the approved landscaping plan (DAL 2-9A) prepared by Turf Designs Pty Ltd, prior to the release of an occupation certificate.

The landscaping is to be carried out in accordance with the approved landscaping plan, prior to the issue of an Occupation Certificate. The landscaping is to be maintained for a minimum period of two (2) years, from the date of issue of the Occupation Certificate.

The tree species along Elsie Street is to be "Fraxinus Griffithii" (evergreen ash) in accordance with Council's Street Tree Management Strategy. The container size of the species is to be a 100L.

A detailed landscape plan along the street frontages (including western boundary) and level 3 podium roof is to be submitted to Council for approval, **prior to the issue of a Construction Certificate**. The podium level landscaping is to have a minimum of 600mm soil depth for soft landscaping.

The landscaping is to be carried out in accordance with the approved landscaping plan, prior to the issue of an Occupation Certificate. The landscaping is to be maintained for a minimum period of two (2) years, from the date of issue of the Occupation Certificate.

The tree species along Elsie Street is to be "Fraxinus Griffithii" (evergreen ash) in accordance with Council's Street Tree Management Strategy. The container size of the species is to be a 100L.

Provision of safety and security night lighting for the development and communal areas. The details are to be included in the landscape plans. Excessive glare and light spillage is to be avoided.



**E14 Victoria Street footpath**

The Victoria Street Footpath shall be widened to a minimum of 1.8m. The works are to be constructed to a standard approved by Council at the applicant's expense prior to the release of an occupation certificate.

**E15 BASIX Certificate**

Certification is to be provided to the PCA that the commitments identified in the BASIX Certificate have been fulfilled as per Condition B2 prior to issue of an occupation certificate.

**E16 Roof Top Plant**

All roof top plant and service equipment are to be integrated with the roof design and screened to reduce the visual impact of the equipment.

**E17 Telecommunication Devices**

Any telecommunication or TV antennae, etc. on the roof are only to serve the subject development, be integrated with the roof design, located away from the perimeter of the roof and screened to reduce its visual impact.

**E18 Deed of Indemnity for Waste Management**

Prior to the issue of an Occupation Certificate the Body Corporate shall provide Council with a deed of indemnity to absolve Council and its appointed contractors of responsibility in relation to any damage that might be caused by entering the premises to provide a waste collection service. The indemnity is to be in the form approved by Council's Solicitors and shall be prepared at the Body Corporate's expense.

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**PART F – ONGOING / OPERATIONAL CONDITIONS*****F1      Annual Fire Safety Certification***

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

***F2      Compliance Report***

The Proponent, or any party acting upon this consent, shall submit to the Department within 12 months of the issuing of the Occupation Certificate, a compliance report addressing compliance with all the relevant conditions of consent.

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**ADVISORY NOTES****AN1    *Compliance with Building Code of Australia***

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

**AN2    *Use of Mobile Cranes***

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the Proponent shall ensure the following matters are complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

**AN3    *Movement of Trucks Transporting Waste Material***

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

**AN4    *Noise Generation***

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

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.

**AN5    *Disability Discrimination Act***

This application is to comply with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

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**AN6    *Stormwater drainage works or effluent systems***

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

**AN7    *Use of Balconies***

No drying of clothing being permitted on balcony and patio areas which are visible from a public places.

**AN8    *Cleaning windows***

Attention is drawn to the requirements of New South Wales Clause G1.101 of the Building Code of Australia regarding the provisions for cleaning windows wholly from within the building or by a method complying with the Construction Safety Act, 1912 and regulations.

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## **SCHEDULE 3**

**MP07\_0076**

**NOS. 7 – 17 ELSIE STREET AND 45 – 49 GEORGE STREET, BURWOOD**

### **REVISED STATEMENT OF COMMITMENTS**



#### **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.

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- 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.

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**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

| <b>Table of Fees</b>   |   |
|--|---|
| <b>22.</b> Section 94 contribution for roads and traffic facilities  | \$49,885.50                             |
| <b>23a.</b> Section 94 contribution for community facilities   | \$921,472.47                            |
| <b>23b.</b> Section 94 contribution for open space and recreation  | \$1,422,534.53                          |
| <b>23c.</b> Section 94 contribution for Plan Preparation and Administration  | \$92,966.53                             |
| <b>23d.</b> Section 94 contribution for parking facilities (35 spaces @ \$28,500)  | \$997,500.00<br>(request waiver of fee) |
| <b>24.</b> Building and Construction Industry Long Service Corporation Long Service Levy   |   |
| <b>25.</b> 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                                     |
| <b>26.</b> 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                                     |
| <b>27.</b> Construction by Council of the proposed vehicular crossing and if applicable, removal of existing redundant vehicular crossing.   | TBC                                     |
| <b>28.</b> Construction by Council of a new footpath (2 options)   | TBC                                     |
| <b>29.</b> Construction by Council of a new kerb and gutter (2 proposals)  | TBC                                     |
| <b>30.</b> 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



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- 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.

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**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.

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**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.

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| <p style="text-align: center;"><b>SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION</b><br/><b>GENERAL BUILDING WORK</b></p> <ul style="list-style-type: none"><li>• <i>Commencement/pier holes/trenches/steel reinforcement and preliminary works prior to pouring concrete.</i></li><li>• Excavation/foundation material (particularly where a plastic membrane is to be provided).</li><li>• Dampcourse.</li><li>• Floor, wall and roof frame.</li></ul> |
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- *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.

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**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 sign 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

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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



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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<br>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

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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.

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**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.

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**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;

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- 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



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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.

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- 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 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.

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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.