

Edgewater Service Ltd

*c-/ Tideways Pty Ltd
PO Box 1027
Caulfield North VIC 3161*

GUIDELINES FOR THE ENCLOSURE OF A BALCONY

Attached are the following documents:

1. Attachment 1: Requirements and Conditions for Enclosure of a Balcony.
2. Attachment 2: Requirements for Windows in an Enclosed Balcony. The requirements apply to new infills as well as to the replacement of windows in an existing infill.
3. Attachment 3: General Building Works Guidelines – general guidelines for carrying out work within Edgewater Towers.
4. Balcony Infill Guide sketches showing window configurations and drawings prepared by our engineering consultants for new infills (“returns”). **which will be required to replace the wrought ironwork at the end of the balcony.**
5. Letter to Edgewater Service Limited (“**ESL**”) requesting permission for the balcony enclosure or building works. This request must be signed by all owners of the apartment.

The steps you should now take are:

If requesting permission for a balcony infill

1. Have your contractor measure up your balcony and insert the missing dimensions on the drawings. This is necessary because there are small variations between balustrades.
2. Have your contractor prepare a dimensional drawing of the window design suitable for use in applications for the necessary building and planning permits. The design **must** comply with the requirements set out in Attachment 2 above.
3. Have your contractor prepare applications to the City of Port Phillip for a planning permit in your name.

If requesting permission for building works

4. Prepare a plan or sketch of the works to be carried out.
5. Have your contractor prepare applications to the City of Port Phillip for a planning permit in your name, if one is required.

In both cases

6. Sign the letter to indicate your undertaking to be bound by the requirements.
7. Send the documentation to ESL, together with documentary proof that your contractor holds adequate public liability insurance cover for the work.

If your project meets the guidelines, ESL will approve and endorse the documents and return them to you for inclusion with your application to Port Phillip Council.

Please note that permission will generally be granted on the condition that you undertake to provide ESL with copies of the permit issued by Council **and the Certificate of Final Inspection.**

Edgewater Service Ltd

Attachment 1 – Requirements and Conditions for Enclosure of a Balcony

The requirements and conditions for enclosing a balcony are as follows.

1. If the balcony returns are to be constructed of concrete, they must comply with the specifications accompanying the attached drawings. Alternatively, you may choose to use laminated white safety glass as detailed in the Balcony Infill Guide (Attachment 5).
2. The design of the windows must comply with the Balcony Infill Guide (Attachment 5).
3. A copy of the drawing(s) prepared by the window supplier for the building permit application is to be supplied to, and approval confirmed by, ESL before construction begins. Note that ESL's approval on the finalised drawings is required for the issue of the building permit (see item 4).
4. **Building and planning permits from the City of Port Phillip must be obtained and copies of the permits must be supplied to ESL before construction begins.** The Certificate of Final Inspection must be supplied to ESL **promptly** on completion. Permits are a legal requirement and are required by ESL to discharge its responsibility for the Common Property. The building will be inspected by Council from time to time for compliance with fire ratings. The permits will ensure that your renovations are not called into question. If you do not have these permits, **any fire insurance with respect to your apartment may become voidable.**
5. All work is to be executed to the designs for which the permits have been issued. This is also a legal requirement.
6. All works must be carried out in a manner conforming to the Building Works Guidelines.
7. Any damage done to the building during the work must be notified promptly to ESL. All costs incurred in making good the damage will be borne by the Owner to the degree to which it is not covered by insurance.
8. ESL will accept no responsibility for water leaks with respect to balcony infills. You are advised that some window designs do leak and that it is your responsibility to be clear on the terms of the supplier's guarantee, and to ensure that it covers the windows themselves and the sealing between the windows and the building structure.
9. In the event that maintenance work is required on the balustrade or the new returns (e.g. the replacement or correction of concrete spalling) and this work requires access to the interior concrete surfaces or structural fixings, ESL will not be responsible for the cost of removal, reinstatement, or replacement of any internal furnishings, finishes, or constructions which may need to be removed or disturbed in the course of the work.
10. ESL will use its best efforts to maintain the windows and the installation generally to the degree that it is practical after the suppliers guarantee expires, but advises that current window designs and materials place limitations on this. ESL will not be responsible for the cost of replacement of any components, whether glass or non-glass, of the windows, (including sealants), should this become necessary.
11. In the event that the apartment is sold, ESL will confirm that any aspect of the above requirements that has continuing operation will apply to the new owner.

Attachment 2 – Requirements for Windows in an Enclosed Balcony

The Balcony Infill drawings show the general arrangement to which the window installation must comply and is to be read together with the following notes.

1. For the North-South balconies and the East-West balconies of the A, B, G, and H designated apartments, there are to be six (6) full height panes only (i.e. no cross members at intermediate heights) on the main elevation, of equal width. The sketch is not intended to imply any particular details or dimension of actual window frame construction. (But see note 7 below).
2. For the North-South balconies of the C, D, E, F designated apartments, there are to be four (4) full height panes only (i.e. no cross members at intermediate heights) on the main elevation, of equal width. The sketch is not intended to imply any particular details or dimension of actual window frame construction. (But see note 6 below).
3. At each end there is to be a single full height pane only.
4. If the Owner has chosen to install a glass window instead of a concrete infill, the glass must be white, and of laminated safety glass, which meets or exceeds the relevant safety standards.
5. The existing balustrades must be removed and replaced by the glass window or concrete infills as appropriate. No clear glass panels are permitted
6. The outermost glass surfaces are nowhere to protrude beyond the plane of the exterior surface of the balustrade or end return. See detail section of sketch 3 and 4. Note that end windows abut sides of existing columns, not the end surfaces.
7. Modifications to returns, where required, are not to interfere with integrity of any existing adjacent returns.
8. Windows are to be of either a fixed or sliding type (on main elevation), with frames of white powder coated aluminium. Frames must not be PVC, timber, or any other material. Double glazing is permitted subject to the requirements of paragraph 5 above. Size of all frame components are to be generally similar to best practice on the building as it exists. **The windows and the installation generally are to comply in every respect with all building standards, regulations, and requirements applicable and in force at the time of construction.**
9. Glass may only be clear, or of grey tint. No other tint colour is permitted including black, green, blue, or bronze. Reflective glass is also not permitted.
10. Exterior flyscreens are not permitted in the new construction or subsequently.
11. Expansion type bolts or anchors are not to be used in fixings to the original concrete structure of the building (including balustrades). Adhesive-type fixings are to be used.
12. Wood is not to be used anywhere in the installation.
13. Ragged protruding flashings and accumulations of sealants on the building exterior are not to remain on completion of work.

Edgewater Service Ltd

Attachment 3 - General Building Works Guidelines

- 1 These Guidelines cover all **renovations, alterations, and changes to floor plans** of your apartment and have been laid down on accordance with paragraphs 4(1) and 4(2) of the Service Agreement, paragraphs 1 and 2 of the Second Schedule of the Service Agreement, and paragraphs 1, 2, 5, 9, 10, 14, and 17 of the Fourth Schedule of the Service Agreement.
- 2 The process of performing building works at Edgewater Towers is for you to:
 - a. Arrange for plans detailing your works to be drawn up.
 - b. Submit the plans to the Board for written approval.
 - c. Use the approved plans to obtain a planning permit from Port Phillip Council, if required. You will require a planning if you make any changes to the exterior of the building i.e. you enclose an open balcony, or you remove the infill from an enclosed balcony.
 - d. Provide the Board with copy of Council Permit.
 - e. Provide the Board with the final Inspection Certificate or Certificate of Completion.
 - f. Provide the Board with Fire Safety inspection certificate certifying that the work conforms to the Essential Safety Measures in accordance with the Building Code of Australia.

Failure to procure a Council Permit, Certificate of Completion, or a Fire Safety Inspection certificate could invalidate the Building Insurance policy held by Edgewater Service Limited (“**ESL**”) with respect to your apartment. This means that your apartment may not be covered in case of fire or structural damage and will result in the Board commencing legal proceedings to enforce compliance with all relevant building standards and Board Guidelines.

- 3 You must not, without prior written consent from the Board of Directors of ESL undertake or allow the undertaking of any building works of any kind within or about or related to your land.
- 4 Any works shall comply with council regulations and where necessary you must obtain a council planning permit before proceeding with any building works. A council planning permit is required when you are proposing to make any change to the external appearance of the building. Thus you require a permit when you are going to infill a balcony, but do not require a permit when you are replacing an existing infill. Note that ESL’s approval on the finalised drawings is required for the issue of the building permit (see item 6).
- 5 In considering your request for consent to the building works, you must provide the Board of Directors of the Service Company with:
 - a. Copies of all plans and specifications relating to the building works;
 - b. Any further particulars relating to the Building Works as requested by the Board of Directors of the Service Company from time to time.
 - c. Evidence and proof that any installation will not affect the external appearance of the building.
 - d. If requested by ESL, a copy of the contractor’s current public liability insurance certificate.
- 6 Copies of all required permits, approvals and/or consents under all relevant laws including but not limited to, council by-laws and regulations for the building works must be obtained **and copies of the permits must be supplied to ESL before construction begins**. The Certificate of Final Inspection must be supplied to ESL **promptly** on completion. Permits are a legal requirement and are required by ESL to discharge its responsibility for the Common Property. The building will be inspected by Council from time to time for compliance with fire ratings. The permits will ensure that your renovations are not called into question. If you do not have these permits, **any fire insurance with respect to your apartment may become void and the Board will undertake legal action to enforce compliance**.

Edgewater Service Ltd

- 7 You must not proceed or permit any contractor or other third party to proceed with any building works until you have:
 - a. Received written consent to the building works from the Board of Directors of the Service Company;
 - b. Caused to be effected and maintained during the period of the building works WorkCover insurance and public liability insurance to the satisfaction of the Board of Directors of the Service Company;
 - c. Delivered a copy of the insurance policies and certificate of currency with respect to the insurance policies as and if requested by ESL;
 - d. Implemented appropriate measures to minimise the occurrence of any nuisance, annoyance, disturbance and inconvenience from building operations to other proprietor or proprietors occupiers.

- 8 Permission may be granted subject to restrictions imposed by the Service Company with respect to:
 - a. Building Operations;
 - b. Means of access to the Building and the Proprietors land the subject of the Building Works;
 - c. Use of the residual land (common property);
 - d. Hours of work;
 - e. The supervision of your contractors, servants or agents.

- 9 The following restrictions apply to all Building Works:
 - a. Building materials must not be stacked or stored in any common areas of the building;
 - b. Scaffolding must not be erected on the Common Property or the exterior of the building without written consent from the Board of Directors of the Service Company;
 - c. Construction work must comply with all Laws of the relevant statutory and government authorities;
 - d. The exterior and the Common Property of the Building must at all times be maintained in a clean, tidy and safe state;
 - e. Skips must not be placed on the Common Property without prior permission from the Board;
 - f. Construction vehicles and construction workers' vehicles must not be parked in or on the common property other than in the Proprietor's own allotted car parking space;
 - g. Building waste must not be disposed of in the council supplied waste bins and must be taken off site by the contractor.

- 10 When carrying out Building Works you must;
 - a. Use qualified, reputable and, where appropriate, licensed contractors that have been approved by the Board of Directors of the Service Company;
 - b. Carry out building works in a proper manner and to the satisfaction of the Board of Directors of the Service Company;
 - c. Carry out building works in accordance with the works outlined in the letter of request;
 - d. Repair any damage that you, or any person carrying out building works on your behalf, may cause to the property or property of another Proprietors land or to any parts of the building;
 - e. Ensure that your contractors and tradesmen only use the areas designated by the Board of Directors of the Service Company for their entry and exit to the building.

Edgewater Service Ltd

The Board
Edgewater Service Limited
c/- Tideways Pty Ltd
PO Box 1027
Caulfield North IVC 3161

I/We _____

(enter the names of all the registered proprietors)

request permission to perform the following building works in our apartment number _____.

Details of proposed works.

I/We acknowledge receipt of the Guidelines for the Enclosure of a Balcony and the General Building Works Guidelines and agree to be bound by them.

I agree that if I am notified of a breach of these Guidelines, I will remedy the breach at the direction of ESL. I understand that any breach of these Guidelines may result in the insurance covering my apartment to be voided and may also result in legal action being taken by ESL against me.

Signed

Date: _____